

Official Journal of the European Union

C 334



English edition

Information and Notices

Volume 61

19 September 2018

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EUROPEAN PARLIAMENT

2017-2018 SESSION

Sittings of 3 to 6 July 2017

The Minutes of this session have been published in OJ C 78, 1.3.2018.

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Key to symbols used

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

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

Amendments by Parliament:

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

EUROPEAN PARLIAMENT

2017-2018 SESSION

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TEXTS ADOPTED

Tuesday 4 July 2017

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2017)0278

European Standards for the 21st century

European Parliament resolution of 4 July 2017 on European standards for the 21st century (2016/2274(INI))

(2018/C 334/01)

The European Parliament,

- having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council,
- 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 (the NIS Directive),
- having regard to the report from the Commission to the European Parliament and the Council of 1 June 2016 on the implementation of Regulation (EU) No 1025/2012 from 2013 to 2015' (COM(2016)0212),
- having regard to the Commission staff working document of 1 June 2016 entitled 'Analysis of the implementation of Regulation (EU) No 1025/2012 from 2013 to 2015 and factsheets' (SWD(2016)0126),
- having regard to the Commission communication of 1 June 2016 entitled 'European standards for the 21st century' (COM(2016)0358),
- having regard to the Commission staff working document of 1 June 2016 entitled 'Tapping the potential of European service standards to help Europe's consumers and businesses' (SWD(2016)0186),
- having regard to the Commission communication of 1 June 2016 entitled 'The annual Union work programme for European standardisation for 2017' (COM(2016)0357),
- having regard to the Commission staff working document of 1 June 2016 entitled 'The implementation of the actions foreseen in the 2016 Union work programme for European standardisation, including the implementing acts and mandates sent to the European standardisation organisations' (SWD(2016)0185),
- having regard to the Commission communication of 19 April 2016 entitled 'ICT Standardisation Priorities for the Digital Single Market' (COM(2016)0176),

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- having regard to the Joint Initiative on Standardisation under the Single Market Strategy, as referred to in the Commission communication of 28 October 2015 entitled 'Upgrading the Single Market: more opportunities for people and business' (COM(2015)0550),
 - having regard to its resolution of 21 October 2010 on the future of European standardisation ⁽¹⁾,
 - having regard to the opinion of the European Economic and Social Committee entitled 'European standards for the 21st Century',
 - having regard to the opinion of the European Economic and Social Committee entitled 'European standardisation 2016',
 - having regard to the Commission's open source software strategy 2014-2017 ⁽²⁾,
 - 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 Industry, Research and Energy and the Committee on Transport and Tourism (A8-0213/2017),
- A. whereas the European standardisation system is a central element in the delivery of the single market; whereas the Commission's action setting out a common vision for European standardisation is a direct outcome of the Juncker Commission's ten priorities and, in particular, the priorities relating to the Connected Digital Single Market and the Single Market Strategy;
- B. whereas an open, inclusive, transparent and primarily market-driven European standardisation system based on trust and proper compliance plays a key role in responding positively to the increasing need, in European industrial, economic, social, and environmental policy and legislation, for standards capable of contributing to product safety, innovation, interoperability, sustainability and accessibility for people with disabilities, and of improving the quality of life of citizens, consumers and workers;
- C. whereas an efficient European standardisation system should be based on close partnership and cooperation between industry, public authorities, standardisation bodies, and other interested parties such as the Annex III organisations recognised under Regulation (EU) No 1025/2012;
- D. whereas European standards need to be developed in an open, inclusive and transparent system, based on consensus among all stakeholders, with the aim of defining strategic technical or quality requirements with which current or future products, production processes, services or methods may comply;
- E. whereas the Commission communication on ICT Standardisation Priorities for the Digital Single Market acknowledges the value of open standards, but does not provide a definition of an open standard; whereas open standards have proven important to the creation and development of the internet and of internet services that have in turn fostered innovation, societal, and economic prospects;
- F. whereas the use of open source software and hardware licensing solutions should and may help European companies and administrations secure better access to digital goods and services;
- G. whereas a modern and flexible European standardisation system is a useful component for an ambitious and renewed European industrial policy and for the operation of the single market; whereas standards can enhance the EU's global competitiveness, growth, fair competition and innovation, support quality, businesses, and, in particular, SMEs' performance and the protection of consumers, workers and the environment;

⁽¹⁾ OJ C 70 E, 8.3.2012, p. 56.

⁽²⁾ https://ec.europa.eu/info/european-commissions-open-source-strategy_en

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- H. whereas two different standards development systems coexist in Europe, namely one based on the national delegation principle as implemented by the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (CENELEC), and another based on the paid membership of stakeholders as developed by the European Telecommunications Standards Institute (ETSI); whereas there is a need to evaluate the standards development systems relating to Regulation (EU) No 1025/2012 with a view to identifying existing challenges and good practices;
- I. whereas Regulation (EU) No 1025/2012 has brought improvements to the standardisation process by integrating, for the first time, societal stakeholders and SMEs under the legal basis of the European standardisation system;
- J. whereas ICT standards, which are predominantly developed at a global level, make it possible to develop interoperable solutions for complementary products and for the various parts of a particular product, which is particularly important for the development of the 'internet of things' (IoT); whereas fragmentation of standards and proprietary or semi-closed solutions hinder the growth and take-up of IoT, and it is therefore necessary to develop a strategic approach to ICT standardisation in order to ensure a successful response to the needs of the forthcoming decade, thereby allowing the EU to maintain a leading role in the global standardisation system;
- K. whereas the publication of documents and data fulfils governmental responsibilities and transparency goals, including accountability, reproducibility, sustainability, and reliability of governmental action; whereas when documents or data are published it must be on the basis of open and standardised formats, so as to avoid 'lock-in' situations where a software product or a vendor might no longer be commercially available, and so that independent entities are able to implement those formats under diverse development and business models, including open source, in such a way as to ensure the continuity of government and administrative processes;
- L. whereas the transport sector has been at the forefront of the development and deployment of standards that are necessary for the creation of the Single European Transport Area;

General considerations

1. Welcomes the overarching Commission standardisation package, which, alongside the ICT Standards Communication and the Joint Initiative on Standardisation, aims at setting out a coherent and simple European standardisation policy with a view to preserving its many successful elements, improving its shortcomings and striking the right balance between the European, national and international dimensions; stresses that any future review of the European standardisation system (ESS) should build on the strengths of the existing system, which constitute a solid basis for improvement, refraining from any radical changes that would undermine its core values;
2. Acknowledges the specificity and importance of the ESS from the viewpoint of all stakeholders, including industry, SMEs, consumers and workers, and calls on the Commission to ensure that the European system continues to exist and that it maintains sufficient resources to fulfil the objectives of Regulation (EU) No 1025/2012, thus contributing inter alia to interoperability, legal certainty and the application of appropriate safeguards, for business and consumers and for the free movement of information technology; calls on the Commission to guarantee a sustainable budget for the ESS in the revision of the multiannual financial framework (MFF);
3. Welcomes the Standards Market Relevance Roundtable (SMARRT) under the Joint Initiative on Standardisation, which enables dialogue between the Commission and industry, with full transparency for stakeholders as regards agenda items of the Committee of Standards;
4. Notes that standards are a voluntary, market-driven tool providing technical requirements and guidance the use of which facilitates compliance of goods and services with European legislation and supports European policies when they are developed in an accountable, transparent and inclusive way; stresses, however, that standards cannot be seen as EU law, since legislation and policies regarding the level of consumer, health, safety, environment and data protection and the level of social inclusion are determined by the legislator;

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5. Recognises the role of open, standardised formats for transparency duty of governments, administration, and the European institutions; calls on the Member States to try applying common standards with regard to digital administration, focusing in particular on judicial bodies and local authorities; stresses that open standards are essential to the further development of open government data and smart cities policies, and that documents and data must therefore be published in open, standardised formats that can be easily implemented, so that the reuse of data is facilitated; highlights the role of public procurement and open standards solutions in avoiding vendor lock-in;
6. Believes strongly that open data remains an essential element, particularly in the transport sector, for reaping all the benefits of the Digital Single Market, such as the promotion and development of multimodal transport; stresses, therefore, that more legal certainty, mainly in terms of ownership and responsibility, is required; calls on the Commission accordingly to publish, without further delay, a roadmap for the development of standards aimed at the harmonisation of publicly funded transport data and programming interfaces in order to boost data-intensive innovations and the provision of new transport services;
7. Stresses that the current system of accreditation of testing institutions does not always guarantee that the products and services on the market voluntarily applying European standards are compliant with those standards; regrets that the Joint Initiative on Standardisation (JIS) and the Annual Union Work Programme for European standardisation (AUWP) pay no attention to the accreditation of testing institutions and standards, and calls on the Commission to take this aspect into account when proposing new initiatives;
8. Is of the opinion that open standards must be based on openness of the standardisation process and development and availability of standards for implementation and use, in accordance with Regulation (EU) No 1025/2012 and the WTO principles; acknowledges the Commission's intention, as expressed in the roadmap on Standard Essential Patents, to clarify issues related to FRAND and SEPs licensing; encourages the Commission, together with the European standardisation organisations (ESOs) and the open source communities, to explore suitable ways of working together;
9. Stresses that the European standardisation system must contribute to European innovation, enhance the Union's competitiveness, strengthen Europe's place in international trade and benefit the welfare of its citizens; deems it important, therefore, that Europe should uphold its key role in the international standardisation system, and stresses the importance of promoting European standards at a global level when negotiating trade agreements with third countries; underlines that the European standardisation system can also benefit from partnership agreements established by ESOs with standardisation organisations from third countries, and notes that Articles 13 and 14 of Regulation (EU) No 1025/2012 already envisage the involvement of numerous Standards Developing Organisations (SDOs) for public procurement in the ICT field; recommends that the ESOs consider closer cooperation with third-country National Standardisation Bodies (NSBs), including Companion Standardisation Bodies, where possibilities exist for close alignment; encourages the Commission, Member States and ESOs to continue to work towards the creation of global standards, whilst also paying attention to the regional context and the relevance of the standard when getting involved in standardisation work;
10. Stresses that international cooperation on standards helps ensure transparency, efficiency and coherence, and creates a competition-friendly context for the industrial sector, a good example being the United Nations Economic Commission for Europe (UNECE) World Forum for Harmonisation of Vehicle Regulations (WP.29), which was set up for the ICT sector;
11. Stresses that standards which are adopted by international organisations are usually developed outside the scope of Regulation (EU) No 1025/2012, and recommends the ESOs to endorse them only after an internal approval process involving representation of stakeholders, such as Annex III organisations, especially for harmonised standards supporting the implementation of European legislation;
12. Is of the opinion that the ESOs should in all circumstances develop inclusive, sustainable, safe and high-quality standards with fair access for and treatment of all stakeholders as well as minimised impact on the environment and adequate protection of personal data and privacy;
13. Considers Commission and Member State involvement with EU industry to be a crucial means of facilitating the adoption of global standards with a European stamp in the definition and rolling out of 5G technologies;

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14. Regrets the fact that differences between national standards, such as those in the freight and logistics sector, remain a barrier to the internal market, and therefore calls on the Commission and the ESOs to develop appropriate standards for harmonising conditions at national level whenever deemed necessary, with a view to removing any possible barriers to the internal market; underlines the need to seek a cross-modal harmonisation of standards in this respect;

15. Points out, moreover, that in addition to preventing market fragmentation, standardisation can contribute significantly to reducing administrative burdens and transport costs for all businesses (e.g. via e-documents) and for SMEs in particular, and can facilitate the proper enforcement of EU legislation (e.g. via digital tachographs or electronic toll systems);

16. Notes that Regulation (EU) No 1025/2012 has improved the inclusiveness of the ESS, enabling SMEs, consumers, workers and environmental organisations to participate actively in the standardisation process, and encourages continuing in this direction so that all are adequately represented and can participate in the standardisation system and, therefore, exploit to the full the benefits derived from standardisation; calls on the Commission, ESOs and NSBs to identify the best ways to achieve this objective and to address the challenges, including lack of awareness, facing further involvement;

17. Welcomes the efforts made by ETSI to provide easy access for European SMEs, as well as its long-term strategy for 2016-2021 for addressing specifically cross-sectoral collaboration;

18. Acknowledges that the delivery speed of standards has improved, and recalls the importance of striking the right balance between the need to ensure timely development and the need for standards to be of high quality;

19. Is of the opinion that, complementarily to the existing best practices to be found among the standardisation communities, increasing public awareness of proposed standards, proper and early involvement of all relevant stakeholders, and improvement in the quality of standardisation requests can further increase the transparency and accountability of the standardisation system;

20. Calls on the Commission, in addition, to pay attention to and provide assistance for candidate countries' efforts to harmonise their standards with European standards in order to minimise existing bottlenecks;

ICT standards

21. Welcomes the communication on the ICT standardisation priorities setting out a strategic approach to standardisation for ICT technologies, but calls on the Commission clearly to identify the alignment between this communication and the ICT Rolling Plan, the package 'Standards for the 21st Century' and the Annual Work Programme;

22. Notes that the recent convergence of technologies and the digitisation of society, businesses and public services are blurring the traditional separation between general and ICT standardisation; considers that ICT standardisation should be part of a European digital strategy to create economies of scale, budget savings and improved competitiveness and innovation for European companies, and to increase the cross-sectoral and cross-border interoperability of goods and services through the faster definition, in an open and competitive fashion, of voluntary standards that are easily implemented by SMEs;

23. Stresses the need for greater cooperation within the ICT standardisation community, in particular between ESOs, and calls on the ESOs to prepare a common annual work programme identifying cross-cutting areas of common interest;

24. Stresses that open, voluntary, inclusive and consensus-oriented standardisation processes have been effective insofar as they constitute a driver of innovation, interconnectivity and deployment of technologies, and recalls that it is also important to ensure proper investment and expertise in, and development of, cutting-edge technologies, and to support SMEs;

25. Urges the Commission to request the ESOs to contribute to high-quality interoperable and open standards in order to tackle fragmentation and encourage their wide adoption, and to acknowledge the existing ecosystem and diverse business models that support the development of digital technologies, since this will contribute to the social, economic and environmental sustainability of ICT value chains and confirm commitment to the public interest of ensuring privacy and data protection;

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26. Stresses the imperative need to adapt ICT standardisation policy to market and policy developments, since this will lead to achieving important European policy goals requiring interoperability, such as accessibility, security, e-business, e-government, e-health and transport; recommends that the Commission and ESOs prioritise standards in the area of 5G, cloud computing, IoT, data and cybersecurity domains, as well as in that of vertical domains, such as 'connected and automatic driving and intelligent transport systems', 'smart cities', 'smart energy', 'advance manufacturing' and 'smart living environments';

27. Stresses the need to create an open, interoperable ICT ecosystem based on the five ICT priority standards, encouraging competition in value creation upon which innovation can flourish; believes that:

- 5G standards should allow a real generation shift in terms of capacity, reliability and latency, enabling 5G to cope with the expected increase in traffic and the different requirements of the services that will be built on top of it;
- cybersecurity standards should enable security-by-design and comply with privacy-by-design principles, support resilience of networks and risk management, and be able to cope with the rapid rise in cyberthreats to all ICT developments;
- cloud standards should converge so as to allow interoperability in all aspects of the cloud, thus enabling portability;
- data standards should support cross-sectorial interdisciplinary data flows, thus achieving better interoperability of data and metadata, including semantification, and contribute to the development of a big-data reference architecture;
- IoT standards should tackle the current fragmentation without hampering innovation in a sector that is developing very fast;

28. Recognises that efficient 5G communication networks depend critically on common standards to ensure interoperability and security, but recalls that the development of a very high capacity network is the backbone of a reliable 5G network;

29. Notes that in order to succeed, a data-driven economy depends on a wider ICT ecosystem, including highly educated experts as well as skilled people, in order to terminate the digital divide and digital exclusion;

30. Encourages the Commission to compile statistics with a view to better evaluating the impact of digitisation and ICT on transport and tourism;

31. Is aware of the growing number of platforms, groups, meetings and channels relating to ICT standards; calls on the Commission to rationalise the number of platforms and coordination mechanisms dealing with standardisation and involve standardisation organisations in new initiatives, in order to avoid duplication of efforts for stakeholders; stresses the need to better coordinate ICT standards and standardisation priorities among the different organisations, and urges the Commission to promptly inform stakeholders about the stage reached in ongoing initiatives in relation to ICT standards;

32. Stresses that digitisation is proceeding at a rapid pace and is a major driver of the economy; underlines the importance of effective digitisation of vertical industries in order to benefit SMEs, and especially consumers, at European, national, regional and local level, and the need to represent their concerns appropriately in the framework of international ICT standardisation;

33. Supports the Commission's intention to explore initiatives such as a trusted IoT label and certification system, which can help foster trust in the levels of privacy and end-to-end security of an IoT device by providing measurable and comparable ratings on the possible risks associated with the operation and use of an IoT device or service; believes that these should be developed where relevant and where IoT devices could have an impact on relevant infrastructure on the basis of the requirements spelled out in the NIS Directive, which should serve as a basis for defining security requirements; notes that any such label must be able to adapt to future technology changes and take account of global standards where appropriate;

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34. Calls on the Commission to take the lead in promoting intersectoral, cross-lingual standards and in supporting privacy-friendly, reliable and secure services;

35. To that effect, supports the definition of specific and measurable minimum requirements that take into account the long-term sustainability and reliability of IoT devices or services as well as industry-standard computer security and sustainability standards; such a list should encompass, for example, the commitment to making updates available for a minimum timeframe after purchasing, the commitment of a manufacturer or provider to a timeframe within which it will provide an update after the discovery and notification of a vulnerability; to this end, the Commission should evaluate the possibility of industry self-regulation, taking into account the speed with which standards and technologies evolve in the ICT sector, and the diversity of development and business models, including open source, start-ups, and SMEs;

36. Takes note of the cybersecurity concerns and the specificities of the threats in the transport sector; urges the Commission to address these specificities when adopting its recommendations on cybersecurity standards which are expected by the end of 2017, as a first step towards a comprehensive strategy on cybersecurity in the transport sector;

37. Notes that ICT standardisation will be beneficial for the development of transport- and tourism-related services and multimodal transport solutions; calls on the Commission, acting together with the ESOs, to attach greater importance to this development when implementing its priority action plan for ICT standardisation, and in particular to explore the potential role of standardisation in supporting the technological changes and new business models emerging in the tourism sector; calls on the Commission to take swift action to promote the development of integrated smart ticketing and information services and new mobility concepts such as Mobility-as-a-Service;

38. Notes that with the increased use of the internet, online banking, social networking and e-health initiatives, people are having growing security and privacy concerns, and that ICT standards need to reflect the principles of the protection of individuals with regard to the processing of personal data and the free movement of such data;

39. Calls on the Commission to include the digital integration of manufacturing as an ICT standardisation priority, and encourages the development of open standards for the communication protocol and data formats for the digital integration of manufacturing equipment in order to ensure full interoperability between machines and devices;

40. Acknowledges some concerns in particular as regards ICT and standard essential patents (SEPs), and recognises that a robust, fair and reasonable IPR policy will encourage investment and innovation and facilitate the take-up of the digital single market and of new technologies, in particular as regards the deployment of 5G and IoT devices, as they rely heavily on standardisation; stresses that it is essential to maintain a balanced standardisation framework and efficient licensing practices for SEPs based on the FRAND (fair, reasonable and non-discriminatory practices) methodology and addressing the legitimate concerns of both licensors and licensees of SEPs, while ensuring that the standardisation process offers a level playing field where companies of all sizes, including SMEs, can collaborate in a mutually beneficial manner; encourages the Commission's efforts to ensure that interoperability between digital components can be achieved through different types of licensing solutions and business models;

41. Urges the Commission to clarify without delay the core elements of an equitable, effective and enforceable licensing methodology structured around the FRAND principles, taking into account the interests both of rightholders and of implementers of standards that include SEPs, a fair return on investment and the wide availability of technologies developed in a sustainable open standardisation process; invites the Commission to take note of the CJEU judgment C-170/13 (*Huawei v. ZTE*), which strikes a balance between SEP holders and standard implementers with a view to overcoming patent infringements and ensuring the efficient settlement of disputes; invites the Commission, furthermore, to improve the definition relating to information on patent scope and to address the issues related to information asymmetries between SMEs and large companies, increase the transparency of standard essential patent declarations, and improve the quality of information on the relation of SEPs to products; is of the opinion that any compensation to the developers of SEPs needs to be based on fair, proportionate and non-discriminatory terms, as well as transparent, reasonable, predictable and

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sustainable royalty rates, except where developers decide to provide the standard available without financial compensation; recognises, however, that diverse business models, such as royalty-free licensing and open source software implementation, exist and accordingly legislation and discussion should continue to recognise the use of all models on a basis including the rights of all market sectors and IPR holders;

42. Notes the need for an evidence-based approach in monitoring and further developing the licensing framework in order to ensure a dynamic ecosystem that creates added value and jobs;

43. Calls on the Commission to publish biannual reports evidencing actual cases of: (a) unlicensed SEP use (i.e. infringements) lasting for 18 months or more; and (b) issues regarding access to standards due to systematic non-compliance with FRAND commitments;

44. Calls on the Commission to close the debate on the 'perceived need' of a science cloud and to take immediate action, in close concert with Member States, on the European Open Science Cloud, which should seamlessly integrate existing networks, data and high-performance computing systems and e-infrastructure services across scientific fields, within a framework of shared policies and ICT standards;

European standards for the 21st century

45. Welcomes the Commission's standardisation package 'Standards for the 21st Century', and takes the view that the standardisation system should be made more transparent, open and inclusive with a view to fully integrating the concerns of citizens, consumers and SMEs;

46. Regrets that it was not consulted prior to the adoption of the package, and urges the European institutions to align the different initiatives into a single strategic, holistic work programme avoiding duplication of actions and policies; stresses that the relevant committee of the European Parliament can play an important role in the public scrutiny of harmonised standards mandated by the Commission;

47. Calls for greater reinforcement, coherence and improvement in the accuracy of the AUWP;

48. Stresses that the next AUWP needs specifically to address actions to improve coordination between the ICT and non-ICT standards regimes, contribute to the improvement of the rules of the different NSBs, and advance the inclusiveness of ESOs by paying greater attention to the role of the stakeholders listed in Article 5;

49. Stresses the importance of the interinstitutional dialogue for the preparation of the AUWP, and encourages efforts to involve, prior to the adoption of the AUWP, all relevant stakeholders in an Annual Standardisation Forum to discuss new fields, existing challenges and necessary improvements of the standardisation process;

50. Encourages Member States to invest in national standardisation strategies which will also help and encourage the public sector, standardisation bodies, societal stakeholders, SMEs and academia at national level to develop and implement individual standardisation action plans;

51. Welcomes the JIS, and recommends that Parliament also be invited to participate in and contribute to it, underlining that the rules of such public-private partnerships need to be respected by all stakeholders, including EU institutions; calls on the Commission to take a leading role in the implementation of the key actions and recommendations of the JIS and to report back to Parliament by the end of 2017 on the progress achieved;

52. Welcomes the commitment, made in the context of the JIS, to develop a study on the economic and social impact, including information on policies, risks and outcomes as regards the quality of life, social and employee-related aspects, of standards and their use; invites the Commission to base this study on quantitative and qualitative data, and to analyse both the business models of the standardisation process and the different financial models — including opportunities and challenges — for making access to harmonised standards easily available;

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53. Underlines that standardisation is increasingly recognised as an important contributor to research and development, and that it plays an important role in bridging the gap between research and the market, fosters the dissemination and exploitation of research results, and creates a basis for further innovation;

54. Calls on the Commission to adopt policies that remove excessive barriers in innovative sectors, with a view to incentivising investment in research and development and in EU standardisation; notes that vertical industries should work out their own roadmaps for standardisation, relying on industry-led processes which, if guided by a strong will to reach common standards, would have the capacity to become worldwide standards; believes that EU standardisation bodies should play a special role in this process;

55. Urges the parties to the JIS to ensure that research and innovation are better aligned with standard-setting priorities;

56. Considers that open knowledge and licenses are the best instruments for boosting innovation and technology development; encourages research institutions receiving EU funds to use open patents and licenses in order to secure a greater role in standard- setting;

57. Supports actions aimed at improving the synergy between standardisation and research communities and in promoting standards at an early stage in research projects; encourages national standardisation bodies to promote standardisation to researchers and the innovation community, including relevant government organisations and funding agencies, and recommends that a specific standardisation chapter be developed under Horizon 2020;

58. Urges the Commission to encourage the ESOs to ensure that market-relevant services standards reflect the increased servitisation of the economy and are developed with the aims of ensuring the safety and quality of services and of prioritising areas with the highest detriment to consumers, while not encroaching on existing national regulatory requirements, in particular provisions on labour law or collective agreements and bargaining; recognises, furthermore, that service standards often respond to national specificities and that their development is related to the needs of the market, the interests of consumers and the public interest; stresses that the development of European services standards should contribute to the functioning of the internal market for services while increasing transparency, quality and competitiveness and promoting competition, innovation, and consumer protection;

59. Points out that the standardisation process in Europe must include standards that improve barrier-free accessibility to transport and transport services for people with disabilities and older people;

60. Is of the opinion that the fast-changing modern world, with its increased technical complexity, leads to the development of increasing numbers of standards and platforms for processing specifications which do not correspond to the standardisation bodies recognised under Regulation (EU) No 1025/2012, and that there are now greater demands when it comes to the involvement of SMEs and microenterprises; stresses the importance of supporting measures to improve SMEs' access to means of developing and using standards;

61. Underlines the importance of interconnecting platforms and databases at European level, enabling better interoperability of networks and systems;

62. Believes that ICT standardisation involves not only the setting of product requirements, but also the development of innovative technologies;

63. Stresses that uniform (technical) arrangements help to reduce development, production and certification costs, and avoid the duplication of tasks;

64. Stresses that demographic ageing in Europe requires systematic incorporation of the needs of older persons and persons with disabilities, and other vulnerable members of society, in the development of standards, which are a suitable tool to help achieve an active and healthy society in Europe and to increase the accessibility of products and services for people;

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65. Points out that innovation in the transport and tourism sectors provides enormous opportunities and has a positive impact on both society and EU businesses, especially SMEs and start-ups, and insists on the need to develop new standards, where possible by pursuing a cross-domain approach, and to uphold standardisation in order to ensure the proper implementation of EU initiatives in the field of digitisation, such as Cooperative Intelligent Transport Systems (C-ITS), and the development of transport applications within the EU Satellite Navigation Systems (Galileo and EGNOS);

European Standardisation Organisations

66. Welcomes the role played by the ESOs, but encourages further initiatives to improve their openness, accessibility and transparency, and recommends that their work be guided by European interests;

67. Recognises that the national delegation principle is fundamental for the European system, but warns that there are differences in terms of resources, technical expertise and stakeholder involvement at national level, and recommends that the work of the national delegations needs to be complemented;

68. Recognises the importance of timely delivery of standards, as well as references being cited in the *Official Journal of the European Union* (OJ) in cases of harmonised standards; is aware of the decreasing citation of references of standards in the OJ, and calls on the Commission to investigate and address the reasons for this and remove unnecessary obstacles; recommends, in this regard, greater involvement of Commission experts and the New Approach Consultants in the standardisation process, and calls on the Commission to develop, in conjunction with the ESOs, evaluation guidelines for standardisation so as to help the different departments within the Commission, the ESOs and the New Approach Consultants evaluate standards in a coherent manner;

69. Repeats that transparent and accessible appeal mechanisms build trust in the ESOs and in the standard-setting processes;

70. Encourages the use of new ICTs to improve the accessibility and transparency of standardisation processes, such as the CEN-CENELEC eLearning tool for SMEs; considers that the use of digital tools can facilitate stakeholders' participation in the development of standards and provide information about upcoming, ongoing and finalised standardisation work;

Strategic recommendations

71. Calls on the Commission to enhance the synergies and coordination between the European institutions, the ESOs, the NSBs and all relevant stakeholder organisations through the Annual Standardisation Forum, whilst also recognising the international context of standards; recognises that the vast majority of standards are developed voluntarily in response to market and consumer needs, and supports this;

72. Calls for strict application of Regulation (EU) No 1025/2012 as regards recognition of Annex III organisations, and for the publication of the reports provided for in Article 24 of the regulation;

73. Urges the Commission fully to harmonise conditions for Annex III organisations and to ensure the removal of the de facto obstacles to their effective involvement in standardisation;

74. Recommends that the membership status, rights and obligations of Annex III organisations, such as the right of appeal, consultative powers, the right to an opinion before a standard is adopted, and access to technical committees and working groups be reviewed within the ESOs to assess whether they meet the requirements of Regulation (EU) No 1025/2012;

75. Calls on the ESOs to ensure that the ISO-CEN (Vienna) and IEC CENELEC (Frankfurt) agreements will not prevent or jeopardise participation in the standardisation processes of Annex III Organisations or NSBs;

76. Calls on the Commission and the Member States to promote, facilitate financing for and expedite the deployment of the necessary infrastructure, including through modernising, converting and retrofitting, for the market uptake of new technologies supported by European standards (e.g. alternative fuels infrastructure), in compliance with safety, health and environmental requirements; highlights that infrastructure is a long-term investment and that its standardisation should therefore ensure maximum interoperability and allow for future technological developments and their application;

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77. Invites the Commission to work with the ESOs and the NSBs to promote easy-to-use contact points of access to standards that can provide assistance and information to the users of standards regarding those which are available and their general specifications, and that can help them find the standards that best match their needs, as well as guidance on their implementation; recommends, furthermore, information and education campaigns at national and EU level to promote the role of standards, and encourages Member States to include relevant professional education courses on standards in their national education systems;

78. Asks the Commission to develop technology-watch activities so as to identify future ICT developments that could benefit from standardisation, to facilitate the flow and transparency of information necessary for market penetration and the operation of these technologies, and, in this connection, to promote easily accessible and user-friendly evaluation mechanisms via the internet;

79. Recommends that NSBs need to examine if it is possible to provide access to standards to the extent that the standards user can make an assessment of the relevance of the standard; strongly recommends that NSBs and ESOs, when determining the level of fees relating to standards, take into account the needs of SMEs and stakeholders who are non-commercial users;

80. Calls on the Commission to prepare a European register listing existing European standards in all official EU languages, which would also include information on the ongoing standardisation work being done by ESOs, existing standardisation mandates, progress made, and decisions containing formal objections;

81. Calls on the Commission to monitor international ICT standardisation developments and, if necessary, to support the participation and coordination of European stakeholders in leading positions within appropriate standardisation bodies, and in strategically important standardisation projects, in order to promote the European regulatory model and interests; encourages the use of the Multi-Stakeholder Platform on ICT Standardisation to bring together ESOs and international ICT standardisation bodies;

82. Encourages adoption by the EU of the Reference Architecture Model for Industry 4.0 for the digitisation of European industry;

83. Calls on the Member States to use European ICT standards in public procurement procedures in order to improve the quality of public services and foster innovative technologies; stresses, however, that the use of standards should not result in additional barriers, in particular for small businesses seeking to participate in public procurement procedures;

84. Calls on the EU institutions, the national governments and the ESOs to develop training guidelines for policymakers so as to help them overcome inconsistencies arising from the use of disparate working methods in different departments and institutions, and to create a standardisation culture and an understanding of how standards processes work and when they can be used;

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

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P8_TA(2017)0279

Towards a pan-European covered bonds framework**European Parliament resolution of 4 July 2017 on Towards a pan-European covered bonds framework (2017/2005(INI))**

(2018/C 334/02)

The European Parliament,

- having regard to the EBA report of 20 December 2016 on Covered Bonds: recommendations on harmonisation of covered bond frameworks in the EU (EBA-Op-2016-23),
- having regard to the Commission consultation document of 30 September 2015 on ‘Covered Bonds in the European Union’ and to the undated Commission document ‘Summary of contributions to the public consultation on “Covered Bonds”’,
- having regard to the Commission report of 20 October 2015 on ‘Article 503 of Regulation (EU) No 575/2013: Capital requirement for covered bonds’ (COM(2015)0509),
- having regard to the EBA opinion of 1 July 2014 on the preferential capital treatment of covered bonds (EBA/Op/2014/04),
- having regard to the EBA report of 1 July 2014 on ‘EU covered bond frameworks and capital treatment: response to the Commission’s call for advice of December 2013 related to Article 503 of the Regulation (EU) No 575/2013 and to the ESRB Recommendation E on the funding of credit institutions of December 2012 (ESRB/12/2)’,
- having regard to Directive 2014/91/EU of the European Parliament and of the Council of 23 July 2014 amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depository functions, remuneration policies and sanctions ⁽¹⁾, in particular Article 52(4) thereof (henceforth ‘the UCITS Directive’),
- having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽²⁾, in particular Article 129 thereof (henceforth ‘CRR’),
- having regard to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council ⁽³⁾, in particular Article 44(2) thereof,
- having regard to Article 1(2) of Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation ⁽⁴⁾,
- having regard to Article 1(2) of Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation ⁽⁵⁾,

⁽¹⁾ OJ L 257, 28.8.2014, p. 186.

⁽²⁾ OJ L 176, 27.6.2013, p. 1.

⁽³⁾ OJ L 173, 12.6.2014, p. 190.

⁽⁴⁾ OJ L 314, 1.12.2015, p. 13.

⁽⁵⁾ OJ L 195, 20.7.2016, p. 3.

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- having regard to Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for Credit Institutions ⁽¹⁾ (henceforth 'LCR Delegated Act'),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0235/2017),
- A. whereas covered bonds (CBs) are instruments with a long-established track record of low default rates and reliable payments which help to finance around 20 % of European mortgages and accounted for more than EUR 2 000 billion of liabilities in Europe in 2015; whereas some 90 % of CBs worldwide are issued in nine European countries;
- B. whereas CBs have played a key role in the funding of credit institutions, in particular during the financial crisis; whereas CBs retained high levels of security and liquidity during the crisis, which must be attributed to the quality of national regulation; whereas the 2008-2014 episode of increasing spreads in CB prices across Member States provides no compelling evidence of market fragmentation, since the spreads were highly correlated with spreads in government bonds and were possibly mere reflections of underlying risks in cover pools; whereas appropriate risk sensitivity of covered bond prices across Member States is evidence of properly functioning and well-integrated markets;
- C. whereas there is significant cross-border investment in European CB markets; whereas CBs have a well-diversified investor base in which banks feature prominently, with a market share of roughly 35 % between 2009 and 2015; whereas the market share of asset managers, insurance companies and pension funds has shrunk by almost 20 percentage points and was essentially replaced by higher central bank investments in CBs;
- D. whereas CBs are attractive debt instruments since they are — up to the level of collateral in the cover pool — exempted from the bail-in tool set out in Article 44 of the Bank Recovery and Resolution Directive (BRRD); whereas CBs which are compliant with Article 129 of the CRR enjoy preferential risk weight treatment;
- E. whereas one factor in bank demand for CBs is the preferential regulatory treatment for CBs in the LCR Delegated Act, which allows banks to include CBs in the liquidity buffer even if they are not LCR-eligible under Basel rules;
- F. whereas CB programmes, under some conditions, are exempt from initial margin requirements against counterparty credit risk in derivative transactions;
- G. whereas CBs may, at national discretion, be exempted from the EU requirements on large exposures;
- H. whereas the positions of unsecured bank creditors are adversely affected by asset encumbrance owing to overcollateralisation (OC) requirements, but not by the principle of debt finance with segregated cover pools; whereas such operations, if involving loan-to-value ratios well below 100 %, generally improve the positions of unsecured bank creditors to the extent that these reserves are not needed to satisfy claims against the cover pool;
- I. whereas CBs feature prominently on the asset side of the balance sheets of many banks; whereas it is essential for financial stability that these assets remain at maximum safety and liquidity; whereas this objective should not be undermined by innovations in CBs which allow issuers to transfer risk to investors at their discretion;

⁽¹⁾ OJ L 11, 17.1.2015, p. 1.

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- J. whereas CB issuances with conditional maturity extension (soft-bullet and conditional pass-through (CPT) structures) increased by 8 % in 12 months to reach a market share of 45 % in April 2016; whereas such options mitigate liquidity risk in mismatched cover pools, reduce OC requirements and help to avoid fire sales; whereas, however, maturity extensions shift issuer risk to investors; whereas preferential regulatory treatment should only be granted to debt instruments which are particularly safe;
- K. whereas EU law lacks a precise definition of CBs;
- L. whereas CB markets are lagging behind in Member States in which there is no tradition of issuing such bonds or whose growth is impeded by sovereign risk or difficult macroeconomic conditions;
- M. whereas it is widely acknowledged that the national covered bond frameworks are highly diverse, in particular as regards technical aspects such as the level of public supervision;
- N. whereas an EU-wide framework for covered bonds must be geared towards the highest standards;
- O. whereas there are several very successful national frameworks for CBs, founded on historical and legal grounds and partly embedded in national law; whereas those national frameworks share fundamental characteristics, in particular dual recourse, the segregation of cover pools with low-risk assets, and special public supervision; whereas it may prove beneficial to extend these principles to other types of debt instruments;
- P. whereas harmonisation should not be based on a one-size-fits-all approach as this could lead to a serious reduction in product diversity and might negatively influence national markets that have been functioning successfully; whereas harmonisation should respect the principle of subsidiarity;
- Q. whereas market participants have undertaken initiatives to foster the development of CB markets, such as the creation in 2013 of the Covered Bond Label (CBL) and the Harmonised Transparency Template (HTT);
- R. whereas, following a supervisory review, the EBA has identified best practices for the issuance and supervision of CBs and assessed the alignment of national frameworks with those practices;
- S. whereas, in response to the Commission's public consultation, a large majority of stakeholders opposed complete harmonisation, while investors emphasised the value of product diversity; whereas stakeholders have shown cautious support for EU legislation provided that it is principles-based, builds on existing frameworks and respects the characteristics of national frameworks in particular;

General observations and positions

1. Stresses that domestic and cross-border investments in CBs have worked well in EU markets under the current legislative framework; emphasises that diversity of sound and safe products should be maintained;
2. Points out that a mandatory harmonisation of national models or their replacement by a European one could lead to unintended negative consequences for markets whose current success relies on CB legislation being embedded in national laws; insists that a more integrated European framework should be limited to a principles-based approach which establishes the objectives but leaves the ways and means to be specified in the transposition to national laws; stresses that this framework should be based on high-quality standards and take into account best practices, building on national regimes that work well without disrupting them; emphasises that the potential new European framework for CBs, aligned with best practices, should be a benchmark for fledgling markets and should enhance the quality of CBs;
3. Calls for an EU directive which clearly distinguishes between the two types of covered bonds currently in existence, namely:

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- (a) CBs (henceforth referred to as 'Premium Covered Bonds' (PCBs)) which do not fall below the standards currently set by Article 129 of the CRR; and
- (b) CBs (henceforth referred to as 'Ordinary Covered Bonds' (OCBs)) which do not meet the requirements set out for PCBs but do not fall below the standards currently set by Article 52(4) of the UCITS Directive;

Emphasises that PCBs should continue to enjoy regulatory preference over OCBs and that OCBs should enjoy regulatory preference over other forms of collateralised debts; recognises the potential of all UCITS-compliant debt instruments for achieving the objectives of the Capital Markets Union;

4. Calls on the Member States to protect the 'covered bond' label (for both PCBs and OCBs) by ensuring in national legislation that CBs are highly liquid and close to risk-free debt instruments; strongly suggests that debt instruments covered by assets which are substantially more risky than government debt and mortgages (e.g. non-government-backed infrastructure investments or credits to small and medium-sized enterprises (SMEs)) should not be labelled 'covered bonds' but, possibly, 'European Secured Notes' (ESNs); supports the principle that cover pools for PCBs and OCBs should be fully backed by assets of a long-lasting nature which can be valued and repossessed;

5. Calls on the Commission to include in the directive principles of a legal framework for European Secure Notes (ESNs) such as dual recourse, special public supervision, bankruptcy remoteness and transparency requirements; calls on the Member States to integrate these principles into their national law and insolvency procedures; emphasises that a sound legal framework for ESNs would have the potential to make ESNs more transparent, more liquid and more cost efficient than securities which make use of contractual arrangements; points out that this could help ESNs to finance riskier activities such as SME credits, consumer credits or infrastructure investments which lack government guarantees; notes that ESNs would be exempted from the scope of the bail-in tool set out in Article 44 BRRD;

6. Encourages the incorporation into the directive of minimum supervisory standards which reflect identified best practices for CBs; encourages supervisory convergence across the EU;

7. Calls for the directive to increase transparency with respect to information about cover pool assets and the legal framework designed to ensure dual recourse and segregation of those assets in the event of issuer insolvency or resolution; insists furthermore in this respect that the directive be principles-based and focus solely on informational requirements;

Defining PCBs, OCBs, ESNs and their regulatory framework

8. Calls on the Commission to present a proposal for a European Covered Bond framework (directive) defining PCBs, OCBs and ESNs simultaneously, with a view to avoiding market disruptions during transition phases; calls on the Commission to include in this definition all of the following common principles achievable throughout the life of this issued instrument, independent of potential preferential treatment:

- (a) PCBs, OCBs and ESNs should be fully backed by a cover pool of assets;
- (b) National law should ensure dual recourse, i.e. the investor has:
 - (i) a claim on the issuer of the debt instrument equal to the full payment obligations;
 - (ii) an equivalent priority claim on the cover pool assets (including substitution assets and derivatives) in the event of the issuer's default;

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Should these claims be insufficient to fully meet the issuer's payment obligations, the investor's residual claims must be *pari passu* with claims of the issuer's senior unsecured creditors;

- (c) Effective segregation of all cover pool assets is ensured in legally binding arrangements which are easily enforceable in the event of insolvency or resolution of the issuer; the same will hold for all substitution assets and derivatives hedging risks of the cover pool;
- (d) PCBs, OCBs and ESNs are bankruptcy-remote, i.e. it is ensured that the issuer's payment obligations are not automatically accelerated in the event of the issuer's insolvency or resolution;
- (e) Overcollateralisation (OC) reflecting the specific risks of PCBs, OCBs and ESNs is applied, by magnitudes to be determined in national law. The value of all cover pool assets must always be greater than the value of outstanding payment obligations. The valuation methods for cover pool assets and the calculation frequency should be clearly defined in national law and should properly take all relevant downside risks into account;
- (f) European or national law defines maximum loan-to-value (LTV) parameters for cover pool assets. The removal of cover pool assets in breach of LTV limits should not be mandatory, but rather it must be ensured that such removal occurs only if they are replaced by eligible assets of at least the same market value;
- (g) A part of the cover pool assets or liquidity facilities is sufficiently liquid such that the payment obligations of the covered bond or ESN programme can be met for the next six months, except in cases with match funded bonds or bonds with a soft bullet and conditional pass through (CPT);
- (h) Derivative instruments are allowed only for risk hedging purposes, and derivative contracts entered into by the issuer with a derivative counterparty and registered in the cover pool cannot be terminated upon the issuer's insolvency;
- (i) National law provides for a robust special public supervision framework by specifying the competent authority, the cover pool monitor and the special administrator, along with a clear definition of the duties and supervisory powers of the competent authority, to ensure that:
 - (i) issuers have qualified staff and adequate operational procedures in place for the management of the cover pools, including in the event of stress, insolvency or resolution;
 - (ii) the features of cover pools meet the applicable requirements both prior to issuance of and until maturity of the debt instrument;
 - (iii) the compliance of PCBs, OCBs and ESNs with relevant requirements (including in relation to eligibility of cover assets and coverage) is subject to ongoing, regular and independent monitoring;
 - (iv) issuers regularly carry out stress tests on the calculation of the coverage requirements, taking into account the main risk factors affecting the debt instrument, such as credit, interest rate, currency and liquidity risks;

The duties and powers of the competent authority and the special administrator in the event of the issuer's insolvency or resolution must be clearly defined;

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- (j) The issuer is required to disclose at least biannually aggregate data on the cover pools to a level of detail that enables investors to carry out a comprehensive risk analysis. Information should be provided on the credit risk, market risk and liquidity risk characteristics of cover assets, on counterparties involved in the cover pools and on the levels of legal, contractual and voluntary OC, while there should also be a section on derivatives attached to cover pool assets and liabilities;
 - (k) The maturity can be extended only in the event of insolvency or resolution of the issuer and with approval by the competent supervisory authority or under objective financial triggers established by national law and approved by the competent European authority; the exact conditions of the extension and potential changes to the coupon, maturity and other features should be made clear in the terms and conditions of each bond;
9. Calls on the Commission to include in the directive's definition of PCBs the following additional principles:
- (a) The debt instrument is fully collateralised by assets defined by Article 129(1) of the CRR and satisfies the additional requirements of Article 129(3) and (7) of the CRR; for residential loans backed by guarantees as specified under Article 129(1)(e) of the CRR there must be no legal impediments for the administrator of the CB programme to place senior mortgage liens on the loans when the covered bond issuer is in default or resolution and the guarantee is, for any reason, not honoured. The eligibility of ships as cover pool assets (Article 129(1)(g) of the CRR) shall be reviewed;
 - (b) The maximum LTV parameters for mortgages included in the cover pool are set by European law in such a way that they do not surpass the LTV ratios currently fixed in Article 129 of the CRR, but are subject to regular review and adjustment in line with stress tests relying on independent assessments of market prices which might prevail in the relevant real estate markets under stress; the use of loan-to-mortgage lending values rather than loan-to-market values should be encouraged;
10. Emphasises that the risk weights assigned to CBs in European legislation must reflect market assessments of underlying risks; observes that the same does not apply to all other types of debt instruments that enjoy preferential regulatory treatment owing to certain characteristics;
11. Calls on the Commission to empower the European Supervisory Authorities (ESAs) to evaluate compliance with the criteria for PCBs, OCBs and ESNs with the aim of supplementing or even replacing the lists provided for in Article 52(4) of the UCITS Directive with an authoritative list of compliant PCBs, OCBs and ESN regimes at European level;
12. Calls on the EBA to issue recommendations for PCB, OCB and ESN regimes on eligibility criteria for assets (including substitution assets), on LTV ratios and minimum effective OC levels for different types of assets, and on possible revisions of the CRR; calls on the EBA to provide the necessary guidelines for the establishment of the special public supervisory and administrative framework;
13. Recommends that market access barriers for issuers in developing covered bond markets outside the EEA be removed by providing equitable treatment to covered bonds from issuers in third countries, provided their legal, institutional and supervisory environment passes a thorough equivalence assessment by a competent European institution; recommends promoting the key principles of European legislation in order to establish a potential benchmark for the covered bond markets globally;
14. Calls on the Commission to propose a revision of the European financial services legislation which specifies the regulatory treatment of PCBs, OCBs and ESNs;
15. Calls on the Commission, when assessing existing EU financial services legislation, to take into account the potential of PCBs, OCBs and ESNs for achieving the objectives of the Capital Markets Union;

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16. Calls on the Commission to identify possible obstacles at national level to the development of covered bonds systems and to publish guidelines to eliminate these barriers, without prejudice to banks' sound and prudent conduct of business;

17. Calls on the Commission and the EBA to reassess (possibly as part of an impact assessment) the eligibility of maritime liens on ships as cover pool assets as set out in Article 129(1)(g) of the CRR; is concerned that preferential treatment for ships distorts competition with other means of transportation; asks the Commission and the EBA to investigate whether ship CBs are on an equal footing with other CRR-compliant covered bonds in terms of their liquidity and their risk assessments carried out by independent rating agencies, and whether preferential treatment of such bonds on the basis of LCR eligibility and lower risk weights in the CRR is therefore warranted;

18. Calls on the Member States to provide in national law for the opportunity to create separate cover pools, with each comprising a homogenous asset class (such as residential loans); calls on the Member States to allow all cover assets as specified in Article 129(1)(a), (b) and (c) of the CRR as substitution assets contributing towards the coverage requirement, and to clearly specify limits on credit quality, exposure size and upper bounds for coverage contributions of substitution assets;

Supporting market transparency and voluntary convergence

19. Welcomes improvements in CB rating methodologies and the expansion of the rating markets for CBs;

20. Underlines the importance of a level playing field to ensure fair competition in financial markets; emphasises that European legislation must not discriminate between different types of secured debt instruments unless there are good reasons to assume that these differ in terms of either safety or liquidity;

21. Welcomes market initiatives to develop harmonised standards and templates for disclosure (e.g. the HTT) in order to facilitate the comparison and analysis of differences between covered bonds across the EU;

22. Supports the development of EBA recommendations for market standards and guidelines on best practices; encourages voluntary convergence along these lines;

23. Encourages the regular execution of stress tests for cover pools and the publication of stress test results;

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24. Instructs its President to forward this resolution to the Council, the Commission and the European Banking Authority.

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P8_TA(2017)0280

The role of fisheries-related tourism in the diversification of fisheries

European Parliament resolution of 4 July 2017 on the role of fisheries-related tourism in the diversification of fisheries (2016/2035(INI))

(2018/C 334/03)

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 ⁽¹⁾,
- having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ⁽²⁾,
- having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽³⁾ (the EU Water Framework Directive),
- having regard to its resolution of 22 November 2012 on small-scale coastal fishing, artisanal fishing and the reform of the common fisheries policy ⁽⁴⁾,
- having regard to its resolution of 2 July 2013 on Blue Growth: enhancing sustainable growth in the EU's marine, maritime transport and tourism sectors ⁽⁵⁾,
- having regard to the Commission communication of 13 May 2014 entitled 'Innovation in the Blue Economy: realising the potential of our seas and oceans for jobs and growth' (COM(2014)0254),
- having regard to the Commission communication of 30 June 2010 entitled 'Europe, the world's No 1 tourist destination — a new political framework for tourism in Europe' (COM(2010)0352),
- having regard to the EU Biodiversity Strategy to 2020 and in particular to Target 4 'Make fishing more sustainable and seas healthier', in which the EU pledges, amongst other things, to eliminate adverse impacts on fish stocks, species, habitats and ecosystems, 'including through providing financial incentives through the future financial instruments for fisheries and maritime policy for marine protected areas (including Natura 2000 areas and those established by international or regional agreements). This could include restoring marine ecosystems, adapting fishing activities and promoting the involvement of the sector in alternative activities, such as eco-tourism, monitoring and managing marine biodiversity, and combating marine litter',
- having regard to the Commission communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission communication of 13 September 2012 entitled 'Blue Growth — opportunities for marine and maritime sustainable growth' (COM(2012)0494),
- having regard to the Commission communication of 20 February 2014 entitled 'A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism' (COM(2014)0086),

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ OJ L 149, 20.5.2014, p. 1.

⁽³⁾ OJ L 327, 22.12.2000, p. 1.

⁽⁴⁾ OJ C 419, 16.12.2015, p. 167.

⁽⁵⁾ OJ C 75, 26.2.2016, p. 24.

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- 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 Transport and Tourism (A8-0221/2017),
- A. whereas traditional fishing has continued to decline;
- B. whereas diversification has become a necessity for many small-scale fishermen in order to provide additional sources of income, as their income is often inadequate;
- C. whereas when speaking of diversification in fisheries, it is necessary to take into account the fact that much of the fisheries sector depends almost entirely on traditional forms of fishing;
- D. whereas most coastal and island regions are suffering severe economic decline, resulting in depopulation as their inhabitants leave for areas with greater employment and education opportunities;
- E. whereas while some coastal fishing regions are located close to tourist destinations, they are not managing to achieve proper economic growth, even though the fishery and tourism sectors are compatible;
- F. whereas fisheries-related tourism can help to create jobs, promote social inclusion, improve the quality of life and revitalise communities that depend on fishing, especially in areas where there is little else in the way of economic activities; whereas this potential varies greatly, both in regional terms and depending on the type of fisheries involved and vessel sizes;
- G. whereas fisheries-related tourism can help reduce the impact on fish stocks and the environment, as well as increase knowledge and awareness of the need for environmental protection and cultural conservation; whereas, in particular, fishing tours and tourist services offered by fishermen ashore may be a genuine way of supplementing, and diversifying out of, the core activity in many European regions;
- H. whereas fisheries-related tourism activities can help raise the profile of fishermen and promote appreciation for, and understanding of, their complex field of activity; whereas fishing tours and other tourism-related fishing activities (tourist services offered by fishermen ashore, recreational fishing, etc.) are still little known to the general public, and there is a need to raise consumer awareness of the importance of consuming local fish products coming from a short supply chain;
- I. whereas fisheries-related tourism can afford an opportunity to attract tourists by providing a wide offering, ranging from local products to green business styles;
- J. whereas the traditional gastronomy associated with fishery products and traditional preservation and processing industries could represent a major asset for the tourism being developed around the fishing industry;
- K. whereas angling confers various social benefits, and has a favourable impact on human health and well-being;
- L. whereas the socio-economic gains resulting from fisheries-related tourism are of a highly seasonal nature, as they are made chiefly in the summer months; whereas the benefits to be gained from greater customer loyalty, an oft-quoted subject, are achievable throughout the year;
- M. whereas 2018 will be the European Year of Cultural Heritage, intended to make citizens aware of European history and impress upon them that the values embodied in their cultural heritage are a resource that they share; whereas traditional fishing forms part of Europe's rich cultural heritage and contributes to the identity of local communities, not least in terms of how it has helped shape tastes, foods, traditions, history and landscapes; whereas this aspect is greatly enhanced through contacts with tourists;

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- N. whereas the European Maritime and Fisheries Fund (EMFF) supports investment to help fishermen diversify their income by developing complementary activities, including investment for additional on-board safety equipment, fishing tours, shore-based tourism services, catering, recreational and sport fishing services, and fishing-related educational activities;
- O. whereas there is no common definition of fisheries-related tourism, nor is there any legal basis; whereas, for example, tourism of this type is considered an occupation in Italy, but in France is classed as a sideline activity; whereas, depending on the legal status accorded to it, significant differences can arise as regards tax arrangements, licensing procedures, qualification requirements, safety equipment, etc.;
- P. whereas the EU's Water Framework Directive and Marine Strategy Framework Directive require Member States to ensure good status of coastal and marine waters; whereas the Habitats Directive requires Member States to identify and maintain marine and coastal habitats by establishing and managing Natura 2000 sites;
- Q. whereas in most marine protected areas (MPAs) and marine and coastal Natura 2000 sites the tourism sector is particularly important; whereas there are many positive examples of shared management and partnerships between MPA management bodies and small-scale fishermen for the promotion of fishing tourism and other means of showcasing traditional fishing for tourism and cultural purposes;
- R. whereas data on fisheries-related tourism in and outside Europe are scarce and inconsistent and do not lend themselves to comparison;
- S. whereas in the 2012 'Blue Growth' strategy the EU singled out coastal and maritime tourism as a key sector for the development of a solidarity-based sustainable economy;
- T. whereas in 2010, in the communication entitled 'Europe, the world's No 1 tourist destination — a new political framework for tourism in Europe', the Commission set out the need to pursue a strategy for sustainable coastal and maritime tourism;
- U. whereas in 2012 the Commission launched a public consultation on the challenges and opportunities for coastal and maritime tourism in Europe and, on 20 February 2014, followed that up by publishing a communication entitled 'A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism';
- V. whereas fisheries-related tourism activities are carried out by commercial fishermen seeking to diversify their activities, promote and enhance the status of their profession and their socio-cultural heritage, and improve the sustainable use of aquatic ecosystems, aims which they sometimes pursue by carrying tourists on fishing boats; whereas while these fishing activities plainly involve a tourism element and a recreational purpose, there is no clear-cut, standard-setting definition of them;
- W. whereas the term 'fishing tours' (*pescaturismo* in Italian; below 'pesca-turism') denotes tourist/recreational fishing activities carried out by commercial fishermen who take tourists on board their vessels in order to show them the fisheries world;
- X. whereas tourist services offered by fishermen ashore (*ittiturismo* in Italian; below 'itti-tourism') include gastronomic tourism and hospitality ventures run by commercial fishermen; whereas one of the main differences between the two aforementioned types of tourism is that the latter cannot take place aboard fishing boats;
- Y. whereas recreational fishing is an activity carried out solely for recreational and/or competitive sporting purposes, in which living aquatic resources are exploited, but catches may not, under any circumstances, be sold; whereas while the intention of recreational fishing is not to make a profit, it is included among tourist activities generating a parallel economy which should be exploited under the management of professional fishermen, through the services, facilities, and infrastructure offered to recreational fishermen; whereas, however, uncontrolled and intensive recreational fishing is liable to have an adverse effect on fish stocks in some areas;

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- Z. whereas there are no reliable socio-economic or environmental statistics on the impact of recreational fishing on stocks, especially in areas where recreational fishing is intensive, and whereas there are no clear rules or exhaustive checks on catch, and still less on illicit sales of recreational catch through informal channels, generally linked to restaurants;

Tourism fishing in EU countries

- AA. whereas a study conducted in 2015 by the 'il mare delle Alpi' Coastal Action Group (GAC) ⁽¹⁾ on public habits and views in the GAC catchment area showed that a third of interviewees eat fish several times a week, namely only four types of food-fishes, of which two are found in fresh water and the others in the sea (fatty fish, salmon, cod and trout); whereas tourism fishing leads to greater awareness of fish species and culinary traditions, which are often unknown to the wider consumer public; whereas in terms of diversification of the fishing effort, the impact is obvious;
- AB. whereas in Italy there has been a steady increase in applications for licences to carry out fisheries-related tourism activities; whereas, according to a recent survey, the Italian regions with the highest number of licences are Liguria (290), Emilia-Romagna (229), Sardinia (218), Calabria (203), Campania (200) and Sicily (136); whereas 1 600 licences in all were registered in the period from 2002 to 2012; whereas in 2003 the regions with the highest number of licences were Campania (63), Liguria (62), Sicily (60) and Sardinia (59), closely followed by Apulia (46), Calabria (39) and Tuscany (37) ⁽²⁾;
- AC. whereas a third of the fleet licenced to carry out fisheries-related tourist activities is prohibited from carrying more than 4 passengers, 29 % may carry 5 to 8 passengers, and the remaining 37 % are allowed to carry between 9 and 12 passengers ⁽³⁾;
- AD. whereas high tourist numbers are concentrated almost entirely in the months of July and August, meaning that fisheries-related tourism is extremely seasonal in nature and that it is important to encourage diversification;
- AE. whereas education follows a similar pattern to age classes, to the extent that the level of schooling is likewise higher among fishing-tour operators than among those who engage solely in professional fishing; whereas more than 30 % of the skippers hold a certificate or professional qualification and have at least a basic knowledge of English (64 %), French (34 %), Spanish (16 %), or German (7 %) ⁽⁴⁾;
- AF. whereas a survey of fishing tour operators in Italy has revealed that fishing tours can be beneficial to efforts to conserve fish stocks and marine ecosystems, particularly through reduced catches, as well as, from a social point of view, to the physical and mental well-being of fishermen and their families through reduced working hours at sea ⁽⁵⁾;
- AG. whereas it has been noted that women have become involved in greater numbers not just in side activities related to fishermen's work, but also in pursuing their own fisheries-related tourism activities;
- AH. whereas young people can also be considered one of the target groups for the development of fishing tourist destinations;

⁽¹⁾ 'Indagine sulle abitudini e opinioni dei cittadini nel comprensorio del GAC "il mare delle Alpi" — Analisi della pescaturismo in Italia come strumento di sviluppo sostenibile' (2015).

⁽²⁾ 'L'integrazione della pesca con altre attività produttive — La pescaturismo come modello sociale e culturale', Cenasca Cisl *et al.*, (2005).

⁽³⁾ 'Indagine sulle abitudini e opinioni dei cittadini nel comprensorio del GAC "il mare delle Alpi" — Analisi della pescaturismo in Italia come strumento di sviluppo sostenibile' (2015).

⁽⁴⁾ 'L'integrazione della pesca con altre attività produttive — La pescaturismo come modello sociale e culturale', Cenasca Cisl *et al.*, (2005).

⁽⁵⁾ 'Indagine sulle abitudini e opinioni dei cittadini nel comprensorio del GAC "il mare delle Alpi" — Analisi della pescaturismo in Italia come strumento di sviluppo sostenibile' (2015).

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- AI. whereas traditional fishing is currently the least well-known primary sector activity and the one least studied and used as an educational tool at basic and intermediary academic levels;
- AJ. whereas there is broad scope for the introduction of educational activities relating to traditional fishing based on models such as that of the 'farm school';
- AK. whereas the development of tourism-related fishing activities depends to a crucial extent on partnerships, Fisheries Local Action Groups (FLAGs), in which those working in the fisheries sector and other local public and private stakeholders together devise and implement a bottom-up strategy geared to, and meeting, the economic, social, and environmental needs of the area concerned; whereas, although FLAGs in the EU operate in very different contexts and adopt very different strategies, they have, almost without exception, recognised tourism to be a key development factor;
- AL. whereas the Commission has set up the European Fisheries Areas Network (FARNET) Support Unit to help implement Axis 4 under the European Fisheries Fund (EFF); whereas FARNET is a networking platform for fishing areas and helps FLAGs to pursue local strategies, initiatives, and projects;
- AM. whereas local stakeholders have learned, through the FLAGs, how the tourist offering of a fishing area can evolve to encompass a complete package of activities and, thus, remain attractive even within a tourism segment in which competition is very keen; whereas tourism can in this way become a major source of additional revenue for fishing communities, thus ultimately contributing to the overall development of coastal and island regions;
- AN. whereas success stories testify to the FLAGs' invaluable assistance to non-industrial fishing communities in Greece, Italy and Spain; whereas, in addition, the FARNET network has highlighted good practices in France, Belgium, Spain, Croatia and Italy ⁽¹⁾;
- AO. whereas in Finland a model has been adopted for assessing the impact of fisheries-related tourist activities based on the duration of visits and the places of stay and number of visitors; whereas assessment findings have revealed problems regarding the definition of a 'fishing tourist' and the way in which visits should be counted ⁽²⁾;
- AP. whereas festivals are held in various coastal villages in Member States where it is important to integrate other means of increasing the tourism pull, such as by combining these with other quality offerings in the primary sector: disseminating knowledge of small-scale fishing and fishermen's way of life, and providing contacts with traditional cultures, including regional foods and wines, and high-end products from the processing and canning industry reflecting the diversity of the EU;
- AQ. whereas in Spain, 'Turismo marinero — Costa del Sol' and other specialised agencies have been set up to promote the traditional fishing industry and help local people to develop and publicise fisheries-related tourist activities; whereas the Costa del Sol agency organises cooking courses on boats used by local fishermen, tours to observe fish species, and recreational fishing activities; whereas another option available is guided tours of the 'Bioparc', an open-air museum designed especially for children, where they can learn something about marine biology, traditional fishing (traditional fishing gear and techniques) and local culture; notes that the emulation of such initiatives, and the sharing of expertise in this area, among Member States would be beneficial to coastal and rural communities, particularly in peripheral regions ⁽³⁾;
- AR. whereas the Commission, Parliament and the Member States must therefore not prohibit traditional small-scale family fishing techniques indiscriminately, but must first make a proper impact assessment in order to avoid rendering emerging forms of sustainable, small-scale and authentic fishing tourism with traditional fishing gear impossible;
- AS. whereas in Croatia the fishing festivals held during the summer months at coastal and island tourist centres serve to promote fishing traditions, the cultural and historical heritage, local gastronomy and the traditional way of life;

⁽¹⁾ Socio-economic analysis on fisheries-related tourism in EUSAIR — Nemo project 1M-MED14-11, WP2, Action 2.3.

⁽²⁾ 'Perspectives for the development of tourism activities related to fishing', European Parliament, IP/B/PECH/IC/2013-103 (2014).

⁽³⁾ 'Perspectives for the development of tourism activities related to fishing', European Parliament, IP/B/PECH/IC/2013-103 (2014).

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1. Considers it essential to redesign and adapt fishing vessels for tourist activities, bearing in mind that boats need to be renovated in order to guarantee tourists' safety, and to ensure that there are no obstacles in terms of carrying out fishing activities while offering the comfort necessary for a pleasant experience, without increasing their fishing capacity; points out, however, that alterations of this kind, especially when carried out during the off-season for tourism, must not entail any restrictions for commercial fisheries;
2. Highlights the as yet untapped potential of fishing-related tourism, which can bring considerable benefits to communities living in coastal areas by diversifying sources of local income; considers, in this regard, that fishing tourism at sea, and shore-based tourist services offered by fishermen, can complement commercial fishing and provide an additional income for fishing communities;
3. Believes that the strategic goal of the Commission initiative should be to promote fishing tour activities, shore-based tourist services offered by fishermen, and sport fishing-related tourism, and to enable these to be developed to the full, throughout the EU, with the aid of a shared network and framework set up for this purpose;
4. Calls on the Commission to promote, through the European Travel Commission and its portal visiteurope.com, sustainable recreational fishing tourism destinations in Europe, and, by means of a targeted information campaign, to make fishing businesses aware of the potential of these new and sustainable business models and of the growth opportunities they afford;
5. Calls on the Commission to foster the establishment and development of fishing tourism, with the aim of applying a differentiated business strategy that is appropriate to the potential of this segment and able to meet its needs more effectively, working towards a new form of tourism in which the key concerns are for quality, flexibility, innovation and preserving the historic and cultural heritage of fishing areas, as well as their environment and health, among other aspects; calls as well on the Commission to promote and support investment in fisheries in the area of tourism, in order to create differentiated tourism capacities by promoting gastronomy connected with non-industrial fish products, angling tourism activities, underwater and diving tourism, etc., thereby sustainably capitalising on the fishing heritage and the recognisability of a specific fishing region;
6. Calls on the Commission, in order to foster the establishment and development of fishing tourism, to encourage and actively support investments with a view to diversifying fisheries in cultural and artistic terms, as part of the traditional heritage (non-industrial products, music, dance, etc.), and to support investment in the promotion of fishing traditions, history and general fishing heritage (fishing gear, techniques, historical documents, etc.), by opening museums and organising exhibitions that are closely linked to coastal fishing;
7. Calls on the Commission to look into the possibility of allowing a mixed use of vessels intended for catch-related activities so that, while still retaining this purpose, they may also accommodate other kinds of activities linked with the recreational and tourism sector, such as nautical information days or activities related to processing, learning or gastronomy, etc., in line with the system that operates in the rural sector involving farm schools or agritourism;
8. Considers it necessary, therefore, to set up a European tourism fishing network, and a European network for tourist services related to sport/recreational fishing, following the highly successful example of FARNET, which offers considerable help to FLAGS;
9. Considers there to be an urgent need to carefully direct support policies and properly assess their results, and to systematise, standardise and improve the gathering of statistics on the contribution of these diversifying activities to the revenue of European fishing areas; stresses as well the importance of monitoring the real impact of recreational fishing as an economic activity, its impact on stocks and any potential competition, via informal sales channels, with the professional fishing industry; urges the Commission to ensure that the fishing industry participates in the design of such monitoring measures;
10. Calls on the Commission and the Member States to develop and support partnerships with the fishing tourism sector promoted by MPA management bodies in the MPAs and in Natura 2000 sites with a view to combining the protection of natural resources with the promotion and development of culture through responsible enjoyment;

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11. Considers it vital to harmonise the definition of tourism-related fishing activities at Union level, with particular emphasis on fishing tours, shore-based tourist services offered by fishermen, aquaculture-related tourism, and tourism related to sport/recreational fishing; this definition should take into account the wide diversity of forms these activities may take, guarantee the consultation of all stakeholders, and ensure that fisheries-related tourism is regarded as an ancillary activity that enables fishermen to supplement their main fishing activity without moving into a sector other than fishing;

12. Highlights the importance of distinguishing between the various forms of fisheries-related tourism, which include fishing tourism (pesca-tourism and iti-tourism), maritime and coastal water-based activities, recreational fishing (including angling tourism), inland fishing, and activities based on heritage and culture that are geared towards creating synergies with marketing initiatives for high-quality primary products, while respecting the natural heritage and the need to ensure animal protection and biodiversity;

13. Calls on the Commission, in light of the huge differences among EU fishing operators involved in tourism, to adopt common rules on navigation safety, health and hygiene requirements for vessels used to carry out fishing tourism activities, and possible tax concessions, with the proviso that the aforementioned measures are sufficiently flexible to accommodate major differences in terms of individual fisheries and fishing vessels, and allow for distinctive regional characteristics;

14. Recommends that the principle of the decarbonisation and energy efficiency of motorised vessels be included among the adaptations that must be made to such vessels when they are converted for use in these activities;

15. Believes that it is advisable for proper transport and accommodation facilities to be provided for the tourists concerned, and for public spaces to be maintained and looked after, as and where required, in order to guarantee the long-term success of tourist activities;

16. Calls on the Member States to fulfil their obligations under the EU's Water Framework Directive and Marine Strategy Framework Directive in order to ensure good status of coastal and marine waters, in particular by improving resource efficiency and by effectively preventing and tackling pollution and waste;

17. Calls on the Member States to lighten the administrative burden by simplifying licensing and other bureaucratic procedures;

18. Stresses the need for these activities to be compatible with the protection of biodiversity, Natura 2000 sites and MPAs (EU Biodiversity strategy, Birds and Habitats directives) and thus the need to enhance dialogue and synergies with other concerned Member States;

19. Believes that training courses should be provided for fishermen and fish farmers, as well as for their families and all local people involved, so as to ensure that they have the language skills and the knowledge necessary to welcome tourists and guarantee their safety, and to promote information on marine biology, local fish species, the environment and cultural traditions; calls on the Commission and the Council to recognise the role played by women in the fishing tourism sector, and in the sustainable development of areas that depend on fishing, with the aim of guaranteeing their participation on equal terms;

20. Calls on the Member States, and on regional and local authorities, to disseminate widely information about the Commission's European Job Mobility Portal EURES, which provides information for jobseekers and employers about job opportunities, skills and training needs in the 'blue jobs' sector, and to promote open online courses aimed at upgrading or reorienting skills relating to tourism management and innovative pesca-tourism;

21. Calls on the Commission to include a dedicated section in the European Small Business Portal aimed at helping entrepreneurs/fishermen obtain funding for activities in the field of fisheries-related tourism;

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22. Considers occupational skills acquisition in fields such as digital marketing, the management and maintenance of social media communication, socio-cultural management and language skills to be a priority in fishing areas, so as to promote both the creation and the dissemination of fisheries-related tourist offerings;
23. Considers it important that individual tourism offerings should have their own distinctive identity deriving, in each instance, from a strategy based on local peculiarities and the specialisation associated with them, and on the resources available; calls, accordingly, on the Commission and the Member States to promote sustainable forms of tourism and eco-tourism, not least through innovative marketing strategies, which should focus on traditional and sustainability characteristics and which should be monitored continuously with a view to balancing supply and demand;
24. Calls for integrated offerings to be designed that provide consumers with full experiences based on the structured and synergetic combination of everything an area has to offer, and for partnerships to be formed to capture consumers via the tourism dynamics already in operation in areas adjacent to traditional fishing areas, such as conference and/or career tourism;
25. Calls on the Commission to support and promote the involvement of fisheries and fishery workers also in projects relating to cultural and heritage tourism, such as the rediscovery of seafaring activities and traditional fishing grounds and occupations;
26. Notes the importance of collaboration between tourism operators and fishermen in order to maximise the potential of fisheries-related tourism;
27. Stresses the importance of tourism activities related to wildlife observation, and in particular whale watching, while respecting the natural wildlife habitats and biological needs; whereas this could have many educational, environmental, scientific and other socioeconomic benefits, and could help raise awareness of, and appreciation for, these unique species and the precious environment in which they live;
28. Calls on the Member States and local and regional authorities to provide sustainable innovative infrastructure, including internet connections and IT, to help encourage the development of fisheries-related tourism and the regeneration of existing maritime, river and lake infrastructures;
29. Calls on the Commission, the Member States and regional and local authorities to intensify promotion and communication campaigns, for instance in connection with the 'European Destinations of Excellence' and the 'European Year of Cultural Heritage' 2018, as well as initiatives similarly aimed at improving knowledge and awareness of traditional fishing culture and aquaculture; urges stakeholders to tap the potential of tourists and those able to travel off-season;
30. Believes that responsible and sustainable business models for the diversification of fisheries must imply respect for the culture of local fishery communities and help preserve their identities; emphasises, in particular, that tourism-related recreational fishing should be in line with the interests of small, local artisanal fishing enterprises;
31. Believes it important to develop pesca-tourism and itti-tourism as forms of 'activity holiday' experiences with major spin-off benefits, such as the promotion of maritime culture and fishery traditions, as well as education in matters of environmental awareness and species conservation;
32. Points out the need to look into ways of expanding the potential demand for converted vessels, by broadening what is on offer, in order to appeal to, for example, the educational community, which has experience in using the agricultural sector for teaching purposes, as in 'farm school' projects;
33. Underlines that product diversification necessitates suitable promotional efforts, and that a visibility strategy is needed for the target group of fishermen, including cross-border promotional initiatives;
34. Believes, therefore, that fishing localities should consider launching joint marketing campaigns with other destinations in the same region — as was suggested in Parliament's resolution of 29 October 2015 on new challenges and concepts for the promotion of tourism in Europe ⁽¹⁾ — and promoting joint marketing platforms with a particular focus on promotion and online sales, on the basis of international cooperation;

⁽¹⁾ Texts adopted, P8_TA(2015)0391.

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35. Takes the view that, within this marketing strategy, synergies should be established among marketing initiatives for high-quality fresh or processed products, gastronomy and tourism, grouped into territorial areas that are coherent from a cultural, production-related or environmental point of view and/or that are synergy-based;
36. Considers it necessary to preserve the use of traditional practices and techniques, such as the *almadraba* and *xeito*, given that these are closely connected with the identity and way of life of coastal regions, and for these to be recognised as forming part of cultural heritage;
37. Points to the importance of investing in the diversification of fisheries with a view to promoting tradition, history and the fishing heritage as a whole (including traditional fishing gear and techniques);
38. Points to the importance of investing in the diversification of fisheries to promote the processing of local fishery products;
39. Calls on the Member States to adopt strategies to overcome the problem of seasonality affecting tourist activities, one possibility being to establish gastronomic festivals and events, port and village fairs/markets⁽¹⁾, theme villages or museums (witness Spain and Cetera) where events can take place all year round, regardless of weather or sea conditions;
40. Is convinced that a balanced mix of alternative and targeted tourism products, and the appropriate promotion and marketing of those products, can help in balancing the problems of seasonality;
41. Considers it essential for Member States, regions, and stakeholders to share best practices, given the lack of synergy among businesses in the EU's sea basins, resulting in fragmentation and limited economic advantages; notes that research institutes, museums, tourism companies, managers of Natura 2000 sites and MPAs, traditional canning and fish processing industries, and other stakeholders should be encouraged to work together to develop sustainable innovative products which, in addition to bringing economic added value, also meet visitors' expectations; stresses that these activities should be incorporated into a consistent general framework for promoting sustainable and responsible tourism in the basins concerned; considers that FLAGS can play an important role in this connection and therefore need to be provided with appropriate funding;
42. Calls on the Member States and the Commission to strengthen the links between local, regional and national authorities, and the EU, in order to promote forms of governance enabling cross-cutting policies to be implemented with a view to furthering aims in various fields of activity, including sustainable and inclusive growth;
43. Calls on the Commission to promote, in the framework of FARNET and the FLAGS, a pan-European dialogue with ports and tourism stakeholders and environmental experts;
44. Calls on national authorities and agencies to work more closely with tourism agencies and to accord a high priority to diversifying the blue economy, with particular reference to marine tourism and its complementary sectors; notes that this should also include the integration of sea angling, where relevant, into tourism packages and marketing campaigns, particularly for islands and coastal areas; emphasizes that licensing the dual use of fishing vessels — both commercial, small-scale and artisanal fishing vessels, and vessels for marine tourism, including tourism angling — should be considered a priority, and that grants should be provided to aid in their conversion;
45. Calls on the Commission, the Member States, local and regional authorities, the sector concerned and other stakeholders to take targeted action in line with EU policies affecting the fisheries and aquaculture sector; points to the need to adopt a best-practice manual setting out the most significant examples to encourage other businesses to follow suit; points out that the local scientific community also needs to be involved in order to prevent environmental problems;

⁽¹⁾ E.g. the Herring Fleet Days and Port Days in the Netherlands.

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46. Stresses the importance of environment-friendly business models, and therefore recommends that environmental experts should always be closely associated with local action groups (e.g. FLAGs and rural local action groups (LAGs));
 47. Calls for the earmarking of the funding needed to establish a European network for the exchange of best practices, and for the mapping of fishing activities with information regarding points of interest and the characteristics of each fishing community;
 48. Hopes that specific support mechanisms will be used (in the context of the EMFF and/or other instruments), which may be activated in the event of an emergency (such as a natural disaster) in areas in which fishing and fishing tourism represent the only source of income;
 49. Considers it necessary to encourage funding for measures of the type described under the EMFF, the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund, the research framework programme and the European Fund for Strategic Investments (EFSI), in close cooperation with advisers from the European Investment Bank (EIB), and to facilitate soft loan channels that make it possible to avoid the specific difficulties faced by women in finding funding to finance projects eligible for inclusion in national programmes;
 50. Stresses that for the 2007-2013 programming period, the FLAGs had at their disposal EUR 486 million from the EFF, and that approximately 12 000 local projects were supported during that period;
 51. Encourages the Member States and the FLAGs to make the best use of the available funds, and also to make use, where possible, of multi-funding (jointly with the ERDF, the European Agricultural Fund for Rural Development (EAFRD) or the ESF);
 52. Calls on the Member States to set up contact points at regional level to provide adequate information and support;
 53. Recommends that FLAGs cooperate closely with tourism experts in order to identify projects and appropriate funding, through Axis 4 of the EMFF, for diversification in fisheries areas;
 54. Points out that the EMFF provides specific financial support to initiatives in fishing communities promoted by women;
 55. Calls on the Member States to ensure, through the establishment of the selection criteria for operations under the EMFF, that gender equality is well mainstreamed and promoted throughout the actions financed (e.g. by providing preference to actions aimed specifically at women or undertaken by them);
 56. Calls on the Commission to conduct a study to gauge the likely socio-economic and environmental impact of these activities;
 57. Calls on the Commission to analyse the socio-economic impact of recreational fishing on inland tourism, in particular in rural areas, and to propose possible measures for regions where the potential for such fishing is underexploited;
 58. Calls on the Member States and the Commission to improve the collection and management of data on fishery-related tourism;
 59. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee, the Committee of the Regions, the governments of the Member States, and the Advisory Councils.
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P8_TA(2017)0281

Limitation periods for traffic accidents

European Parliament resolution of 4 July 2017 with recommendations to the Commission on limitation periods for traffic accidents (2015/2087(INL))

(2018/C 334/04)

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union,
- having regard to Articles 67(4) and 81(2) of the Treaty on the Functioning of the European Union,
- having regard to Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter'),
- having regard to Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the case-law thereof,
- having regard to the case-law of the Court of Justice of the European Union on the principles of national procedural autonomy and effective judicial protection ⁽¹⁾,
- having regard to the Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) ⁽²⁾ ('the Rome II Regulation'),
- having regard to the Hague Convention of 4 May 1971 on the Law Applicable to Traffic Accidents ('the 1971 Hague Traffic Accident Convention'),
- having regard to Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability ⁽³⁾ ('the Motor Insurance Directive'),
- having regard to the European Convention on the Calculation of Time-Limits ⁽⁴⁾,
- having regard to the European Added Value Assessment study from the European Added Value Unit of the European Parliament Research Service (EPRS) entitled 'Limitation periods for road traffic accidents' accompanying the European Parliament's legislative own initiative report ⁽⁵⁾,
- having regard to the study from the Directorate General for internal policies entitled 'Cross-border traffic accidents in the EU-the potential impact of driverless cars' ⁽⁶⁾,
- having regard to the study from the Commission entitled 'Compensation of victims of cross-border road traffic accidents in the EU: Comparison of national practices, analysis of problems and evaluation of options for improving the position of cross-border victims' ⁽⁷⁾,

⁽¹⁾ See *inter alia*: judgment of 18 September 2003, *Peter Pflücke v Bundesanstalt für Arbeit*, C-125/01, ECLI:EU:C:2003:477, judgment of 25 July 1991, *Theresa Emmott v Minister for Social Welfare and Attorney General*, C-208/90, ECLI:EU:C:1991:333 and judgment of 13 July 2006, *Vincenzo Manfredi and Others v Lloyd Adriatico Assicurazioni SpA and Others*, joined cases C-295/04 to C-298/04, ECLI:EU:C:2006:461.

⁽²⁾ OJ L 199, 31.7.2007, p. 40.

⁽³⁾ OJ L 263, 7.10.2009, p. 11.

⁽⁴⁾ CETS 076.

⁽⁵⁾ PE 581.386, July 2016.

⁽⁶⁾ PE 571.362, June 2016.

⁽⁷⁾ Available online here: http://ec.europa.eu/civiljustice/news/docs/study_compensation_road_victims_en.pdf (30 November 2008).

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- having regard to the communication of the Commission of 20 April 2010 entitled ‘Delivering an area of freedom, security and justice for Europe’s citizens — Action Plan Implementing the Stockholm Programme’ ⁽¹⁾,
 - having regard to its resolution of 1 February 2007 with recommendations to the Commission on limitation periods in cross-border disputes involving personal injuries and fatal accidents ⁽²⁾,
 - having regard to its resolution of 22 October 2003 on the proposal for a directive of the European Parliament and of the Council amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC, 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council on insurance against civil liability in respect of the use of motor vehicles ⁽³⁾,
 - having regard to Rules 46 and 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0206/2017),
- A. whereas in the Union, limitation rules on claims for damages vary widely between the Member States, so that no two Member States apply exactly the same basic rules of limitation; whereas also the relevant limitation is determined on the basis of various factors, including whether there are related criminal proceedings and whether the claim is considered tortious or contractual;
- B. whereas national limitation systems are thus highly complex and it can often be challenging to understand which is the applicable overall limitation, when and how limitations begin to run and how these are suspended, interrupted or extended;
- C. whereas unfamiliarity with foreign rules of limitation can lead to the loss of the right to make an otherwise valid claim, or to obstacles for the victims with regard to accessing justice, in the form of additional costs and delays;
- D. whereas there are only limited statistics currently available on the rejection of claims for damages in cross-border traffic accidents on the ground that a limitation period has expired;
- E. whereas in the area of cross-border traffic accidents, the only cause of action already harmonised at Union level is that established in Article 18 of the Motor Insurance Directive, enabling victims to seek compensation in their own country of residence by way of a claim for compensation brought directly against a relevant insurance undertaking or against a relevant compensation body for civil liability in respect of the use of motor vehicles ⁽⁴⁾;
- F. whereas limitation periods constitute an important and integral part of Member States’ civil liability regimes which operate in traffic accident cases in that a short limitation period may balance a strict liability rule or generous damages awards;
- G. whereas limitation periods for claims are essential to ensuring legal certainty and the finality of disputes; whereas, however, the defendant’s rights to legal certainty and finality of disputes should be balanced with the claimant’s fundamental rights to access to justice and to an effective remedy, and unnecessarily short limitation periods could obstruct effective access to justice across the Union;
- H. whereas, given the current divergences in relation to limitation rules and the types of problems that are directly related to the disparate national provisions governing trans-national personal injury and damage to property cases, a certain level of harmonisation is the only way to ensure an adequate degree of certainty, predictability and simplicity in the application of Member States’ rules of limitation in cases of cross-border traffic accidents;
- I. whereas such a legislative initiative should strike a balance of fairness between litigants in respect of issues concerning limitation rules and facilitate the calculation and suspension of the running of time; whereas, therefore, a targeted approach that takes into account the increasing amount of cross-border traffic within the Union, without overhauling the entire legal framework of Member States is hereby envisaged;

⁽¹⁾ OJ C 121, 19.4.2011, p. 41.

⁽²⁾ OJ C 250 E, 25.10.2007, p. 99.

⁽³⁾ Texts adopted, P5_TA(2003)0446.

⁽⁴⁾ See also: judgment of 13 December 2007, FBTO Schadeverzekeringen NV v Jack Odenbreit, C-463/06, ECLI:EU:C:2007:792.

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1. Recognises that the situation of traffic accident victims has been considerably improved over the last few decades including at the level of jurisdiction in private international law, whereby visiting victims can benefit from proceedings in the Member State in which they are domiciled for any direct claim made against the liability insurer of the car or compensation bodies;
2. Notes however, that the continued existence in the Union of two parallel regimes governing the law applicable in traffic accident cases depending on the country where the claim is brought, namely either the 1971 Hague Traffic Accident Convention or the Rome II Regulation, which combined with the choice of forum possibilities under Regulation (EU) No 1215/2012 of the European Parliament and of the Council ⁽¹⁾, creates legal uncertainty and complexity as well as potential opportunities for forum shopping;
3. Reiterates that in cross-border litigation, the length of time for investigations and negotiations is often much longer than in domestic claims; underscores in this context that such challenges could be exacerbated when new technologies play a role, such as in the case of driverless cars;
4. Recalls in this context that the subject of limitation rules should be understood as forming part of the measures in the field of judicial co-operation in civil matters within the meaning of Article 67(4) and Article 81 of the Treaty on the Functioning of the European Union (TFEU);
5. Notes that the existence of common minimum rules in respect of limitation periods in cross-border disputes is essential to ensuring that effective legal means are available for the protection of victims of cross-border road traffic accidents and to guaranteeing legal certainty;
6. Stresses that disproportionately short limitation periods in national legal systems constitute an obstacle to accessing justice in the Member States which may contravene the right to a fair trial enshrined in Article 47 of the Charter and in Article 6 of the ECHR;
7. Highlights that the significant difference between Member States' rules in respect of limitation periods for cross-border road traffic accidents creates further obstacles for victims when filing claims for compensation for personal injury and damage to property suffered in Member States other than their own;
8. Calls on the Commission to ensure that general information on Member States' rules of limitation for claims of compensation for damages in cross-border traffic accidents become available and are constantly updated on the e-Justice Portal;
9. Also calls on the Commission to undertake a study on the protection afforded in the Member States to minors and persons with a disability in respect of the running of time for limitation purposes, and on the necessity to set minimum rules at Union level to ensure that such persons do not lose their rights to claim compensation when involved in a cross-border road traffic accident and that they are guaranteed effective access to justice in the Union;
10. Requests the Commission to submit, on the basis of Article 81(2) TFEU, a proposal for an act on limitation periods in respect of personal injury and damage to property in cross-border road traffic accidents, following the recommendations set out in the Annex hereto;
11. Considers that the requested proposal does not have financial implications;
12. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council and to the parliaments and governments of the Member States.

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

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ANNEX TO THE RESOLUTION:**RECOMMENDATIONS FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON
COMMON LIMITATION PERIODS FOR CROSS-BORDER ROAD TRAFFIC ACCIDENTS****A. PRINCIPLES AND AIMS OF THE PROPOSAL REQUESTED**

1. In the European Union, enforcement of law before the courts remains largely a matter of national procedural rules and practice. National courts are also Union courts. It is therefore for those Courts in the course of the proceedings before them to ensure fairness, justice and efficiency as well as effective application of Union law, guaranteeing that European citizens' rights are protected throughout the European Union.
2. The Union has set itself the objective of maintaining and developing an area of freedom, security and justice. According to the Presidency conclusions of the European Council in Tampere of 15 and 16 October 1999, and in particular point 38 thereof, new procedural legislation in cross-border cases should be prepared, in particular on those elements which are instrumental to smooth judicial co-operation and to enhanced access to law, e.g. provisional measures, taking of evidence, orders for money payment and time limits.
3. Common minimum limitation period rules applicable in trans-national personal injury and property damage litigation arising out of road traffic accidents are deemed necessary to reduce the obstacles for claimants when enforcing their rights in Member States other than their own.
4. Common minimum limitation period rules would lead to increased certainty and predictability, limiting risks of under-compensation of cross-border road traffic accidents' victims.
5. As such, the proposed Directive is aimed at establishing a special limitation regime for cross-border cases that would safeguard effective access to justice and facilitate the proper functioning of the internal market, eliminating obstacles to the free movement of citizens throughout the territory of the Member States.
6. The proposed Directive is not aimed at substituting national civil liability regimes in their entirety, but, while respecting national specificities, it is aimed at establishing common minimum rules regarding limitation periods for claims falling within the scope of application of Directive 2009/103/EC and that have a cross-border nature.
7. The present proposal complies with the principles of subsidiarity and proportionality, as the Member States cannot act alone to set up a set of minimum limitation period rules, and the proposal goes no further than absolutely necessary to ensure effective access to justice and legal certainty in the Union.

B. TEXT OF THE PROPOSAL REQUESTED

Directive of the European Parliament and of the Council on common limitation periods for cross-border road
traffic accidents

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 67(4) and 81(2) thereof,

Having regard to the European Parliament's request to the European Commission,

Having regard to the proposal from the European Commission,

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After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is ensured. For the gradual establishment of such an area, the Union is to adopt measures relating to judicial cooperation in civil matters having cross-border implications, particularly when necessary for the proper functioning of the internal market.
- (2) Pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, those measures are to include measures aimed at ensuring, inter alia, effective access to justice and the elimination of obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.
- (3) According to the communication of the Commission of 20 April 2010 entitled 'Delivering an area of freedom, security and justice for Europe's citizens — Action Plan Implementing the Stockholm Programme' ⁽¹⁾, when citizens drive to another Member State and are unfortunate enough to have an accident, they need legal certainty on the limitation periods of insurance claims. To this end, a new Regulation on limitation periods on cross border road traffic accidents to be adopted in 2011 was announced.
- (4) Limitation rules have a considerable impact not only on the injured parties' right to access justice, but also on their substantive rights, since there cannot be an effective right without proper and adequate protection of it. This Directive seeks to promote the application of common limitation periods for cross-border road traffic accidents to secure effective access to justice in the Union. The generally recognised right of access to justice is also reaffirmed by Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter').
- (5) The requirement of legal certainty and the need to do justice in individual cases are essential elements of any area of justice. Common limitation periods increasing legal certainty, ensuring that disputes are ended and contributing to an effective enforcement regime are therefore necessary to guarantee the application of that principle.
- (6) The provisions of this Directive should apply to claims falling within the scope of application of Directive 2009/103/EC of the European Parliament and of the Council ⁽²⁾ which are of a cross-border nature.
- (7) Nothing should prevent Member States from applying any of the provisions of this Directive also to purely internal road traffic accident cases, where appropriate.
- (8) All Member States are contracting parties to the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (ECHR). The matters referred to in this Directive should be dealt with in compliance with that Convention and in particular the rights of fair trial and effective remedy.
- (9) The principle of the *lex loci damni* constitutes the general rule established in Regulation (EC) No 864/2007 of the European Parliament and of the Council ⁽³⁾ with regard to the applicable law to cases of personal injury or damage to property, which should thus be determined on the basis of where the damage occurs, regardless of the country or countries in which the indirect consequences could occur. Pursuant to point (h) of Article 15 of that Regulation, the law applicable to non-contractual obligations is to govern in particular the manner in which an obligation can be

⁽¹⁾ COM(2010)0171.

⁽²⁾ Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ L 263, 7.10.2009, p. 11).

⁽³⁾ Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ L 199, 31.7.2007, p. 40).

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extinguished and rules of prescription and limitation, including rules relating to the commencement, interruption and suspension of a period of prescription or limitation.

- (10) In the field of road traffic accidents, it can be very difficult for a visiting victim to get basic information about the accident from the foreign jurisdiction within a relatively short time, such as the identity of the defendant and liabilities potentially involved. It may also take considerable time to identify which claims representative or insurer should deal with the case, to collect evidence about the accident and to have any necessary documents translated.
- (11) It is not uncommon in cross-border road traffic cases for the claimant to be very close to the expiration of a time limit before negotiations can be started with the defendant. This happens most often when the overall time limit is particularly short or when there is ambiguity about the way in which the limitation period can be suspended or interrupted. The gathering of information about an accident, which occurred in a country other than the claimant's country of residence can take considerable time. Therefore, the running of the general time limit established in the Directive should be suspended, as soon as a claim is made to the insurer or the compensation body, to allow the claimant an opportunity to negotiate the settlement of the claim.
- (12) This Directive should set minimum rules. Member States should be able to provide a higher level of protection. Such higher level of protection should not constitute an obstacle to the effective access to justice that such minimum rules are designed to facilitate. The level of protection provided for by the Charter, as interpreted by the Court, and the primacy, unity and effectiveness of Union law should thereby not be compromised.
- (13) This Directive should be without prejudice to Regulation (EC) No 864/2007 and Regulation (EU) No 1215/2012 of the European Parliament and of the Council ⁽¹⁾.
- (14) This Directive seeks to promote the fundamental rights, and takes into account the principles and values recognised in particular by the Charter, and at the same time seeks to achieve the Union objective of maintaining and developing an area of freedom, security and justice.
- (15) Since the objectives of this Directive, namely setting common minimum standards for limitation periods in cross-border road traffic accidents, cannot be sufficiently achieved by the Member States, but can rather, by reason of scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (16) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, [the United Kingdom and Ireland have given notice of their wish to take part in the adoption and application of this Directive]/[without prejudice to Article 4 of the Protocol, the United Kingdom and Ireland will not participate in the adoption of this Directive and will not be bound by it or be subject to its application].
- (17) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark will not participate in the adoption of this Directive and is not therefore bound by it or required to apply it,

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

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HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I: SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

The objective of this Directive is to lay down minimum standards concerning the overall length, commencement, suspension, and calculation of limitation periods for compensation claims for personal injury and damage to property and recoverable under Directive 2009/103/EC, in respect of cross-border road traffic accidents.

Article 2

Scope

This Directive applies to compensation claims in respect of any loss or injury as a result of an accident caused by a vehicle covered by insurance against:

- a. the insurance undertaking covering the person responsible against civil liability under Article 18 of Directive 2009/103/EC; or
- b. the compensation body provided for in Articles 24 and 25 of Directive 2009/103/EC.

Article 3

Cross-border road traffic accident

1. For the purposes of this Directive, a cross-border road traffic accident means any road accident caused by the use of vehicles insured and normally based in a Member State and which takes place in a Member State other than that of the habitual residence of the victim or in third countries whose national insurers' bureaux, as defined in Article 6 of Directive 2009/103/EC, have joined the green card system.
2. In this Directive, the term 'Member State' means a Member State other than [the UK, Ireland and] Denmark.

CHAPTER II: MINIMUM STANDARDS FOR LIMITATION PERIODS

Article 4

Period of limitation

1. Member States shall ensure that a limitation period of at least four years applies to actions relating to compensation for personal injury and damage to property resulting from a cross-border road traffic accident, falling within Article 2. The limitation period shall begin to run from the day on which the claimant became aware, or had reasonable grounds to become aware, of the extent of the injury, loss or damage, its cause and the identity of the person liable and the insurance undertaking covering this person against civil liability or the claim representative or compensation body responsible for providing compensation and against whom the claim is to be brought.
2. Member States shall ensure that where the proper law of the claim provides for a limitation period which is longer than four years, such longer limitation period shall apply.
3. Member States shall ensure that they provide the Commission with up-to-date information on national rules of limitation for damages caused by traffic accidents.

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*Article 5***Suspension of limits**

1. Member States shall ensure that the limitation provided for in Article 4 of this Directive shall be suspended during the period between the claimant's submission of his or her claim to:

- a) the insurance undertaking of the person who caused the accident, or its claims representative as provided for in Articles 21 and 22 of Directive 2009/103/EC, or
 - b) the compensation body provided for in Articles 24 and 25 Directive 2009/103/EC,
- and the defendant's rejection of the claim.

2. Where the remaining part of the limitation period once the period of suspension ends is less than six months, Member States shall ensure that the claimant is granted with a minimum period of six additional months to initiate court proceedings.

*Article 6***Automatic extension of periods**

Member States shall ensure that if a period expires on a Saturday, Sunday or on one of their official holidays, it shall be extended until the end of the first following working day.

*Article 7***Calculation of periods**

Member States shall ensure that any period of time prescribed by this Directive, shall be reckoned as follows:

- a) calculation shall start on the day following the day on which the relevant event occurred;
- b) when a period is expressed as one year or a certain number of years, it shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred. If the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month;
- c) periods shall not be suspended during Court holidays.

*Article 8***Settlement of claims**

Member States shall ensure that where victims have recourse to the procedure referred to in Article 22 of Directive 2009/103/EC for the settlement of claims arising from an accident caused by a vehicle covered by insurance, that fact shall not have the effect of preventing victims from initiating judicial proceedings or arbitration in relation to those claims by the expiry of any limitation period under this Directive during the procedure for the settlement of their claim.

CHAPTER III:**OTHER PROVISIONS***Article 9***General information on rules of limitation**

The Commission shall make publicly available and easily accessible, by any appropriate means and in all Union languages, general information on the national rules of limitation for compensation claims on damages caused by traffic accidents communicated by the Member States pursuant to Article 4(3) of this Directive.

*Article 10***Relationship with national law**

This Directive shall not prevent Member States from extending the rights set out herein to provide a higher level or protection.

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Article 11

Relationship with other provisions of Union law

This Directive shall not prejudice the application of Regulation (EC) No 864/2007 and Regulation (EU) No 1215/2012.

CHAPTER IV:

FINAL PROVISIONS

Article 12

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after the date of entry into force of this Directive]. They shall immediately inform the Commission thereof.
2. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
3. Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive.

Article 13

Review

The Commission shall, not later than 31 December 2025, and every five years thereafter, submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Directive on the basis of both qualitative and quantitative information. In this context, the Commission should in particular evaluate the impact of this Directive on access to justice, on legal certainty and on the free movement of persons. If necessary, the report shall be accompanied by legislative proposals to adapt and strengthen this Directive.

Article 14

Entry into force

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 15

Addresses

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels, [date]

For the European Parliament

The President

For the Council

The President

Tuesday 4 July 2017

P8_TA(2017)0282

Common minimum standards of civil procedure**European Parliament resolution of 4 July 2017 with recommendations to the Commission on common minimum standards of civil procedure in the European Union (2015/2084(INL))**

(2018/C 334/05)

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 67(4) TFEU and 81(2) TFEU,
- having regard to Article 19(1) of the Treaty of the European Union (TEU) and Article 47 of the Charter of Fundamental Rights of the European Union (the ‘Charter’),
- having regard to Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and to the relevant case-law thereof,
- having regard to the working document on ‘Establishing common minimum standards for civil procedure in the European Union — the legal basis’ ⁽¹⁾,
- having regard to the European Added Value Assessment study from the European Added Value Unit of the European Parliament Research Service (EPRS) entitled ‘Common minimum standards of civil procedure’ ⁽²⁾,
- having regard to the in-depth analysis from the Members’ Research Service of the EPRS entitled ‘Europeanisation of civil procedure: towards common minimum standards?’ ⁽³⁾,
- having regard to the in-depth analysis from the Directorate General for internal policies entitled ‘Harmonised rules and minimum standards in the European law of civil procedure’ ⁽⁴⁾,
- having regard to the European Law Institute (ELI)/ International Institute for the Unification of Private law (UNIDROIT) project on ‘From Transnational Principles to European Rules of Civil Procedure’,
- having regard to the American Law Institute (ALI)/ UNIDROIT ‘Principles of Transnational Civil Procedure’ ⁽⁵⁾,
- having regard to the ‘Study on the approximation of the laws and rules of the Member States concerning certain aspects of the procedure for civil litigation’, the so-called ‘Storme Report’ ⁽⁶⁾,
- having regard to the preliminary set of provisions for the Rules of Procedure of the Unified Patent Court,

⁽¹⁾ PE 572.853, December 2015.

⁽²⁾ PE 581.385, June 2016.

⁽³⁾ PE 559.499, June 2015.

⁽⁴⁾ PE 556.971, June 2016.

⁽⁵⁾ *Uniform Law Review*, 2004(4).

⁽⁶⁾ M. Storme, *Study on the approximation of the laws and rules of the Member States concerning certain aspects of the procedure for civil litigation* (Final Report, Dordrecht, 1994).

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- having regard to the Union *acquis* in the area of civil justice cooperation,
- having regard to the case-law of the Court of Justice of the European Union (CJEU) on the principles of national procedural autonomy and effective judicial protection ⁽¹⁾,
- having regard to the 2016 EU Justice Scoreboard,
- having regard to the 2016 CEPEJ Studies No 23 on 'European judicial systems: efficiency and quality of justice',
- having regard to the 2016 'Judicial Training Principles' of the European Judicial Training Network ⁽²⁾,
- having regard to its resolution of 2 April 2014 *on the mid-term review of the Stockholm programme* ⁽³⁾,
- having regard to Rules 46 and 52 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A8-0210/2017),

CJEU case-law on national procedural autonomy and effective judicial protection

- A. whereas according to the CJEU's settled case-law on the principle of procedural autonomy, in the event of there being no Union rules on the procedural aspects of a dispute concerning Union law, Member States are responsible for designating the courts having jurisdiction and for determining the details regarding procedures to be followed in respect of actions initiated to ensure the protection of rights conferred by the Union;
- B. whereas according to that same case-law, the application of national law as regards procedural rules is subject to two important conditions: national procedural rules cannot be less favourable when applied to disputes concerning Union law than when applied to similar actions of a domestic nature (the principle of equivalence) and should not be framed in such a way that they render the enforcement of Union rights and obligations impossible in practice or excessively difficult (the principle of effectiveness);
- C. whereas in the absence of Union provisions harmonising procedural rules, the competence of Member States to lay down procedural rules for the enforcement of rights conferred by the Union does not extend to the introduction of new remedies in national legal orders to ensure the applicability of Union law ⁽⁴⁾;
- D. whereas the body of case law established by the CJEU facilitates it in its cooperation with courts at Member State level, while improving understanding of Union law on the part of the citizens and of such courts;

The Charter

- E. whereas the right to an effective remedy and to a fair trial, as enshrined in Article 47 of the Charter and in Article 6 ECHR, constitutes one of the fundamental guarantees for the respect of the rule of law and democracy and is inextricably linked to civil procedure as a whole;

⁽¹⁾ See *inter alia*: judgment of 16 December 1976, *Comet BV v Produktschap voor Siergewassen*, 45/76, ECLI:EU:C:1976:191 and judgment of 15 May 1986, *Marguerite Johnston v Chief Constable of the Royal Ulster Constabulary*, 222/84, ECLI:EU:C:1986:206.

⁽²⁾ Available online here: http://www.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_EN.pdf

⁽³⁾ Texts adopted, P7_TA(2014)0276.

⁽⁴⁾ See *inter alia*: judgment of 13 March 2007, *Unibet (London) Ltd and Unibet (International) Ltd v Justitiekanslern*, C-432/05, ECLI:EU:C:2007:163.

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- F. whereas despite the fact that Article 47 of the Charter is binding, and Article 6 ECHR constitutes a general principle of Union law, the level of protection of the right to a fair trial in civil proceedings, and in particular the balance between the claimant's right of access to justice and the defendant's rights of defence, is not harmonised across the Union;
- G. whereas nevertheless, as a fundamental right, the right to a fair trial has been supplemented by several procedural secondary Union law acts, including the Small Claims Regulation ⁽¹⁾, the Legal Aid Directive ⁽²⁾, the Collective Redress Recommendation ⁽³⁾, the Consumer Injunctions Directive ⁽⁴⁾ and the Competition Damages Directive ⁽⁵⁾;

The Union acquis in civil justice cooperation

- H. whereas Union citizens, especially those who move across borders, are currently far more likely to come into contact with the civil procedure systems of another Member State;
- I. whereas minimum civil procedure standards at Union level could contribute to the modernisation of national proceedings, a level playing field for businesses and increased economic growth, by making judicial systems more effective and efficient, while at the same time facilitating citizens' access to justice in the Union and helping to uphold the fundamental freedoms of the Union;
- J. whereas increasingly, the Union legislature addresses issues of civil procedure not only horizontally, as in the case of optional instruments ⁽⁶⁾, but also in a sector-specific manner, within various policy fields, such as intellectual property ⁽⁷⁾, consumer protection ⁽⁸⁾ or, recently, competition law ⁽⁹⁾;
- K. whereas the piecemeal nature of the harmonisation at Union level of procedural rules has been repeatedly criticised and the emergence of sector-specific Union civil procedure law challenges the coherence of both civil procedure systems at Member State level and the various Union instruments;
- L. whereas the proposed directive is aimed at introducing a framework for civil justice adjudication by systematising existing Union rules of civil procedure and extending their scope of application to all matters falling within the scope of Union law;
- M. whereas the proposed directive is designed to help to achieve a more coordinated, coherent and systematic approach to civil justice systems that is not limited by the borders, interests and resources of an individual country;

⁽¹⁾ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1).

⁽²⁾ Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26, 31.1.2003, p. 41).

⁽³⁾ Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union law (OJ L 201, 26.7.2013, p. 60).

⁽⁴⁾ Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (OJ L 110, 1.5.2009, p. 30).

⁽⁵⁾ Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OJ L 349, 5.12.2014, p. 1).

⁽⁶⁾ See for instance the European Small Claims Regulation (see second footnote in recital G above) and the European Account Preservation Order Regulation (Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (OJ L 189, 27.6.2014, p. 59)).

⁽⁷⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

⁽⁸⁾ see fourth footnote to Recital G above.

⁽⁹⁾ see fifth footnote to Recital G above.

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The legal basis of the proposal

- N. whereas pursuant to Articles 4(1) and 5(1) TEU (principle of conferral) the Union may legislate in a given area only if it has explicit competence to do so and in so far as it complies with the principles of subsidiarity and proportionality;
- O. whereas within the existing Treaty framework, the main legal basis for the harmonisation of civil procedure is provided for in Title V TFEU, in the Area of Freedom, Security and Justice;
- P. whereas the requirement of a cross-border element for Union competence to be established has been maintained under the Lisbon Treaty, with the result that Union action in the area of civil justice is only possible if there are connecting factors in a case (e.g. residence, place of performance, etc.) involving at least two different Member States;
- Q. whereas the general provision of Article 114 TFEU on the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market has been and is still being used as the legal basis for a wide range of sector-specific directives which harmonise certain aspects of civil procedure, such as for example the Intellectual Property Rights Enforcement Directive (IPRED) and the most recent Directive on Antitrust Damages;
- R. whereas pursuant to Article 67(4) TFEU the Union should facilitate access to justice, particularly through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters, as exemplified in Article 81 TFEU;

Mutual Trust in the European Judicial Area

- S. whereas the free movement of judicial decisions is intertwined with the need to create a sufficient level of mutual trust between judicial authorities of the various Member States as regards in particular the level of protection of procedural rights;
- T. whereas 'mutual trust' is understood in this context as the confidence that Member States should have in each other's legal and judicial systems, and results in a prohibition on reviewing the actions of other States and their judiciaries;
- U. whereas the principle of mutual trust serves to produce more legal certainty, providing citizens and businesses of the Union with sufficient stability and predictability;
- V. whereas implementation of, and compliance with, the principle of mutual recognition of judgments, coupled with the approximation of laws, facilitates cooperation between the authorities and the legal protection of individual rights;
- W. whereas a system of Union common minimum standards in the form of principles and rules, would serve as a first step for convergence of national regulations concerning civil procedure, establishing a balance between the fundamental rights of litigants in the interest of full mutual trust between the judicial systems of the Member States;
- X. whereas the existence of, and respect for, procedural guarantees for the efficiency and efficacy of civil proceedings and the equal treatment of the parties are desirable and indeed necessary to ensure mutual trust;
- Y. whereas the enactment of such a system of common minimum standards would also set a minimum level of quality of civil proceedings across the Union, thus contributing not only to the reinforcement of mutual trust between judiciaries, but also to the smoother operation of the internal market, as it is estimated that the procedural differences among Member States may, inter alia, constitute disturbances to trade and can deter businesses and consumers from exercising their internal market rights;

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Other considerations

- Z. whereas the approximation of procedural regimes in the Union is necessary; whereas the proposed Directive is meant to be a first step in the process of further harmonisation and convergence of Member States' civil justice systems and of the creation of a Union Code of Civil Procedure in the longer-term;
- AA. whereas the proposed Directive does not affect either the judicial organisation of the Member States or the principal characteristics of the manner in which civil litigation is conducted but facilitates more efficient national procedural rules;
- AB. whereas it is therefore of the utmost importance to adopt and to properly implement legislation providing for the adoption of common minimum standards of civil procedure in the Union;

CJEU case-law on national procedural autonomy and effective judicial protection

1. Notes the pivotal role of the CJEU in establishing the foundations of the Union civil procedure, having shaped the understanding of what civil procedure means for the Union legal system;
2. Underscores however that although some civil procedure standards which are nowadays accepted as part of the Union procedural system were affirmed in CJEU case-law, the contribution of the CJEU should ultimately be seen as standard-interpreting rather than standard-setting;
3. Stresses therefore that the rich experience of the CJEU in reviewing remedial and procedural rules as well as the compromises and the competing values the CJEU pursues are very instructive and should be taken into account for the purposes of introducing a horizontal umbrella instrument of a legislative nature containing common standards of civil procedure;

The Charter

4. Stresses that with regard to fair trial and access to justice, cooperation networks and databases enhancing judicial cooperation and exchange of information should be maintained and further expanded;
5. Warmly welcomes therefore the developments in e-justice, and most notably the creation of the European Judicial Network and of the European e-Justice Portal, which is to become a one-stop-shop in the area of justice in the Union;

The Union acquis in civil justice cooperation

6. Calls also on the Commission to assess whether further measures to consolidate and strengthen a horizontal approach to the private enforcement of rights granted under Union law should be proposed and whether the hereby-proposed common minimum standards of civil procedure could be seen as promoting and ensuring such a horizontal paradigm;
7. Reiterates that the systematic collection of statistical data on the application and performance of existing Union instruments in the area of civil justice cooperation is of the utmost importance;
8. Invites in this context the Commission to assess whether additional implementing measures by the Member States could contribute to the effective application of self-standing Union procedures and contends that a robust and systematic supervisory process on the part of the Commission should be established for that purpose;

The legal basis of the proposal

9. Observes that Article 114 TFEU (harmonisation of the internal market) has been used to adopt a number of Union acts with procedural implications; that Article 114 on the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market has been and is still being used as the legal basis for a wide range of sector-specific directives which harmonise certain aspects of civil procedure such as, for example, the Directive on the enforcement of intellectual property rights (IPR);

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10. Notes, however, that Article 81 TFEU provides for the adoption of measures in the area of judicial cooperation in civil matters having cross-border implications, including measures for the approximation of the laws and regulations of the Member States, particularly when necessary for the proper functioning of the internal market; considers, therefore, that Article 81 TFEU constitutes the appropriate legal basis for the proposed legislative instrument;

11. Contends that the notion of ‘cross-border *implications*’ in the text of Article 81(1) TFEU regarding the adoption of civil justice cooperation measures should be construed in a broader manner and should thus not be perceived as synonymous with ‘cross-border *litigation*’;

12. Underlines that the current interpretation of the notion ‘matters with cross-border implications’ is rather narrow and has given rise to the creation of two sets of rules and two categories of litigants that might lead to further problems and unnecessary complexity; stresses that a broader interpretation should therefore be adopted;

13. Stresses in that context that the hereby proposed common minimum standards of civil procedure would lead to further efficiencies if Member States extended their scope of application not only to matters falling within the scope of Union law, but also to both cross-border and purely domestic cases generally;

Mutual Trust in the European Judicial Area

14. Notes that the main activities of the Union in the European Area of Justice as far as civil justice is concerned, relate to the introduction of instruments on jurisdiction, pendency and the cross-border enforcement of judgments;

15. Reiterates and underlines that the free circulation of judgments has increased mutual trust between the judiciaries of the Member States, thus increasing legal certainty and providing sufficient stability and predictability for citizens and businesses in the Union;

16. Emphasises in that respect that mutual trust is a complex notion and that many factors play a role in building that trust, such as judicial education, cross-border judicial cooperation and exchange of experience and best practices between judges;

17. Notes that mutual trust may be fostered inter alia by non-legislative methods, such as judges cooperating within the European Judicial Network or participating in training;

18. Welcomes therefore the nine judicial training principles adopted by the European Judicial Training Network at its 2016 General Assembly, in that they provide a common foundation and framework for Europe’s judiciary and judicial training institutions alike;

19. Contends, nevertheless, that from a strictly legal viewpoint mutual trust presupposes, at a very fundamental level, that the judiciaries of the Member States perceive each other’s procedural arrangements, both on the level of the law in the books and of law in action, as guaranteeing fair civil proceedings;

20. Points out therefore, that the elaboration of systematic, minimum standards of Union civil procedure in the form of an across-the-board horizontal directive, would lead to increasing mutual trust among the judiciaries of the Member States and ensure a common, Union-wide balancing of fundamental procedural rights for civil cases, creating a more deeply rooted general feeling of justice, certainty and predictability throughout the Union;

Common minimum standards of civil procedure

21. Emphasises that effective civil procedure systems play a crucial role for upholding the rule of law and the Union’s fundamental values. They are also a prerequisite for sustainable investment and a business- and consumer- friendly environment;

22. Considers that the lack of clarity about limitation periods for citizens, consumers and companies in disputes having cross-border implications can hinder access to justice. Calls thus on the Commission and Member States to assess the feasibility and desirability of harmonising those limitation periods in civil proceedings;

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23. Finds that there is a clear need for legislation to provide for a set of procedural standards applicable to civil proceedings and calls on the Commission to proceed with the delivery of its action plan for the implementation of the Stockholm programme adopted by the European Council in the area of freedom, security and justice;

24. Pursuant to Article 225 TFEU, requests therefore that the Commission submit by 30 June 2018, on the basis of Article 81(2) TFEU, a proposal for a legislative act on common minimum standards of civil procedure, following the recommendations set out in the Annex hereto;

25. Confirms that the recommendations annexed to this resolution respect fundamental rights and the principles of subsidiarity and proportionality;

26. Considers that the requested proposal does not have financial implications, as the introduction of minimum standards of civil procedure will lead to economies of scale in terms of reduced costs for litigants and their representatives who will not need to familiarise themselves with a different country's civil procedure regime;

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

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ANNEX TO THE RESOLUTION:

**RECOMMENDATIONS FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON
COMMON MINIMUM STANDARDS OF CIVIL PROCEDURE IN THE EU**

A. PRINCIPLES AND AIMS OF THE PROPOSAL REQUESTED

1. In the Union, enforcement of law before courts remains largely the matter of national procedural rules and practice. National courts are also Union courts. It is therefore for the proceedings before them to ensure fairness, justice and efficiency as well as effective application of Union law.

2. The implementation of the principle of mutual recognition of judgments in civil matters has increased Member States' trust in each other's civil justice systems, while measures for the approximation of the laws and regulations of the Member States can facilitate cooperation between the authorities and the judicial protection of individual rights. The extent of mutual trust is very much dependent on a number of parameters, which include, inter alia, mechanisms for safeguarding the rights of the claimant or the defendant while guaranteeing access to courts and justice.

3. Although the Member States are party to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), experience has shown that that alone does not always provide a sufficient degree of trust in the civil justice systems of other Member States. National civil procedure rules of the Member States vary considerably, often in terms of some fundamental procedural principles and guarantees, thus risking that mutual trust and confidence between judicial authorities might be hindered.

4. It is therefore necessary, in order to protect the fundamental rights and freedoms of the Union citizens, to help modernise national procedures and to ensure a level playing field for businesses and increased growth thanks to effective and efficient legal systems, to adopt a directive further developing the minimum standards set out in the Charter and in the ECHR. The appropriate legal basis for such a proposal is Article 81(2) TFEU, which concerns measures in the field of judicial cooperation in civil matters. The directive is to be adopted by means of the ordinary legislative procedure.

5. Common minimum standards of civil procedure are deemed necessary to form a sound basis for the approximation and improvement of national laws, in view of the flexibility it gives to Member States in preparing new civil procedure laws while reflecting a general consensus on the principles of civil justice practice.

6. Common minimum standards should lead to increased confidence in the civil justice systems of all Member States, which, in turn, should lead to more efficient, faster and more flexible judicial cooperation in a climate of mutual trust. Such common minimum rules should also remove obstacles to the free movement of citizens throughout the territory of the Member States, thus ensuring that especially citizens travelling abroad would no longer be hesitant about dealing with civil justice systems of other Member States.

7. The proposed directive is not aimed at substituting national civil procedure systems in their entirety. While respecting national specificities and the fundamental right to an effective remedy and to a fair trial, which ensures effective and efficient access to justice, it is aimed at establishing common minimum standards regarding the function and conduct of Member States' civil proceedings in relation to all matters falling within the scope of Union law. It is also aimed at providing a basis for the gradual deepening of the approximation of civil procedure systems of Member States.

8. The proposal does not affect Member States' provisions regarding the organisation of their courts and their rules regarding the appointment of the judges.

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9. The present proposal complies with the principles of subsidiarity and proportionality, as the Member States cannot act alone to set up a set of minimum standards of civil procedure, and the proposal does not go further than absolutely necessary in ensuring effective access to justice and mutual trust in the Union.

B. TEXT OF THE PROPOSAL REQUESTED

Directive of the European Parliament and the Council on common minimum standards of civil procedure in the European Union

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) thereof,

Having regard to the European Parliament's request to the European Commission,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is ensured. For the gradual establishment of such an area, the Union is to adopt measures relating to judicial cooperation in civil matters having cross-border implications, particularly when necessary for the proper functioning of the internal market.
- (2) Pursuant to Article 81(2) of the Treaty on the Functioning of the European Union, those measures should be aimed at ensuring, inter alia, the mutual recognition and enforcement of judgments between Member States, the cross-border service of documents, cooperation in the taking of evidence, effective access to justice and the elimination of obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.
- (3) According to the Presidency conclusions of the European Council in Tampere of 15 and 16 October 1999, and in particular point (33) thereof, enhanced mutual recognition of judgments and other judicial decisions and the necessary approximation of legislation would facilitate cooperation between competent authorities and the judicial protection of individual rights. The principle of mutual recognition should therefore become the cornerstone of judicial cooperation in civil matters within the Union.
- (4) According to the Commission's action plan for the implementation of the Stockholm programme adopted by the European Council in the area of freedom, security and justice, the European judicial area and the proper functioning of the single market are built on the cornerstone principle of mutual recognition, which is in turn premised on the idea that Member States trust each other's judicial systems. This principle can only function effectively on the basis of mutual trust among judges, legal professionals, businesses and citizens. The extent of that trust is dependent on a number of parameters, including the existence of mechanisms to safeguard the procedural rights of litigants in civil proceedings. Common minimum standards enhancing the right to fair trial and the efficiency of judicial systems and contributing to an effective enforcement regime are therefore necessary to guarantee the application of that principle.

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- (5) By establishing minimum rules on the protection of procedural rights of litigants, and ensuring citizens easier access to justice, this Directive should strengthen the trust of Member States in civil justice systems of other Member States and can thus help promote a fundamental rights culture in the Union, as well as a more efficient internal market, while upholding the Union's fundamental freedoms by developing a deeper general sense of justice, certainty and predictability throughout its territory.
- (6) The provisions of this Directive should apply to civil disputes having cross-border implications, including those arising from the violation of the rights and freedoms guaranteed by Union law. Where this Directive refers to the violation of rights granted under Union law, it covers all the situations where the breach of rules established at Union level has caused or is likely to cause prejudice to natural and legal persons. Nothing should prevent Member States from applying the provisions of this Directive also to purely domestic civil justice cases.
- (7) All Member States are contracting parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. The matters referred to in this Directive should be dealt with in compliance with that Convention and in particular the rights of fair trial and effective remedy.
- (8) This Directive seeks to promote the application of common minimum standards of civil procedure to secure effective access to justice in the Union. The generally recognised right of access to justice is also reaffirmed by Article 47 of the Charter of Fundamental Rights of the European Union (the 'Charter').
- (9) Civil proceedings should be further improved by taking advantage of the technological developments in the field of justice and of new tools available to the courts and tribunals, which can help to overcome geographical distance and its consequences in terms of high costs and length of proceedings. To further reduce litigation costs and the length of proceedings, the use of modern communication technology by the parties and the courts and tribunals should be further encouraged.
- (10) In order to enable persons to be heard without requiring them to travel to the court or tribunal, Member States should ensure that oral hearings as well as taking of evidence by hearing witnesses, experts or parties can be carried out using any appropriate means of distance communication, unless, on account of the specific circumstances of the case, the use of such technology would not be appropriate for the fair conduct of the proceedings. This provision is without prejudice to Council Regulation (EC) No 1206/2001 ⁽¹⁾.
- (11) Member States' courts should be able to rely on experts' opinions for technical, legal or other evidentiary issues. Save where coercive measures are needed and in accordance with the freedom to provide services and the case-law of the Court of Justice, judges in one Member State should be able to appoint experts to conduct investigations in another Member State without any prior authorisation being necessary for their conduct. To facilitate judicial expertise and taking into account limitations in appointing sufficiently qualified experts in one Member State's jurisdiction, for instance due to the technical sophistication of the case or the existence of direct or indirect links between the expert and the parties, a European directory of all national lists of experts should be created and kept up to date as part of the European e-justice portal.
- (12) Provisional and protective measures should strike an appropriate balance between the interests of the applicant in being awarded provisional protection and the interests of the defendant in preventing abuse of such protection. When provisional measures are requested prior to obtaining a judgment, the court with which the application is lodged should be satisfied on the basis of evidence submitted by the applicant that he or she is likely to succeed on the substance of the claim against the defendant. Furthermore, the applicant should be required in all situations to demonstrate to the satisfaction of the court that his claim is in urgent need of judicial protection and that without the provisional measures, the enforcement of the existing or future judgment may be impeded or made substantially more difficult.

⁽¹⁾ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

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- (13) The provisions of this Directive should be without prejudice to the particular provisions for the enforcement of rights in the domain of intellectual property set out in Union instruments and most notably those found in Directive 2004/48/EC of the European Parliament and of the Council ⁽¹⁾. It should also be without prejudice to the particular provisions for the recovery of cross-border debt as established in the European Account Preservation Order ⁽²⁾.
- (14) A key role should be given to courts in protecting the rights and interests of all parties and in managing the civil proceedings effectively and efficiently.
- (15) The objective of securing a fair trial, better access to justice and mutual trust, as part of the policy of the Union to establish an area of freedom, security and justice, should encompass access to judicial as well as extrajudicial dispute resolution methods. In order to encourage parties to use mediation, Member States should ensure that their rules on limitation and prescription periods do not prevent the parties from going to court or to arbitration if their mediation attempt fails.
- (16) Due to differences between Member States' rules of civil procedure and especially those governing the service of documents, it is necessary to define the minimum standards that should apply to civil proceedings falling within the scope of Union law. In particular, service methods that ensure prompt and safe receipt of the served documents, confirmed by a proof of delivery, should be prioritised. The use of modern communication technologies should therefore be widely encouraged. For documents that need to be served on the parties, electronic service should be on an equal footing with postal service. The available electronic means should ensure that the content of the documents and other written communications received is true and faithful to that of the documents and other written communications sent, and that the method used for the acknowledgment of receipt provides confirmation of the receipt by the addressee and of the date of receipt.
- (17) Member States should ensure that the parties to civil proceedings have the right to a lawyer of their choice. In cross-border disputes, the parties should have the right to a lawyer in the Home State for preliminary advice and another one in the Host State to conduct the litigation. Confidentiality of communication between the parties and their lawyer is key to ensuring effective exercise of the right to a fair trial. Member States should therefore respect the confidentiality of meetings and other forms of communication between the lawyer and the parties in the exercise of the right to a lawyer provided for in this Directive. The parties to a case should be able to waive the right granted under this Directive provided that they have been given information about the possible consequences of waiving that right.
- (18) The payment of court fees should not require the claimant to travel to the Member State of the court or tribunal seized or to hire a lawyer for that purpose. In order to ensure claimants' effective access to the proceedings, the Member States should offer at least one of the distance-payment methods provided for in this Directive, as a minimum. Information about court fees and methods of payment, as well as about the authorities or organisations competent to give practical assistance in the Member States should be transparent and easily accessible on the internet through appropriate national websites.
- (19) Member States should ensure the respect of the fundamental right to legal aid as provided for in the third paragraph of Article 47 of the Charter. All natural or legal persons involved in civil disputes within the scope of this Directive, whether acting as claimants or as defendants, should be able to assert their rights in the courts even if their personal financial situation makes it impossible for them to bear the costs of the proceedings. Legal aid should cover pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings, legal assistance in bringing a case before a court and representation in court and assistance with the cost of proceedings. This provision is without prejudice to Council Directive 2003/8/EC ⁽³⁾.

⁽¹⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

⁽²⁾ Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (OJ L 189, 27.6.2014, p. 59).

⁽³⁾ Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in crossborder disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26, 31.1.2003, p. 41).

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- (20) The creation of a European judicial culture that fully respects subsidiarity, proportionality and judicial independence is central to the efficient functioning of a European judicial area. Judicial training is a crucial element in this process as it enhances mutual confidence between Member States, practitioners and citizens. In this regard, Member States should cooperate and provide support for vocational training and exchange of best practices between legal professionals.
- (21) This Directive sets minimum rules. Member States may extend the rights set out in this Directive in order to provide a higher level of protection. Such higher level of protection should not constitute an obstacle to mutual trust and effective access to justice that those minimum rules are designed to facilitate. The level of protection provided for by the Charter, as interpreted by the Court, and the primacy, unity and effectiveness of Union law should thereby not be compromised.
- (22) Since the objectives of this Directive, namely setting common minimum standards of civil procedure, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (23) In accordance with [Article 3]/[Articles 1 and 2] of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, [those Member States have notified their wish to take part in the adoption and application of this Directive]/[and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application].
- (24) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I:

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

The objective of this Directive is to approximate civil procedure systems so as to ensure full respect for the right to an effective remedy and to a fair trial as recognised in Article 47 of the Charter and in Article 6 of the ECHR, by laying down minimum standards concerning the commencement, conduct and conclusion of civil proceedings before Member States' courts or tribunals.

Article 2

Scope

1. Without prejudice to standards of civil procedure which are or may be provided in Union or national legislation, insofar as those standards may be more favourable for the litigants, this Directive shall apply, in disputes having cross-border implications, to civil and commercial matters, whatever the nature of the court or tribunal, except as regards rights and obligations in relation to which the parties have no power of disposal under the relevant applicable law. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (*acta iure imperii*).

2. In this Directive, the term 'Member State' means a Member State other than [the UK, Ireland and] Denmark.

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*Article 3***Disputes having cross-border implications**

1. For the purposes of this Directive, a dispute having cross-border implications is one in which:
 - (a) at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seized; or
 - (b) both parties are domiciled in the same Member State as that of the court or tribunal seized, provided that the place of performance of the contract, the place where the harmful event takes place or the place of enforcement of the judgment is situated in another Member State; or
 - (c) both parties are domiciled in the same Member State as that of the court or tribunal seized, provided that the disputed matter falls within the scope of Union law.
2. For the purposes of paragraph 1, domicile shall be determined in accordance with Articles 62 and 63 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council ⁽¹⁾.

CHAPTER II:**MINIMUM STANDARDS FOR CIVIL PROCEEDINGS****Section One:****Fair and effective outcomes***Article 4***General obligation for effective judicial protection**

Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the rights conferred by Union law in civil matters. Those measures, procedures and remedies shall be fair and equitable and shall not be unnecessarily complicated or costly, or entail unreasonable time limits or unwarranted delays, while respecting national specificities and fundamental rights.

Those measures, procedures and remedies shall also be effective and proportionate and shall be applied in such a manner as to avoid the creation of obstacles to effective access to justice and to provide safeguards against their abuse.

*Article 5***Oral hearings**

1. Member States shall ensure the fair conduct of proceedings. Where it is not possible for the parties to be physically present or where the parties have agreed, with the approval of the court, to employ expedited means of communication, Member States shall ensure that oral hearings can be held by making use of any appropriate distance communication technology, such as videoconferencing or teleconferencing, available to the court or tribunal.
2. Where the person to be heard is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seized, that person's attendance at an oral hearing by way of videoconference, teleconference or other appropriate distance communication technology shall be arranged by making use of the procedures provided for in Regulation (EC) No 1206/2001. In relation to videoconferencing, the Council Recommendations on cross-border videoconferencing adopted by the Council on 15 and 16 June 2015 ⁽²⁾ and the work undertaken in the framework of European e-Justice portal shall be taken into account.

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

⁽²⁾ Council Recommendations 'Promoting the use of and sharing of best practices on cross-border videoconferencing in the area of justice in the Member States and at EU level' (OJ C 250, 31.7.2015, p. 1).

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Article 6

Provisional and Protective Measures

1. Member States shall ensure that provisional measures for the preservation of a factual or legal situation are in place so as to secure the full effectiveness of a later judgment on the substance of the matter, prior to proceedings on the substance of the matter being initiated and at any stage during such proceedings.

The measures referred to in the first subparagraph shall also include measures for the prevention of any imminent infringement or for the immediate termination of an alleged infringement as well as for the preservation of assets necessary to secure that the subsequent enforcement of a claim will not be impeded or made substantially more difficult.

2. Such measures shall observe the rights of the defence and shall be proportionate to the characteristics and severity of the alleged violation, allowing where appropriate the provision of guarantees for the costs and the injury caused to the defendant by unjustified requests. The courts or tribunals shall have the authority to require the applicant to provide any reasonably available evidence in order to satisfy themselves with a sufficient degree of certainty that the provisional measure requested is needed and is proportionate.

3. Member States shall ensure that in duly justified cases, provisional measures may be taken without the defendant having been heard, where any delay would cause irreparable harm to the applicant, or where there is a demonstrable risk of evidence being destroyed. In such an event, the parties shall be so informed without undue delay after the execution of the measures at the latest.

A review, including the right to be heard, shall take place upon request of the defendant with a view to deciding, within a reasonable time after notification of the measures, whether those measures are to be modified, revoked, or confirmed.

Where the measures referred to in the first subparagraph are revoked or where it is subsequently found that there has been no violation or threat of violation, the Court may order the applicant, at the defendant's request, to provide the defendant with appropriate compensation for any damage suffered as a result of those measures.

4. This Article is without prejudice to Directive 2004/48/EC and Regulation (EU) No 655/2014.

**Section Two:
Efficiency of proceedings**

Article 7

Procedural Efficiency

1. Member States' courts or tribunals shall respect the right to an effective remedy and to a fair trial which ensures effective access to justice and the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of taking evidence and the extent to which evidence is to be taken.

2. Member States' courts or tribunals shall act as early as possible irrespective of the existence of prescription periods for specific actions in the different phases of the procedure.

Article 8

Reasoned Decisions

Member States shall ensure that courts or tribunals provide sufficiently detailed reasoned decisions within a reasonable time in order to enable parties to make effective use of any right to review the decision or lodge an appeal.

Article 9

General principles for direction of proceedings

1. Member States shall ensure that courts actively manage the cases before them in order to ensure fair, efficient disposition of disputes and that it is done at a reasonable speed and cost, without impairing the freedom of the parties to determine the subject-matter of, and the supporting evidence for, their case.

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2. To the extent reasonably practicable, the court shall manage the case in consultation with the parties. Specifically, active case management may include:

- (a) encouraging the parties to co-operate with each other during the proceedings;
- (b) identifying the issues at an early stage;
- (c) deciding promptly which issues need full investigation and disposing summarily of other issues;
- (d) deciding the order in which issues are to be resolved;
- (e) helping the parties to settle the whole or part of the action;
- (f) fixing timetables to control the progress of the action;
- (g) dealing with as many aspects of the action as possible for the court on the same occasion;
- (h) dealing with the action without the parties needing to attend in person;
- (i) making use of available technical means.

Article 10

Evidence taking

1. Member States shall ensure that effective means of presenting, obtaining and preserving evidence are available having regard to the rights of defence and the need for protection of confidential information.
2. In the context of the taking of evidence, Member States shall encourage the use of modern communication technology. The court or tribunal seized shall use the simplest and least-costly method of taking evidence.

Article 11

Court experts

1. Without prejudice to the possibility for the parties to produce expert evidence, Member States shall ensure that the court may at any time appoint court experts in order to provide expertise for specific aspects of the case. The court shall provide such experts with all information necessary for the provision of the expert advice.
2. In cross-border disputes, save where coercive measures are needed or where an investigation is carried out in places connected to the exercise of powers of a Member State or in places to which access or in relation to which other action is, under the law of the Member State in which the investigation is carried out, prohibited or restricted to certain persons, Member States shall ensure that a court may appoint a judicial expert to conduct investigations outside of the court's jurisdiction without the submission of any prior request to that effect to the relevant authority of the other Member State being needed.
3. For the purposes of paragraphs 1 and 2, a European directory of experts shall be drawn up by the Commission by bringing together existing national lists of experts and shall be made available via the European e-justice portal.
4. The court experts shall guarantee independence and impartiality in accordance with provisions applicable to judges provided for in Article 22.
5. Expert advice given to the court by court experts shall be made available to the parties who shall have the possibility to comment on it.

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Section Three:

Access to courts and justice

Article 12

Settlement of disputes

1. Member States shall ensure that at any stage of the proceedings and having regard to all the circumstances of the case, if the court is of the opinion that the dispute is suitable for a settlement, it may propose that the parties make use of mediation in order to settle or to explore a settlement of the dispute.
2. Paragraph 1 is without prejudice to the right of the parties who choose mediation to initiate judicial proceedings or arbitration in relation to that dispute before the expiry of limitation or prescription periods during the mediation process.

Article 13

Litigation costs

1. Member States shall ensure that the court fees charged in Member States for civil disputes are not disproportionate to the value of the claim and do not render litigation impossible or excessively difficult.
2. The court fees charged in Member States for civil disputes shall not discourage citizens from bringing a case before a court or hinder in any way access to justice.
3. The parties shall be able to pay the court fees by means of distance payment methods, including from a Member State other than the Member State in which the court or tribunal is situated, via bank transfer or via credit or debit card payment.
4. Member States shall ensure that information about court fees and methods of payment, as well as about the authorities or organisations competent to give practical assistance in the Member States are made more transparent and easily available on the internet. To that end, Member States shall transmit that information to the Commission, which in turn shall ensure that it is made publicly available and widely disseminated by any appropriate means, in particular through the European e-Justice Portal.

Article 14

'Loser pays' principle

1. Member States shall ensure that the unsuccessful party bears the costs of the proceedings, including but not limited to any costs resulting from the fact that the other party was represented by a lawyer or another legal professional, or any costs arising from the service or translation of documents, which are proportionate to the value of the claim and which were necessarily incurred.
2. Where a party succeeds only in part or in exceptional circumstances, courts may order that costs be apportioned equitably or that the parties bear their own costs.
3. A party shall bear any unnecessary costs it has caused the court or another party, either by raising unnecessary issues or by being otherwise unreasonably disputatious.
4. The court may adjust its award of costs to reflect unreasonable failure to cooperate or bad-faith participation in settlement endeavours in accordance with Article 20.

Article 15

Legal Aid

1. In order to ensure effective access to justice, Member States shall ensure that courts may grant legal aid to a party.

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2. Legal aid may cover, in whole or in part, the following costs:
 - (a) court fees, through total or partial discounts or rescheduling;
 - (b) costs of legal assistance and representation regarding:
 - (i) pre-litigation advice with a view to reaching a settlement prior to commencing legal proceedings in accordance with Article 12(1);
 - (ii) commencing and maintaining proceedings before the court;
 - (iii) all costs relating to proceedings including the application for legal aid;
 - (iv) enforcement of decisions;
 - (c) other necessary costs related to the proceedings to be borne by a party, including costs of witnesses, experts, interpreters and translators and necessary travel, accommodation and subsistence costs of that party and his representative;
 - (d) the costs awarded to the successful party, in the event that the applicant loses the action in accordance with Article 14.
3. Member States shall ensure that any natural person who is a citizen of the European Union or a third country national residing lawfully in a Member State of the European Union is entitled to apply for legal aid where:
 - (a) owing to their economic situation, they are wholly or partly unable to meet the costs referred to in paragraph 2 of this Article; and
 - (b) the action in respect of which the application for legal aid is made has a reasonable prospect of success, considering the applicant's procedural position; and
 - (c) the claimant applying for legal aid is entitled to bring actions under the relevant national provisions.
4. Legal persons shall be entitled to apply for legal aid in the form of dispensation from advance payment of the costs of proceedings and/or the assistance of a lawyer. In deciding whether to award such aid, courts may take into consideration, *inter alia*:
 - (a) the form of the legal person in question and whether it is profit-making or non-profit-making;
 - (b) the financial capacity of the partners or shareholders;
 - (c) the ability of those partners or shareholders to obtain the sums necessary to institute legal proceedings.
5. Member States shall make certain that Union citizens and legal persons are informed of the procedure for seeking legal assistance under paragraphs 1 to 4, with a view to making it effective and accessible.
6. This Article is without prejudice to Directive 2003/8/EC.

Article 16

Funding

1. Member States shall ensure that in cases where a legal action is funded by a private third party, the private third party shall not:

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- (a) seek to influence procedural decisions of the claimant party, including on settlements;
- (b) provide financing for an action against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant;
- (c) charge excessive interest on the funds provided.

2. Member States shall ensure that for cases of private third party funding of legal actions, remuneration given to or interest charged by the fund provider shall not be based on the amount of the settlement reached or the compensation awarded, unless that funding arrangement is regulated by a public authority guaranteeing the interests of the parties.

Section Four: **Fairness of proceedings**

Article 17

Service of Documents

1. Member States shall ensure that methods guaranteeing receipt of the served documents are used as a matter of principle.

2. Member States shall ensure that the documents instituting the proceedings or equivalent documents and any summons to a court hearing may be served in accordance with the national law by one of the following methods:

- (a) personal service;
- (b) postal service;
- (c) service by electronic means, such as fax or email.

The service shall be attested by an acknowledgment of receipt including the date of receipt, which shall be signed by the addressee.

For the purpose of service by electronic means under point (c) of the first subparagraph of this paragraph, appropriately high technical standards guaranteeing the identity of the sender and the safe transmission of the served documents shall be used.

These documents may also be served in person, attested by a document signed by the competent person who effected the service, stating that the addressee has received the documents or refused them without any legal justification, and the date of the service.

3. If service in accordance with paragraph 2 is not possible, and where the defendant's address is known with certainty, service may be effected by one of the following methods:

- (a) in person at the defendant's personal address, on persons who are living in the same household as the defendant or are employed there;
- (b) in the case of a self-employed defendant or a legal person, personal service at the defendant's business premises, on persons who are employed by the defendant;
- (c) deposit of the documents in the defendant's mailbox;
- (d) deposit of the documents at a post office or with competent public authorities and the placing in the defendant's mailbox of written notification of that deposit, provided that the written notification clearly states the character of the documents as being court documents or the legal effect of the notification as effecting service and setting in motion the running of time for the purposes of time limits;
- (e) postal service without proof pursuant to paragraph 4 where the defendant's address is in the Member State of origin;
- (f) electronic means attested by an automatic advice of delivery, provided that the defendant has expressly accepted this method of service in advance.

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Service pursuant to points (a) to (d) of the first subparagraph of this paragraph shall be attested by:

- (a) a document signed by the competent person who effected the service, indicating all of the following:
 - (i) the full name of the person who served the notification or communication;
 - (ii) the method of service used;
 - (iii) the date of service;
 - (iv) where the served documents have been served on a person other than the defendant, the name of that person and his or her relationship to the defendant; and
 - (v) other compulsory information to be provided under national law.
 - (b) an acknowledgement of receipt by the person served, for the purposes of points (a) and (b) of the first subparagraph of this paragraph.
4. Service pursuant to paragraphs 2 and 3 of this Article may also be effected on the defendant's legal or authorised representative.
5. Where the documents instituting the proceedings or equivalent documents or any summons are to be served outside the Member States, they may be served by any method provided by:
- (a) Regulation (EC) No 1393/2007 of the European Parliament and of the Council ⁽¹⁾, where it applies, respecting the rights of the recipient granted by the Regulation; or
 - (b) The Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters or any other convention or agreement, where it applies.

6. This Directive shall not affect the application of Regulation (EC) No 1393/2007 and is without prejudice to Regulation (EC) No 805/2004 of the European Parliament and of the Council ⁽²⁾ and Regulation (EC) No 1896/2006 of the European Parliament and of the Council ⁽³⁾.

Article 18

The right to a lawyer in civil proceedings

1. Member States shall ensure that the parties to civil proceedings have the right to a lawyer of their choice in such a manner so as to allow them to exercise their rights practically and effectively.

In cross-border disputes, Member States shall ensure that the parties to civil proceedings have the right to a lawyer in their Home State to give preliminary advice, and one in the Host State to conduct the litigation.

2. Member States shall respect the confidentiality of communications between the parties to a case and their lawyer. Such communication shall include meetings, correspondence, telephone conversation and other forms of communication permitted under national law.

⁽¹⁾ Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).

⁽²⁾ Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (OJ L 143, 30.4.2004, p. 15).

⁽³⁾ Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (OJ L 399, 30.12.2006, p. 1).

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3. Without prejudice to national law requiring the mandatory presence or assistance of a lawyer, the parties to civil proceedings may waive a right referred to in paragraph 1 of this Article, where:

- (a) the parties have been provided, orally or in writing, with clear and sufficient information in simple and understandable language about the possible consequences of waiving it; and
- (b) the waiver is given voluntarily and unequivocally.

Member States shall ensure that the parties may revoke a waiver subsequently at any point during civil proceedings and that they are informed about that possibility.

4. This provision is without prejudice to the specific provisions regarding legal representation provided for in Regulation (EC) No 861/2007 of the European Parliament and of the Council ⁽¹⁾, Regulation (EC) No 1896/2006 and Regulation (EU) No 655/2014.

Article 19

Access to information

Member States shall endeavour to provide citizens with transparent and easily available information regarding the commencement of various procedures, limitation or prescription periods, the competent courts to hear different disputes, and the necessary forms that need to be filled in for that purpose. Nothing in this Article requires the Member States to provide legal assistance in the form of a legal assessment of a specific case.

Article 20

Interpretation and translation of essential documents

Member States shall endeavour to ensure that every party to a dispute has full understanding of the legal proceedings. This objective includes the availability of interpretation during civil proceedings and of a written translation of all essential documents to safeguard the fairness of the proceedings in accordance with the provisions of Article 15 of this Directive.

Article 21

Obligations of the parties and their representatives

Member States shall ensure that the parties to a case and their representatives conduct themselves in good faith and with respect in dealing with the court and other parties and do not misrepresent cases or facts before courts either knowingly or with good reasons to know.

Article 22

Public Proceedings

Member States shall ensure that proceedings are open to the public unless the Court decides to make them confidential, to the extent necessary, in the interest of one of the parties or other affected persons, or in the general interest of justice or public order.

Article 23

Judicial independence and impartiality

1. Member States shall ensure that courts and tribunals and their judges enjoy judicial independence. The composition of the courts and tribunals shall offer sufficient guarantees to exclude any legitimate doubt about impartiality.
2. In the performance of their duties, the judges shall not be bound by any instructions and shall be free from influence or pressure and from any personal prejudice or bias in any given case.

Article 24

Training

1. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall ensure that the judiciary, judicial schools and legal professions boost their judicial training schemes to ensure that Union law and procedures are integrated in national training activities.

⁽¹⁾ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1).

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2. Training schemes shall be practice oriented, relevant to legal practitioners' everyday work, take place during short periods of time and use active and modern learning techniques and shall encompass initial and continuous training possibilities. Training schemes shall in particular focus on:

- (a) the acquisition of sufficient knowledge of Union judicial cooperation instruments and the development of built-in reflexes to refer regularly to Union case-law, to verify national transposition and to use the Court of Justice of the European Union's preliminary ruling procedure;
- (b) the dissemination of knowledge and experience in Union law and procedures and in other legal systems;
- (c) the facilitation of short term exchanges of new judges;
- (d) the mastering of a foreign language and its legal terminology;

CHAPTER III: FINAL PROVISIONS

Article 25

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [one year after the date of entry into force of this Directive]. They shall immediately inform the Commission thereof.
2. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
3. Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive.

Article 26

Review

The Commission shall, not later than 31 December 2025, and every five years thereafter, submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Directive on the basis of both qualitative and quantitative information. In this context, the Commission shall in particular evaluate its impact on access to justice, on the fundamental right to an effective remedy and to a fair trial, on the cooperation in civil matters and on the functioning of the single market, on SMEs, the competitiveness of the economy of the European Union and consumer trust. If necessary, the report shall be accompanied by legislative proposals to adapt and strengthen this Directive.

Article 27

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 28

Addresses

This Directive is addressed to the Member States in accordance with the Treaties.

Done at, [date]

For the European Parliament
The President

For the Council
The President

Tuesday 4 July 2017

P8_TA(2017)0287

A longer lifetime for products: benefits for consumers and companies

European Parliament resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies (2016/2272(INI))

(2018/C 334/06)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 114 thereof,
- having regard to Articles 191, 192 and 193 of the TFEU, and to the reference to the goal of ensuring the prudent and rational utilisation of natural resources,
- having regard to the Commission communication of 16 July 2008 on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan (COM(2008)0397),
- having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ⁽¹⁾,
- having regard to the Commission's Ecodesign Working Plan 2016-2019 (COM(2016)0773), particularly the objective of establishing more product-specific and horizontal requirements in areas such as durability, reparability, upgradeability, design for disassembly, and ease of reuse and recycling,
- having regard to Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products ⁽²⁾,
- having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ⁽³⁾ (Seventh Environment Action Programme),
- having regard to the opinion of the European Economic and Social Committee of 17 October 2013 entitled 'Towards more sustainable consumption: industrial product lifetimes and restoring trust through consumer information' ⁽⁴⁾,
- having regard to the Commission communication of 26 January 2011 entitled 'A resource-efficient Europe — Flagship initiative under the Europe 2020 strategy' (COM(2011)0021),
- having regard to the Commission communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe' (COM(2011)0571),
- having regard to the Commission communication of 9 April 2013 entitled 'Building the Single Market for Green Products. Facilitating better information on the environmental performance of products and organisations' (COM(2013)0196),
- having regard to the Commission communication of 2 July 2014 entitled 'Towards a circular economy: A zero waste programme for Europe' (COM(2014)0398),

⁽¹⁾ OJ L 285, 31.10.2009, p. 10.

⁽²⁾ OJ L 153, 18.6.2010, p. 1.

⁽³⁾ OJ L 354, 28.12.2013, p. 171.

⁽⁴⁾ OJ C 67, 6.3.2014, p. 23.

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- having regard to the Commission communication of 2 December 2015 entitled ‘Closing the loop — An EU action plan for the Circular Economy’ (COM(2015)0614) and the Circular Economy Package, which includes in particular the revision of directives on waste (Directive 2008/98/EC, ‘the Waste Framework Directive’), packaging and packaging waste (Directive 94/62/EC), landfill of waste (Directive 1999/31/EC), end-of-life vehicles (Directive 2000/53/EC), batteries and accumulators and their waste (Directive 2006/66/EC), and electrical and electronic waste (Directive 2012/19/EU),
 - having regard to the Commission communication of 22 November 2016 entitled ‘Next steps for a sustainable European future. European action for sustainability’ (COM(2016)0739),
 - having regard to the Commission proposal for a Directive of the European Parliament and of the Council of 9 December 2015 on certain aspects concerning contracts for the online and other distance sales of goods (COM(2015)0635),
 - having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights⁽¹⁾,
 - 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⁽²⁾,
 - having regard to the BEUC report of 18 August 2015 entitled ‘Durable goods: More sustainable products, better consumer rights. Consumer expectations from the EU’s resource efficiency and circular economy agenda’,
 - having regard to the European Economic and Social Committee study of 29 March 2016 entitled ‘The influence of lifespan labelling on consumers’,
 - having regard to the study carried out in July 2016 at the request of its Committee on the Internal Market and Consumer Protection, entitled ‘A longer lifetime for products: benefits for consumers and companies’,
 - having regard to the European Consumer Centre’s summary of 18 April 2016 entitled ‘Planned obsolescence or by-products of consumer society’,
 - having regard to Austrian standard ONR 192102 entitled ‘Label of excellence for durable, repair-friendly designed electrical and electronic appliances’,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0214/2017),
- A. whereas the Commission’s Ecodesign Working Plan 2016-2019 includes a reference to the circular economy and to the need to tackle the issues of durability and recyclability;
- B. whereas the adoption of an opinion on product lifetimes by the European Economic and Social Committee (EESC) demonstrates the interest economic players and civil society are taking in this area;
- C. whereas a balance must be struck between extending the lifetime of products and innovation, research and development;

⁽¹⁾ OJ L 304, 22.11.2011, p. 64.

⁽²⁾ OJ L 149, 11.6.2005, p. 22.

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- D. whereas the study commissioned by the Committee on the Internal Market and Consumer Protection shows that broad-based policy measures are needed to promote a longer lifetime for products;
- E. whereas diverse economic and business models coexist, including the usage-based economic model which can help to reduce the adverse consequences for the environment;
- F. whereas there is a need to promote longer product lifespans, in particular by tackling programmed obsolescence;
- G. whereas the European repair sector, which mainly comprises micro, small and medium-sized enterprises, needs to be supported;
- H. whereas greater harmonisation of the arrangements for the re-use of products will boost the local economy and the internal market by creating new jobs and stimulating demand for used goods;
- I. whereas it is both economically and environmentally necessary to preserve raw materials and limit the production of waste, something which the concept of extended producer responsibility has sought to take into account;
- J. whereas, in a Eurobarometer survey conducted in June 2014, 77 % of EU consumers said that they would prefer to try to repair broken goods than to buy new ones; whereas the information provided to consumers on the durability and reparability of products still needs to be improved;
- K. whereas reliable and durable products provide value for money to consumers and prevent the overuse of resources and waste; whereas it is therefore important that the useful lifetime of consumer products is prolonged through design, by ensuring durability and the possibility to repair, upgrade, disassemble and recycle the product;
- L. whereas the decline in consumer confidence in product quality is detrimental to European companies; whereas the 24-month legal guarantee is the current EU-wide minimum threshold and some Member States have laid down more protective provisions for consumers in accordance with Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees;
- M. whereas consumers' right to choose in accordance with their various needs, expectations and preferences should be respected;
- N. whereas, despite the EESC study of March 2016 establishing a positive link between product lifetime labelling and consumer behaviour, consumers are not being properly informed about the lifetimes of products;
- O. whereas the lifetime of a product and how it ages are determined by various natural or artificial factors, such as composition, functionality, cost of repair and consumption patterns;
- P. whereas repairs and spare parts should be made more readily accessible;
- Q. whereas, in addition to a long lifetime, the level of quality of a product throughout its life cycle is fundamental to the contribution it makes to resource protection;
- R. whereas there has been an increase in the number of national initiatives to remedy the problem of premature obsolescence of goods and software; whereas there is a need to develop a common strategy for the single market in this regard;
- S. whereas the lifetime of digital media is crucial to the lifetime of electronic appliances; whereas, given that software is becoming more and more rapidly obsolete, electronic appliances need to be adaptable in order to stay competitive on the market;
- T. whereas products with built-in defects designed to cause them to break down and ultimately cease to function after being used a certain number of times serve only to create consumer distrust and should not be allowed on the market;

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- U. whereas, according to Eurobarometer data, 90 % of European citizens believe that products should be clearly labelled to indicate their useful lifespan;
- V. whereas all economic actors can benefit from products with a longer lifetime, including SMEs;
- W. whereas the Seventh Environmental Action Programme calls for specific measures to improve durability, repairability and reusability and to extend the lifetime of products;
- X. whereas extended producer responsibility has an important role to play in this regard;
- Y. whereas the achievement of a circular economy model requires the involvement of political decision-makers, citizens and businesses, and implies changes not only to the design and sale of products and services, but also to the mentality and expectations of consumers and in business activity, through the creation of new markets that respond to changes in consumption patterns, evolving towards the use, reuse and sharing of products, thereby helping to extend their useful life and to create competitive, lasting and sustainable products;
- Z. whereas in many lamps bulbs cannot be replaced, which can lead to problems if a bulb stops working, if newer, more efficient bulbs appear on the market or if the customer's preference, for example as regards the colour of the light emitted, changes, because the whole lamp has to be replaced;
- AA. whereas LED bulbs should ideally be replaceable, not irremovable, elements;
- AB. whereas, as the circular economy develops, further steps must be taken to encourage the repairability, adaptability, upgradeability, durability and recyclability of products, in order to extend the lifetimes and the useful life of products and/or product components;
- AC. whereas ever greater product diversity, ever shorter innovation cycles and constantly changing fashions are increasing the frequency with which new products are purchased, thus shortening the useful life of products;
- AD. whereas great potential is offered by the repair, second-hand and exchange sector, i.e. the sector working with the aim of extending product lifetimes;
- AE. whereas a balance should be struck between the aim of extending product lifetimes and safeguarding an environment which still offers incentives for innovation and further development;

Designing robust, durable and high-quality products

1. Calls on the Commission to encourage, where practicable, the establishment of minimum resistance criteria covering, *inter alia*, robustness, repairability and upgradeability for each product category from the design stage onwards, facilitated by standards developed by all three European Standardisation Organisations (ESOs) (CEN, CENELEC and ETSI);
2. Stresses that a balance must be struck between the extension of product lifetimes, the conversion of waste into resources (secondary raw materials), industrial symbiosis, innovation, consumer demand, environmental protection and growth policy in all the phases of the product cycle, and considers that the development of increasingly resource-efficient products must not encourage short lifetimes or the premature disposal of products;
3. Points out that issues such as product durability, extended warranties, the availability of spare parts, ease of repair and the interchangeability of components should be part of a manufacturer's commercial offer in meeting the various needs, expectations and preferences of consumers, and are an important aspect of free market competition;

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4. Notes the role of commercial strategies, such as product leasing, in the design of durable products, whereby leasing firms retain ownership of the leased units and have an incentive to remarket products and to invest in designing more durable products, resulting in a lower volume of new production and disposal products;
5. Recalls Parliament's position on the revision of the Circular Economy Package amending the Waste Directive, which strengthened the principle of extended producer responsibility and thus created incentives for more sustainable product design;
6. Calls on the Commission and the Member States to support producers of modular designs which are easy to dismantle and interchange;
7. States that the pursuit of product durability and repairability should go alongside the objective of sustainability by means of, for instance, the use of environmentally friendly materials;
8. Notes with concern the amount of electronic waste generated by modems, routers, and TV decoders/set-top boxes when consumers switch to a new telecom provider; reminds consumers and telecom providers that, according to Regulation (EU) 2015/2120, consumers already have the right to use the terminal equipment of their choice when switching to a new telecom provider;

Promoting repairability and longevity

9. Calls on the Commission to promote product repairability:
 - by encouraging and facilitating measures that make the option to repair goods attractive to the consumer,
 - by using construction techniques and materials that render repair of the item or the replacement of its components easier and less expensive; consumers should not find themselves in an endless cycle of repairing and maintaining faulty products,
 - by encouraging, in the event of a recurrent lack of conformity or a repair period in excess of one month, extension of the guarantee by a period equivalent to the time required to carry out the repair,
 - by urging that parts which are crucial to the functioning of the product should be replaceable and repairable, by including the product's repairability among its essential features when beneficial, and by discouraging, unless justified for safety reasons, the fixing-in of essential components such as batteries and LEDs into products,
 - by urging manufacturers to provide maintenance guides and repair indications at the time of purchase, in particular for products for which maintenance and repair are important, in order to improve the chance of extending product lifespan,
 - by ensuring the possibility of using substitutes of equal quality and performance for original parts, for the purposes of repairing all products in accordance with applicable law,
 - by developing the standardisation, where practicable, of spare parts and tools necessary for repair, in order to improve the performance of repair services,
 - by encouraging manufacturers to provide maintenance guides and repair instructions in different languages to repair shops when requested,
 - by encouraging manufacturers to develop battery technology to ensure that the lifespan of the batteries and accumulators better matches the expected lifespan of the product or, alternatively, to make battery replacement more accessible at a price that is proportionate to the price of the product;
10. Considers it beneficial to ensure the availability of spare parts essential to the proper and safe functioning of goods:

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- by encouraging the accessibility of spare parts in addition to product assemblies,
 - by encouraging economic operators to provide an appropriate technical service for the consumer goods they manufacture or import, and to supply spare parts essential to the proper and safe functioning of goods at a price commensurate with the nature and life-time of the product,
 - by clearly indicating whether spare parts for goods are available or not, on what terms and for how long and, where appropriate, through the establishment of a digital platform;
11. Encourages the Member States to explore appropriate incentives promoting durable, high-quality and repairable products, to stimulate repairs and second-hand sales, and to develop repairs training;
12. Underlines the importance of safeguarding the option of going to an independent repairer, for example by discouraging technical, safety or software solutions which prevent repairs from being performed other than by approved firms or bodies;
13. Calls for efforts to encourage the re-use of spare parts for the second-hand market;
14. Acknowledges the possibility of using 3D printing to provide parts for professionals and consumers; urges that product safety, counterfeiting and copyright protection must be safeguarded in this regard;
15. Recalls that the availability of standardised and modular components, disassembly planning, long-duration product design and efficient production processes have an important role to play in implementing the circular economy successfully;

Operating a usage-oriented economic model and supporting SMEs and employment in the EU

16. Highlights that the shift towards business models such as ‘products as services’ has the potential to improve the sustainability of production and consumption patterns, provided that product-service systems do not result in shortened product lifetimes, and stresses that such business models should not provide opportunities for tax avoidance;
17. Emphasises that the development of new business models, such as internet-based services, new forms of marketing, department stores selling only used goods and the more widespread availability of informal repair facilities (repair cafes, workshops in which people can do their own repairs) can help to extend product lifetimes and, at the same time, increase consumers’ awareness of and trust in products with a long lifetime;
18. Calls on the Member States:
- to consult with all stakeholders concerned in order to encourage the development of a usage-based sales model which benefits everyone,
 - to step up their efforts with measures to promote the development of the functional economy, and to encourage the rental, exchange and borrowing of goods,
 - to encourage local and regional authorities actively promoting the development of economic models, such as the collaborative economy and the circular economy, which encourage a more efficient use of resources, the durability of goods and strengthen repair, re-use and recycling;
19. Encourages the Member States to ensure that the life-cycle costing provision of Directive 2014/24/EU is taken into account in public procurement and to increase the re-use rate of equipment purchased by public authorities;
20. Encourages the Member States and the Commission to support the collaborative economy in their public policies, given the benefits it provides in utilising spare resources and capacity, for example in the transport and accommodation sectors;
21. Calls on the Commission, when promoting the circular economy, to stress the importance of product durability;

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22. Calls on the Commission and the Member States to fully apply the waste hierarchy established in EU legislation (Waste Framework Directive (2008/98/EC)), and in particular to keep electrical and electronic devices at their highest utility and value and not consider them as waste, for instance by granting access to waste electrical and electronic equipment (WEEE) collection points for personnel from re-use centres that can make use of such goods and their components;

23. Considers that measures included in this resolution should be applied to SMEs and microenterprises in particular, as defined in Commission Recommendation 2003/361/EC, in a manner that is appropriate and proportionate to the size and capabilities of SME or microenterprises, in order to preserve their development, and encourage employment and training for new professions in the EU;

24. Calls on the Commission to consider how the replaceability of LED bulbs can be encouraged and facilitated and to consider, in addition to ecodesign measures, a less stringent approach involving, for example, labelling, incentive schemes, public procurement or an extended warranty if the bulbs cannot be removed;

25. Urges the Member States to carry out effective market surveillance to ensure that both European and imported products comply with the requirements as regards product policy and ecodesign;

26. Calls on the Commission and the Member States to involve local and regional authorities and to respect their competences;

Ensuring better information for consumers

27. Calls on the Commission to improve product durability information via:

- the consideration of a voluntary European label, covering, in particular: the product's durability, ecodesign features, upgradeability in line with technical progress and repairability,
- voluntary experiments with companies and other stakeholders at EU-level with a view to developing a designation of a product's expected useful life on the basis of standardised criteria, that could be used by all Member States,
- the creation of a usage meter for the most relevant consumer products, in particular large electrical appliances,
- an assessment of the impact of aligning lifespan labelling with the duration of the legal guarantee,
- the use of digital applications or social media,
- standardising information in manuals on a product's durability, upgradeability, and repairability to ensure that it is clear, accessible and easy to understand,
- information based on standard criteria, where the anticipated lifetime of a product is stated;

28. Urges the Member States and the Commission to:

- assist local and regional authorities, companies and associations in conducting consumer awareness campaigns on extending the lifespans of products, in particular by providing information on advice on maintenance, repair, re-use, etc.,
- promote consumer awareness about early failing and non-repairable products, where appropriate through the development of notification platforms for consumers;

29. Calls on the Commission to encourage regular and structured exchanges of information and sharing of best practices throughout the Union, between the Commission and the Member States, and including regional and municipal authorities;

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Measures on planned obsolescence

30. Calls on the Commission to propose, in consultation with consumer organisations, producers and other stakeholders, an EU-level definition of planned obsolescence for tangible goods and software; calls on the Commission, furthermore, in cooperation with market surveillance authorities, to examine the possibility of establishing an independent system that could test and detect the built-in obsolescence in products; calls, in this connection, for better legal protection for 'whistle-blowers' and appropriate dissuasive measures for producers;

31. Refers to the pioneering role of some Member States in this regard, such as the initiative of the Benelux countries to combat planned obsolescence and to extend the lifespan of (electrical) household appliances; stresses the importance of sharing best practices in this regard;

32. Notes that upgradeability of products can slow product obsolescence and reduce the environmental impacts and costs for users;

Strengthening the right to the legal guarantee of conformity

33. Regards it as essential that consumers be better informed about the way the statutory guarantee of conformity works; calls for a reference to the guarantee to appear written out in full on the invoice for the purchase of the product;

34. Calls on the Commission to take initiatives and measures to improve consumer confidence:

- by strengthening consumer protection, especially for those products for which the reasonably expected period of use is longer, and by taking into account the strong consumer protection measures already taken in some Member States,
- by taking into account the effects of both eco-design legislation and contract law on energy-related products in order to develop a holistic approach to product regulation,
- by ensuring that consumers are specifically informed, in the sales contract, of their right to a legal guarantee, and by promoting programmes to raise awareness of this right,
- by simplifying proof of purchase for the consumer by linking the guarantee to the goods rather than the purchaser, and by further encouraging the introduction of e-receipts and digital guarantee schemes across the board;

35. Calls for the implementation of a complaints mechanism at EU level for cases in which the right to a guarantee is not implemented, in order to facilitate the monitoring of the application of European standards by the relevant authorities;

36. Points out that an incentive for more sustainable product design can be provided by strengthening the principle of extended producer responsibility and laying down minimum requirements to be met;

Protecting consumers against software obsolescence

37. Calls for greater transparency on upgradeability, security updates and durability, all of which are necessary aspects to the proper functioning of both software and hardware; calls on the Commission to explore the need to facilitate greater business-to-business cooperation;

38. Encourages transparency from suppliers and manufacturers by stipulations in product contracts of the minimum period for which security updates on operating systems are available; proposes that a definition of a reasonable period of use be established; stresses, in addition, the need for the product supplier, in the case of embedded operating systems, to ensure the delivery of those security updates; calls on producers to provide clear information about the compatibility of software updates and upgrades with embedded operating systems provided to consumers;

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39. Calls for essential software updates to be reversible and accompanied by information on the consequences for the operation of the device and for new essential software to be compatible with the previous-generation software;

40. Calls for the replaceability of parts, including the processor, to be encouraged by means of standardisation, so that products can be kept up to date;

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

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P8_TA(2017)0288

Addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide**European Parliament resolution of 4 July 2017 on addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide (2016/2239(INI))**

(2018/C 334/07)

The European Parliament,

- having regard to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948,
- having regard to Chapter VII of the Charter of the United Nations (Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression),
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
- having regard to Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the EU Guidelines on the promotion and protection of freedom of religion or belief,
- having regard to UN Security Council Resolution 1325 on Women, Peace and Security of 31 October 2000,
- having regard to the Rome Statute of the International Criminal Court (ICC) of 17 July 1998, which entered into force on 1 July 2002,
- having regard to the Kampala Amendments to the Rome Statute, adopted by the Review Conference in Kampala, Uganda in June 2010,
- having regard to the United Nations Framework of Analysis for Atrocity Crimes, drafted by the UN Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect,
- having regard to the report of the Office of the UN High Commissioner for Human Rights of 15 March 2015 on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups,
- having regard to the UN General Assembly Resolution A/71/L.48 of December 2016, establishing an international, impartial and independent mechanism to assist in the investigation and prosecution of those responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011 (IIIM),
- having regard to the special inquiry into the events in Aleppo by the Independent International Commission of Inquiry on the Syrian Arab Republic, published on 1 March 2017,

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- having regard to Council Common Position 2001/443/CFSP of 11 June 2001 on the International Criminal Court ⁽¹⁾,
- having regard to Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes ⁽²⁾,
- having regard to Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes ⁽³⁾,
- having regard to Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court ⁽⁴⁾,
- having regard to the EU Guidelines on Promoting Compliance with International Humanitarian Law,
- having regard to the agreement between the ICC and the European Union on cooperation and assistance ⁽⁵⁾,
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court ⁽⁶⁾,
- having regard to the joint staff working document of the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy on advancing the principle of complementarity (SWD(2013)0026),
- having regard to the Council conclusions on the EU's comprehensive approach of 12 May 2014,
- having regard to the Strategy of the EU Genocide Network to combat impunity for the crime of genocide, crimes against humanity and war crimes within the European Union and its Member States, adopted on 30 October 2014,
- having regard to the Council conclusions on the EU's support to transitional justice of 16 November 2015,
- having regard to the Council conclusions of 23 May 2016 on the EU Regional Strategy for Syria and Iraq as well as the Daesh threat,
- having regard to the statement of 9 December 2016 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the occasion of the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime,
- having regard to the European Union Action Plan on Human Rights and Democracy 2015-2019,
- having regard to its resolution of 17 November 2011 on 'EU support for the ICC: facing challenges and overcoming difficulties' ⁽⁷⁾,
- having regard to its resolution of 17 July 2014 on the crime of aggression ⁽⁸⁾,

⁽¹⁾ OJ L 155, 12.6.2001, p. 19.

⁽²⁾ OJ L 167, 26.6.2002, p. 1.

⁽³⁾ OJ L 118, 14.5.2003, p. 12.

⁽⁴⁾ OJ L 150, 18.6.2003, p. 67.

⁽⁵⁾ OJ L 115, 28.4.2006, p. 49.

⁽⁶⁾ OJ L 76, 22.3.2011, p. 56.

⁽⁷⁾ OJ C 153 E, 31.5.2013, p. 115.

⁽⁸⁾ OJ C 224, 21.6.2016, p. 31.

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- having regard to its resolutions of 8 October 2015 on the mass displacement of children in Nigeria as a result of Boko Haram attacks ⁽¹⁾ and of 17 July 2014 on 'Nigeria — recent attacks by Boko Haram' ⁽²⁾,
 - having regard to its resolution of 16 December 2015 on 'Preparing for the World Humanitarian Summit: Challenges and opportunities for humanitarian assistance' ⁽³⁾,
 - having regard to its resolutions of 24 November 2016 on the situation in Syria ⁽⁴⁾, 27 October 2016 on the situation in Northern Iraq/Mosul ⁽⁵⁾, of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' ⁽⁶⁾, and of 11 June 2015 on 'Syria: situation in Palmyra and the case of Mazen Darwish' ⁽⁷⁾,
 - 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 Women's Rights and Gender Equality (A8-0222/2017),
- A. whereas the crime of genocide, crimes against humanity and war crimes, also known as 'atrocities crimes', are the most serious crimes against humankind and a reason for concern for the entire international community; whereas humankind has been convulsed by such crimes;
- B. whereas the international community has the duty to prevent atrocities crimes from taking place; whereas when such crimes happen they must not go unpunished and their effective, fair and rapid prosecution must be ensured, at national or international level and according to the principle of complementarity;
- C. whereas accountability, justice, the rule of law and the fight against impunity constitute essential elements underpinning peace and conflict resolution, reconciliation and reconstruction efforts;
- D. whereas genuine reconciliation can be based only on truth and justice;
- E. whereas the victims of such crimes have the right to remedy and compensation and whereas refugees who have been the victims of atrocities crimes should receive full support from the international community; whereas in this context it is important to adopt a gender perspective by taking account of the special needs of women and girls in refugee camps, during repatriation and resettlement, in rehabilitation and in post-conflict reconstruction;
- F. whereas the ICC plays a key role in the fight against impunity, in the restoration of peace, and in providing justice for victims;
- G. whereas the system of reparations for the victims of the crimes within the competences of the Court makes the ICC a unique judicial institution at the international level;
- H. whereas universal accession to the Rome Statute is essential for the full effectiveness of the ICC; whereas 124 countries, including all EU Member States, have ratified the Rome Statute of the ICC;
- I. whereas the Kampala amendments to the Rome Statute on the crime of aggression, considered as the most serious and dangerous form of illegal use of force, have been ratified by 34 countries, thus achieving the 30 acceptances required for its activation and opening the possibility for the Assembly of States Parties to adopt, after 1 January 2017, the activation of the Court's treaty-based aggression-related jurisdiction;

⁽¹⁾ Texts adopted, P8_TA(2015)0344.

⁽²⁾ OJ C 224, 21.6.2016, p. 10.

⁽³⁾ Texts adopted, P8_TA(2015)0459.

⁽⁴⁾ Texts adopted, P8_TA(2016)0449.

⁽⁵⁾ Texts adopted, P8_TA(2016)0422.

⁽⁶⁾ Texts adopted, P8_TA(2016)0051.

⁽⁷⁾ OJ C 407, 4.11.2016, p. 61.

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- J. whereas in November 2016 Russia decided to withdraw its signature from the Rome Statute; whereas in October 2016 South Africa, Gambia and Burundi also announced their withdrawal; whereas the African Union (AU) on 31 January 2017 adopted a non-binding resolution including an ICC Withdrawal Strategy and calling on AU member states to consider implementing its recommendations; whereas in February and March 2017 respectively, Gambia and South Africa notified their decision to revoke their withdrawal from the Rome Statute;
- K. whereas cooperation among States Parties to the Rome Statute and with regional organisations is of the utmost importance, particularly in situations where the jurisdiction of the ICC is being challenged;
- L. whereas the ICC is currently conducting ten investigations in nine countries (Georgia, Mali, Côte d'Ivoire, Libya, Kenya, Sudan (Darfur), Uganda, the Democratic Republic of Congo and (two investigations) the Central African Republic;
- M. whereas, in accordance with the principle of complementarity as enshrined in the Rome Statute, the ICC only acts in instances where national courts are unable or unwilling to genuinely investigate and prosecute atrocity crimes, so that States Parties retain the primary responsibility for bringing to justice the alleged perpetrators of the most serious crimes of international concern;
- N. whereas in Council Common Position 2001/443/CFSP of 11 June 2001 on the ICC the Member States declared that the crimes within the jurisdiction of the ICC are of concern to all Member States, which are determined to cooperate on the prevention of those crimes and on putting an end to impunity for the perpetrators thereof;
- O. whereas the EU and its Member States have been staunch allies of the ICC from its inception, offering continued political, diplomatic, financial and logistical support, including the promotion of universality and the defence of the integrity of the Rome Statute system;
- P. whereas the EU and its Member States have pledged to the International Committee of the Red Cross (ICRC) that they will strongly support the establishment of an effective mechanism for strengthening compliance with international humanitarian law; whereas Parliament has requested the VP/HR to report back on the objectives and strategy devised in order to deliver on this pledge;
- Q. whereas numerous atrocity crimes were committed on the territory of countries formerly forming part of Yugoslavia in the wars that took place between 1991 and 1995;
- R. whereas trial proceedings for the atrocity crimes committed on the territory of countries formerly forming part of Yugoslavia in the wars between 1991 and 1995 are progressing very slowly;
- S. whereas Syria acceded to the Genocide Convention in 1955 and to the Torture Convention in 2004;
- T. whereas in its resolution of 27 October 2016 Parliament recalled that human rights abuses perpetrated by ISIS/Daesh include genocide;
- U. whereas several UN reports, including those by the Independent International Commission of Inquiry on the Syrian Arab Republic, the Special Adviser of the UN Secretary-General on the Prevention of Genocide, the Special Adviser of the UN Secretary-General on the Responsibility to Protect, the Special Rapporteur on Minority Issues, and the Office of the UN High Commissioner for Human Rights, as well as NGO sources, have stated that acts committed by all sides may constitute atrocity crimes and that war crimes were committed by all sides during the fight for Aleppo in December 2016;
- V. whereas the ICC has stated that there is a reasonable basis to believe that crimes against humanity under Article 7 of the Statute have been committed in Nigeria by Boko Haram, including murder and persecution;

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- W. whereas hundreds of executions in Burundi since April 2015 have led a report by the UN Independent Investigation on Burundi to conclude that various persons in Burundi should be prosecuted for alleged crimes against humanity;
- X. whereas civil society organisations, international lawyers and NGOs have warned that events which occurred in Burundi at the end of 2016 could amount to genocide;
- Y. whereas the international rules on war crimes and crimes against humanity are binding also on non-state actors or persons acting on behalf or in the framework of non-state organisations; whereas this should be reaffirmed even more today, when non-state actors are more and more present in war scenarios and promote and commit such serious crimes;
- Z. whereas under certain conditions, states can also be held accountable for breaches of obligations under international treaties and conventions over which the International Court of Justice has jurisdiction, including the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
- AA. whereas the International Court of Justice has the ability to establish state liability;
- AB. whereas, with the intention of intimidating and humiliating the enemy, rape and sexual violence are used by all parties in conflict as a tactic of war; whereas, moreover, during conflict gender violence and sexual abuse also increase dramatically;
- AC. whereas violence against women, both during conflict and post-conflict, can be seen as part of a continuum extending from the discrimination women experience in non-conflict times; whereas conflict exacerbates pre-existing patterns of discrimination based on sex as well as historically unequal power-relations between genders, and puts women and girls at heightened risk of sexual, physical and psychological violence;
1. Recalls the EU's commitment to act on the international scene in the name of the principles that inspired its creation, including democracy, the rule of law and respect for human rights, and in favour of the principles of the UN Charter and international law; reaffirms, in this context, that it should be of paramount importance for the EU to address and hold accountable those responsible for severe violations of human rights reaching the gravity threshold of crimes against humanity and genocide and grave breaches of international humanitarian law reaching the level of war crimes;
2. Calls for the EU and its Member States to use all their political weight to prevent any act that could be considered a crime of atrocity from taking place, to respond in an efficient and coordinated manner in cases where such crimes occur and, to mobilise all necessary resources to bring to justice all those responsible, as well as to assist the victims and support stabilisation and reconciliation processes;

On the need to focus on the prevention of atrocity crimes

3. Urges the Contracting Parties to the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the four Geneva Conventions of 1949, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and to other relevant international agreements, including the EU Member States, to take all necessary action to prevent atrocity crimes within their territory, under their jurisdiction or committed by their citizens, as they have committed to doing; calls on all states that have not yet ratified the above conventions to do so;
4. Emphasises the urgent need for the international community to step up its efforts to monitor and respond to any conflict or potential conflict that might lead to any act that could be considered an atrocity crime;
5. Calls on the international community to establish instruments that can minimise the warning response gap in order to prevent the emergence, re-emergence and escalation of violent conflict, such as the EU's early warning system;

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6. Calls for the EU to step up its efforts to develop a coherent and efficient approach to identifying and responding in a timely fashion to crisis or conflict situations that might lead to an atrocity crime being committed; underlines, in particular, the importance and necessity of the effective exchange of information and coordination of preventive actions between EU institutions, including EU delegations, common security and defence policy (CSDP) missions and operations and Member States, together with their diplomatic representations; welcomes, in this context, the Commission's new initiative of a White Paper which would lead to a more effective external action of the EU; underlines the importance of post-conflict civilian missions and operations under the CSDP in order to support reconciliation in third countries, especially when these have been the scene of crimes against humanity;

7. Considers that the EU should integrate into its comprehensive approach to external conflicts and crises the necessary tools for identifying and preventing any atrocity crime at an early stage; draws attention in this context to the Framework of Analysis for Atrocity Crimes drafted by the UN Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect; considers that the EU and its Member States should always adopt a strong stance in cases where crimes appear imminent and should use all peaceful instruments at their disposal, such as bilateral relations, multilateral fora and public diplomacy;

8. Urges the VP/HR: to continue the cooperation with and training of the staff of the EU delegations and Member States' embassies, as well as of civilian and military missions, in the fields of international human rights, humanitarian law and criminal law, including the capacity to detect potential situations involving war crimes, crimes against humanity, genocide and grave violations of international humanitarian law (IHL), inter alia by regular exchanges with local civil society; to ensure that EU Special Representatives uphold the Responsibility to Protect (R2P) whenever necessary and broaden the mandate of the EU Special Representative on Human Rights to include R2P issues; to further support the EU Focal Point for R2P in the European External Action Service (EEAS) in the context of the existing structures and resources, with it being tasked notably with raising awareness of the implications of R2P and ensuring timely information flows between all concerned actors over situations of concern, while also encouraging the establishment of national focal points for R2P in the Member States; and to further professionalise and strengthen preventive diplomacy and mediation;

9. Emphasises the need for countries and regions at risk of conflict to have skilled and trustworthy security forces; calls for further efforts from the EU and the Member States to develop capacity-building programmes for the security sector, as well as platforms to promote a culture of respect for human rights and for the constitution, of integrity and of public service among local security and military forces;

10. Stresses that addressing the root causes of violence and conflict, contributing to creating peaceful and democratic conditions, ensuring respect for human rights, including the protection of women, young people and minors, minorities and the LGBTI community, together with promoting interreligious and intercultural dialogue, are crucial to preventing genocide and crimes against humanity;

11. Calls for the development, at international, regional and national levels, of educational and cultural programmes promoting an understanding of the causes and consequences of atrocity crimes for humankind and raising awareness of the necessity and importance of nurturing peace, promoting human rights and interreligious tolerance, and prosecuting and investigating all such crimes; welcomes, in this context, the organisation of the first annual EU Day against Impunity for genocide, crimes against humanity and war crimes;

On supporting the investigation and prosecution of genocide, crimes against humanity and war crimes

12. Reiterates its full support for the ICC, the Rome Statute, the Office of Prosecutor, the Prosecutor's *proprio motu* powers, and the progress made in initiating new investigations as an essential means of fighting impunity for atrocity crimes;

13. Welcomes the meeting that took place on 6 July 2016 between EU and ICC representatives in Brussels in preparation for the 2nd EU-ICC round table meeting, held to allow relevant staff at the ICC and in the European institutions to identify common areas of interest, exchange information on relevant activities and ensure better cooperation between the EU and the ICC;

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14. Reaffirms that maintaining the independence of the ICC is crucial not only to ensure that it is fully effective, but also to promote the universality of the Rome Statute;

15. Cautions that the execution of justice cannot rest on a balancing act between justice and any kind of political consideration, as such balance would not foster reconciliation efforts but diminish them;

16. Reaffirms the paramount importance of universal adherence to the Rome Statute of the ICC; calls on the states which have not yet done so to ratify the Rome Statute, the Agreement on Privileges and Immunities of the Court and the Kampala amendments to the Rome Statute, in order to support accountability and reconciliation as key elements in preventing future atrocities; reaffirms, equally, the crucial importance of the integrity of the Rome Statute;

17. Notes with the utmost regret the recent announcements of withdrawal from the Rome Statute, which represent a challenge notably in terms of victims' access to justice and which should be firmly condemned; welcomes the fact that both Gambia and South Africa have retracted their withdrawal notifications; strongly calls on the remaining country concerned to reconsider its decision; further calls on the EU to make all necessary efforts to ensure that no withdrawals take place, including through cooperation with the African Union; welcomes the fact that the ICC's Assembly of States Parties has agreed to consider proposed amendments to the Rome Statute in order to address the African Union's concerns raised during its special summit;

18. Calls on the four signatory states which have informed the UN Secretary-General that they no longer intend to become parties to the Rome Statute to reconsider their decisions; notes, moreover, that three of the permanent members of the UN Security Council are not parties to the Rome Statute;

19. Calls, furthermore, on all ICC States Parties to step up their efforts to promote universal accession to the ICC and the Agreement on Privileges and Immunities of the Court; considers that the Commission and the EEAS, together with the Member States, should continue to encourage third countries to ratify and implement the Rome Statute and the Agreement on Privileges and Immunities of the Court, and should also conduct an assessment of the EU's achievements in this regard;

20. Underlines the importance of ensuring sufficient financial contributions to the Court for its effective functioning, either in the form of States Parties' contributions or through EU funding mechanisms such as the European Instrument for Democracy and Human Rights (EIDHR) or the European Development Fund (EDF), with particular attention being paid to funding for civil society actors working on promoting the international criminal justice system and ICC-related issues;

21. Welcomes the invaluable assistance provided by civil society organisations (CSOs) to the Court; is concerned at the reports of threats and intimidation directed at certain CSOs cooperating with the Court; calls for all necessary action to be taken to ensure a safe environment for CSOs to operate and cooperate with the Court and to address all threats and intimidation directed at them in that regard;

22. Takes note of the progress made in the implementation of the Action Plan of 12 July 2011 to follow up on the Council decision of 21 March 2011 on the ICC; calls for an evaluation of the implementation of the Action Plan in order to identify possible areas in which the effectiveness of EU action could be improved, including when it comes to promoting the integrity and the independence of the Court;

23. Urges all states having ratified the Rome Statute to fully cooperate with the ICC in its efforts to investigate and bring to justice those responsible for serious international crimes, to respect the authority of the ICC and to fully implement its decisions;

24. Strongly encourages the EU and its Member States to use all political and diplomatic tools at their disposal to support effective cooperation with the ICC, especially in relation to witness protection programmes and the execution of pending arrest warrants, with particular regard to the 13 suspects who are fugitives; calls on the Commission, the EEAS and the Council to agree on the adoption of concrete measures for responding to non-cooperation with the ICC, in addition to political statements;

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25. Calls for the EU and its Member States to use all means towards third countries, including considering sanctions — in particular in the case of countries with situations under investigation by the ICC and countries under preliminary examination by the ICC — in order to bolster their political will to fully cooperate and to support their capacity to launch national proceedings on atrocity crimes; also calls on the EU and its Member States to offer full support to those countries in order to help them comply with the ICC requirements; calls on the Member States to fully comply with the Council Common Position 2008/944/CFSP of 8 December 2008;

26. Considers that victims of atrocity crimes should be provided with access to effective and enforceable remedies and reparations; highlights the special role of victims and witnesses in proceedings before the Court and the need for specific measures aimed at ensuring their security and effective participation in accordance with the Rome Statute; calls on the EU and its Member States to keep victims' rights at the heart of all actions in the fight against impunity and to voluntarily participate in the ICC Trust Fund for Victims;

27. Calls on the EEAS to ensure that accountability for atrocity crimes and support for the ICC is mainstreamed across the EU's foreign policy priorities, including via the enlargement process, by systematically taking account of the fight against impunity; underlines, in this context, the important role of parliamentarians in promoting the ICC and the fight against impunity, including through interparliamentary cooperation;

28. Calls on the Member States to ensure that coordination and cooperation with the ICC is included in the mandate of the relevant regional EU Special Representatives (EUSRs); reiterates its call on the VP/HR to appoint an EUSR on International Humanitarian Law and International Justice with a mandate to promote, mainstream and represent the EU's commitment to the fight against impunity and to the ICC across EU foreign policies;

29. Highlights the essential role of the European Parliament in monitoring EU action in this matter; welcomes the insertion of a section on the fight against impunity and the ICC in Parliament's annual report on human rights and democracy in the world, and further suggests that Parliament should play a more proactive role by promoting and mainstreaming the fight against impunity and the ICC in all EU policies and institutions, in particular in the work of its committees responsible for external policies of the Union and its delegations for relations with third countries;

30. Stresses that the principle of complementarity of the ICC entails the primary responsibility of its States Parties to investigate and prosecute atrocity crimes; expresses its concern that not all EU Member States have legislation defining those crimes under national law over which their courts can exercise jurisdiction; calls for the EU and its Member States to make full use of the 'Advancing the principle of complementarity' toolkit;

31. Encourages Member States to amend Article 83 of the Treaty on the Functioning of the European Union in order to add atrocity crimes to the list of crimes for which the EU has competences;

32. Strongly encourages the EU to prepare and provide resources for the preparation of an Action Plan on the Fight against Impunity within Europe for crimes falling under international law, with clear benchmarks for the EU institutions and the Member States aiming to strengthen national investigations and prosecutions for genocide, crimes against humanity and war crimes;

33. Recalls that states, including EU Member States, can individually bring proceedings against other states to the International Court of Justice over breaches at state level of obligations arising from international treaties and conventions, including the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;

34. Recalls its strong condemnation of the atrocities committed by the Assad regime in Syria, which can be considered as serious war crimes and crimes against humanity, and deplores the climate of impunity for perpetrators of such crimes in Syria;

35. Deplores the widespread lack of respect for international humanitarian law and the alarming rate of loss of civilian lives and attacks against civilian infrastructure in armed conflicts around the world; urges the international community to convene an international conference to prepare a new international mechanism for tracking and collecting data, and for publicly reporting on violations in the course of armed conflicts; reiterates its request to the VP/HR to present, on an annual basis, a public list of alleged perpetrators of attacks on schools and hospitals, for the purpose of defining appropriate EU action to halt such attacks;

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36. Calls on the Member States to ratify the principal IHL instruments and other relevant legal instruments; acknowledges the importance of the EU Guidelines on promoting compliance with IHL, and reiterates its call on the VP/HR and the EEAS to step up their implementation, notably in relation to war crimes in the Middle East; calls on the EU to support initiatives aiming at spreading knowledge of IHL and good practices in its application, and calls on the EU to seize all bilateral tools at its disposal effectively in order to promote compliance with IHL by its partners, including through political dialogue;

37. Stresses that Member States should refuse to provide arms, equipment or financial or political support for governments or non-state actors violating international humanitarian law, including by committing rape or other sexual violence against women and children;

38. Calls, furthermore, for the EU and its Member States to support reform processes and national capacity-building efforts aimed at strengthening the independence of the judiciary, the law enforcement sector, the penitentiary system and reparation programmes in third countries directly affected by the alleged commission of such crimes, as committed to in the EU Action Plan on Human Rights and Democracy 2015-2019; welcomes, in this context, the EU's Framework on Support to Transitional Justice 2015, and looks forward to its effective implementation;

On the fight against impunity of non-state actors

39. Notes that international criminal law, and particularly the mandate and jurisprudence of the international criminal tribunals, have clearly defined the responsibility of individuals who are members of non-state groups in international crimes; stresses that this responsibility relates not only to such individuals but also to indirect co-perpetrators of international crimes; encourages all EU Member States to bring to justice state actors, non-state actors and individuals responsible for war crimes, crimes against humanity and genocide;

40. Emphasizes that the perpetration of violent crimes by ISIS/Daesh or other non-state actors against women and girls has been widely reported by the relevant international bodies, notes that the international legal community has been struggling to place those crimes within the international criminal framework;

41. Reaffirms, in this context, its strong condemnation of the heinous crimes and human rights violations committed by non-state actors such as Boko Haram in Nigeria and ISIS/Daesh in Syria and Iraq; is horrified at the vast range of crimes committed, including killings, torture, rape, enslavement and sexual slavery, recruitment of child soldiers, forced religious conversions and systematic killings directed at religious minorities, including Christians, Yazidis and others; recalls that sexual violence can, according to the ICC, amount to a war crime and a crime against humanity; believes that the prosecution of the perpetrators should be a priority for the international community;

42. Encourages the EU and its Member States to fight against impunity and to lend active support to international efforts to bring to justice members of non-state groups such as Boko Haram, ISIS/Daesh and any other actors committing crimes against humanity; calls for the development of a clear approach to the prosecution of ISIS/Daesh fighters and their abettors, including by using the expertise of the EU network for investigation and prosecution of genocide, crimes against humanity and war crimes;

43. Emphasises that the EU and its Member States should support the prosecution of members of non-state groups such as ISIS/Daesh by seeking a consensus within the UN Security Council to confer jurisdiction to the ICC, as Syria and Iraq are not parties to the Rome Statute; underlines that the EU should explore and support, at international level and through all means, options to investigate and prosecute all crimes committed by all parties to the Syrian conflict, including ISIS/Daesh, such as the establishment of an International Criminal Tribunal for Iraq and Syria;

44. Deplores the veto exercised by Russia and China as Permanent Members of the UN Security Council against referral of the situation in Syria to the ICC Prosecutor under Chapter VII of the UN Charter and against adoption of a measure to punish Syria for using chemical weapons; calls for the EU to support swift action to reform the functioning of the UN Security Council, notably as regards the use of the right of veto, and, particularly, the French initiative to refrain from using that right when evidence of genocide, war crimes and crimes against humanity occurs;

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45. Encourages an eventual call for the application of the principles defined in Chapter VII of the UN Charter with a view to compliance with the R2P principle, always under the auspices of the international community and with the authorisation of the UN Security Council;

46. Welcomes the Commission of Inquiry on Syria set up by the Human Rights Council and the International, Impartial and Independent Mechanism (IIIM) set up by the UN General Assembly to assist in the investigation of serious crimes committed in Syria; emphasises the need to set up a similar independent mechanism in Iraq, and calls on all EU Member States, all parties to the conflict in Syria, civil society and the UN system as a whole to cooperate fully with the IIIM and provide it with all information and documentation that they might possess to assist in the delivery of its mandate; thanks those EU Member States which have contributed financially to the IIIM, and calls on those who have not to do so;

47. Calls for the EU to adequately fund organisations that work on open source investigation and digital collection of evidence with regard to war crimes and crimes against humanity, in order to ensure accountability and bring perpetrators to justice;

48. Welcomes the EU's efforts to support the work of the Commission for International Justice and Accountability and of other NGOs that are documenting atrocity crimes; calls for the EU to provide direct support to Iraqi and Syrian civil society in gathering, preserving and protecting evidence of crimes committed in Iraq and Syria by any party to these conflicts, including ISIS/Daesh; calls for the collection and preservation of evidence, digital and otherwise, on war crimes, crimes against humanity and genocide committed by all sides to the conflict as a key step in the fight against impunity and a fundamental priority; supports the British, Belgian and Iraqi initiative at UN level (the 'Bringing Daesh to Justice Coalition'), aimed at gathering evidence of the crimes committed by ISIS/Daesh in Syria and Iraq in order to facilitate their prosecution internationally, and calls on the EU Member States to join or support the coalition; further supports the activities of the Cultural Heritage Initiative and its fact-finding activities in Syria and Iraq related to the destruction of archaeological and cultural heritage;

49. Encourages the EU and its Member States to deploy all necessary actions to effectively sever the flow to ISIS/Daesh of resources ranging from guns, vehicles and cash revenues to many other types of assets;

50. Urges the EU to impose sanctions on those countries or authorities that directly or indirectly facilitate the flow of resources to ISIS/Daesh and thus contribute to the development of its terrorist criminal activity;

51. Emphasises that EU Member States should investigate all allegations and prosecute nationals of theirs and people under their jurisdiction who have committed, attempted to commit, or were complicit in atrocity crimes in Iraq and Syria or else refer them to the ICC in line with the Rome Statute; recalls, however, that prosecuting ISIS/Daesh members in the Member States can only be a complementary measure to international justice;

52. Underlines the importance of the Cooperation and Assistance Agreement between the EU and the ICC; calls on the Member States to apply the principle of universal jurisdiction in tackling impunity, and highlights its importance for the effectiveness and good functioning of the international criminal justice system; also calls on the Member States to prosecute war crimes and crimes against humanity in their national jurisdictions, including when those crimes have been committed in third countries or by third-country nationals;

53. Urges all the countries of the international community, including the EU Member States, to work actively on preventing and fighting radicalisation and to improve their legal and jurisdictional systems in order to avoid their nationals and residents joining ISIS/Daesh;

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Gender dimension in addressing human rights violations in the context of war crimes

54. Highlights the critical need to eradicate sexual and gender-based violence by addressing their widespread and systematic use as a weapon of war against women and girls; urges all countries to develop national action programmes (NAPAs) in line with UN Security Council Resolution 1325, together with strategies to combat violence against women, and calls for a comprehensive commitment to ensure the implementation of that resolution; calls for a global commitment to ensure the safety of women and girls from the outset of each emergency or crisis and in post-conflict situations through all available means, such as access to the full range of sexual and reproductive health services, including legal and safe abortion, for victims of rape in a war context; underlines, moreover, that women often continue to suffer the physical, psychological and socio-economic consequences of violence even after the end of a conflict;

55. Considers that women should play a greater role in conflict prevention, human rights promotion and democratic reform, and stresses the importance of the systematic participation of women as an essential element of any peace process and post-conflict reconstruction; encourages the EU and its Member States to foster the inclusion of women in peace processes and national reconciliation processes;

56. Calls on the Commission, the Member States and the competent international authorities to take appropriate measures such as enforcing military disciplinary measures, upholding the principle of command responsibility, and training troops and peacekeeping and humanitarian staff on the prohibition of all forms of sexual violence;

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57. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.

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P8_TA(2017)0289

Private Security Companies

European Parliament resolution of 4 July 2017 on private security companies (2016/2238(INI))

(2018/C 334/08)

The European Parliament,

- having regard to the Montreux document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict,
- having regard to resolutions 15/26, 22/33, 28/7 and 30/6 of the UN Human Rights Council,
- having regard to the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, which was established in July 2005,
- having regard to the reports of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,
- having regard to the UN Guidelines on the Use of Armed Security Services from Private Security Companies, which have recently been extended to unarmed security services,
- having regard to the UN Code of Conduct for Law Enforcement Officials,
- having regard to the draft of a possible Convention on Private Military and Security Companies (PMSCs) for consideration and action by the Human Rights Council,
- having regard to the International Code of Conduct for Private Security Providers (ICoC) established by the International Code of Conduct Association, which is an industry self-regulation mechanism whose standards are voluntary,
- having regard to the International Stability Operations Association Code of Conduct, which is an industry-owned self-regulatory mechanism,
- having regard to the Code of Conduct and Ethics for the Private Security Sector of the Confederation of European Security Services and UNI Europa,
- having regard to the ISO 18788 Management System for Private Security Operations, which sets parameters for the management of private security companies,
- having regard to the Council Recommendation of 13 June 2002 on cooperation between the competent national authorities of Member States responsible for the private security sector,
- having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC ⁽¹⁾,
- having regard to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC ⁽²⁾,

⁽¹⁾ OJ L 94, 28.3.2014, p. 65.

⁽²⁾ OJ L 216, 20.8.2009, p. 76.

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- having regard to the EU Concept for Logistic Support for EU-led Military Operations and the EU Concept for Contractor Support to EU-led Military Operations,
 - having regard to the Priv-War Recommendations for EU Regulatory Action in the Field of Private Military and Security Companies and their Services,
 - having regard to its resolution of 8 October 2013 on corruption in the public and private sectors: the impact on human rights in third countries ⁽¹⁾ and its resolution of 6 February 2013 on Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery ⁽²⁾,
 - having regard to the many different risks, challenges and threats within and outside the European Union,
 - having regard to the Interim Guidance of the International Maritime Organisation (IMO) in May 2012 relating to armed security personnel on board ships,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0191/2017),
- A. whereas security and defence are public goods managed by public authorities on the basis of the criteria of efficiency, effectiveness, accountability and the rule of law, which do not depend solely on the provision of sufficient financial resources, but also on knowledge; whereas in certain areas public authorities may lack the necessary capacities and capabilities;
- B. whereas security and defence should be primarily provided by the public authorities;
- C. whereas Eurobarometer polls show that the EU's citizens want the EU to be more active in the field of security and defence;
- D. whereas more than 1,5 million private security contractors were employed in around 40 000 private security companies (PSCs) in Europe in 2013; whereas these figures are continuing to increase; whereas the turnover of these companies in that year amounted to around EUR 35 billion; whereas globally the private security industry was valued up to USD 200 billion in 2016 with around 100 000 PSCs and 3,5 million employees;
- E. whereas, over the last few decades, PSCs, a term which for the purposes of this resolution will also include private military companies, have been increasingly employed by national governments as well as militaries and civilian agencies, both for the domestic provision of services and support for overseas deployment;
- F. whereas the array of services provided by PSCs is extremely broad, ranging from logistical services to actual combat support, the provision of military technology and participation in post-conflict reconstruction; whereas PSCs also provide vital services inside Member States such as running prisons and providing patrol guards at infrastructure sites; whereas PSCs have been used in both civilian and military Common Security and Defence Policy (CSDP) missions, to guard EU delegations, for the construction of field camps, training, air lift and to support humanitarian aid activities;
- G. whereas, in the context of the EU, Member State practices on the use of PSCs, the procedures for contracting them and the quality of regulatory systems vary widely, with many using them to support their contingents in multilateral operations;

⁽¹⁾ OJ C 181, 19.5.2016, p. 2.

⁽²⁾ OJ C 24, 22.1.2016, p. 33.

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- H. whereas the outsourcing of military activities, formerly an integral part of the activities of armed forces, is taking place, among other things, to provide services in a more cost-efficient manner, but also to compensate for a shortfall in capabilities in shrinking armed forces in the context of an increasing number of multilateral missions abroad and shrinking budgets, the result of an unwillingness of decision-makers to commit appropriate resources; whereas this should be an exception; whereas there is a need to address shortfalls; whereas PSCs can also provide capabilities that are entirely lacking in national armed forces, often at short notice and in a complementary manner; whereas PSCs have also been used for reasons of political convenience to avoid limitations on the use of troops, notably to overcome a possible lack of public support for the engagement of armed forces; whereas the use of PSCs as a foreign policy tool needs to be subject to effective parliamentary control;
- I. whereas PSCs have been accused of engaging in a number of human rights violations and incidents resulting in loss of life; whereas such incidents vary across time and country, and amount in some cases to serious violations of international humanitarian law, including war crimes; whereas some of these cases have been prosecuted; whereas this, together with their lack of transparency, has had repercussions on the efforts of the international community in the countries in question and has revealed considerable gaps in accountability structures due, among other things, to the creation of numerous layers of subsidiaries or subcontracts in diverse countries, in particular local ones which leads, in some cases, to an inability to guarantee the basic security of the civilian population in host countries;
- J. whereas the EU and its Member States should aim to avoid such situations in the future, and refrain from outsourcing military operations that involve the use of force and weaponry, participating in hostilities and otherwise engaging in combat or combat areas, beyond legitimate self-defence; whereas operations and activities outsourced to PSCs in conflict areas should be restricted to providing logistical support and the protection of installations, without an actual presence of PSCs in the areas where combat activities exist; whereas under no circumstances can the use of PSCs be a substitute for national armed forces personnel; whereas the highest priority should be accorded, when implementing defence policies, to ensuring that the armed forces of the Member States have sufficient resources, instruments, training, knowledge and means with which to perform their tasks fully;
- K. whereas, for states to benefit from the advantages offered by PSCs, and to ensure that they can be held accountable, a legal framework with binding regulatory and monitoring mechanisms should be put in place at international level to regulate their use and provide sufficient control over their activities; whereas PSCs are part of an industry which is highly transnational in nature and is intertwined with governmental and intergovernmental actors and as such requires a global approach to regulation; whereas the current regulatory situation in this sector comprises a series of inconsistent rules which vary enormously between the Member States; whereas the non-homogenous national legislation and self-regulation adopted by some PSCs provide a weak deterrent to prevent abuse, given the lack of penalties, and can have a major impact on how PSCs operate in multilateral interventions and conflict regions;
- L. whereas there is a lack of agreed definitions of PSCs, PMCs and of their services; whereas, as suggested by the definition included in the draft convention prepared by the UN Working Group on Mercenaries, a PSC can be defined as a corporate entity which provides on a compensatory basis military and/or security services by physical persons and/or legal entities; whereas military services in this context can be defined as specialised services related to military actions including strategic planning, intelligence, investigation, land, sea or air reconnaissance, flight operations of any type, manned or unmanned, satellite surveillance and intelligence, any kind of knowledge transfer with military applications, material and technical support to armed forces and other related activities; whereas security services can be defined as armed guarding or protection of buildings, installations, property and people, any kind of knowledge transfer with security and policing applications, development and implementation of informational security measures and other related activities;

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- M. whereas the Montreux document is the first major document defining how international law applies to PSCs; whereas the International Code of Conduct for Private Security Service Providers (ICoC) defines industry standards and is increasingly proving to be a tool for ensuring common basic standards across a global industry; whereas the International Code of Conduct for Private Security Providers' Association (ICoCA) has the aim of promoting, managing and supervising the implementation of the ICoC and encouraging the responsible provision of security services and respect for human rights and national and international law; whereas affiliation to ICoCA is brought about by a voluntary act, accompanied by a payment, and the high membership charges do not permit all private security companies to become members;
- N. whereas the work on regulating PSCs is ongoing in many international fora, including the Montreux Document Forum, where the EU was elected into the Group of Friends of the Chair, the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and the International Code of Conduct Association;
- O. whereas the EU and 23 Member States have joined the Montreux document and whereas the EU is a member of the Working Group on the International Code of Conduct Association; whereas the EU contributes in the context of the Human Rights Council to the possible development of an international regulatory framework; whereas the EU plays a critical role in promoting national and regional control over the provision and export of various military and security services;
- P. whereas the European Union does not have a regulatory framework of its own, despite the large number of PSCs of European origin and/or involved in missions and operations under the CSDP or EU delegations; whereas the existing regulatory frameworks are almost exclusively based on the American model, established during the Iraq war, which served the interests of military companies engaged in combat missions; whereas these references correspond neither to the format nor to the missions of European PSCs;
- Q. whereas it is of vital importance to prioritise the establishment of clear rules for interaction, cooperation and assistance between law enforcement and private security companies;
- R. whereas PSCs could play a more important role in the fight against piracy and in improving maritime security, in missions involving dogs, cyber defence, research and development of security tools, mixed surveillance missions and training in cooperation with, and under the supervision of, public authorities; whereas the use of armed PSCs has created specific challenges for the maritime sector and has resulted in numerous incidents which have led to the loss of life and diplomatic conflicts;

The use of PSCs in support of the military abroad

1. Notes that PSCs play an important complementary role in aiding the state's military and civilian agencies by closing capability gaps created by increasing demand for the use of forces abroad, while also occasionally, if circumstances allow, providing surge capacity; stresses that, in exceptional cases, PSCs' services fill existing capacity gaps, which, however, Member States should first try to fill with national armed forces or police; stresses that PSCs are used as an instrument for the implementation of the foreign policy of those countries;
2. Underscores the need for PSCs, when operating in host countries and particularly those that significantly differ in terms of culture and religion, to be mindful of local customs and habits in order not to jeopardise the effectiveness of their mission and alienate the local population;
3. Notes that, compared to national troops, PSCs — particularly those based in host countries — can provide valuable local knowledge and, frequently, cost savings, although it must be ensured that quality is not undermined; stresses, however, that the use of services provided by local private security companies in fragile countries and crisis-prone regions can have negative implications for the EU's foreign policy objectives if such use strengthens certain local armed actors who could become party to the conflict; notes the importance of drawing clear legal distinctions between the operations of private security companies and private actors directly engaged in military activities;

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4. Stresses that no activities should be outsourced to PSCs that would imply the use of force and/or active participation in hostilities, except for self-defence, and under no circumstances should PSCs be allowed to take part in, or conduct interrogations; stresses that, in the field of EU security and defence, the priority should be to strengthen national armed forces, to which PSC can only be a complement without any authority over strategic decisions; highlights the fact that any participation by private security companies in military operations must be justified, with clearly-defined objectives that can be verified using tangible indicators, have a fully-detailed budget and a specific start and end date, and be governed by a strict code of ethics; points out that the work of the armed forces and security forces abroad is of fundamental value in peace-keeping and conflict prevention, as well as in the social reconstruction and national reconciliation that follows;

5. Underlines that the cost-effectiveness principle of PSC employment mainly offers benefits in the short-term, especially if a number of socioeconomic variables are not taken into consideration, and should therefore not become the main criterion when dealing with security issues; recalls that accountability and oversight mechanisms are crucial in order to ensure that the legitimacy and potential benefits of PSCs are fully obtained;

6. Underlines the importance of parliamentary oversight over the state use of PSCs by Member States;

Use of PSCs by the EU

7. Notes that the EU makes use of PSCs abroad to guard its delegations and staff and to support its civilian and military CSDP missions; notes that their use thus directly contributes to the EU's reputation and perception by third parties, which makes them important facets of the EU's local presence and impacts on the level of trust in the EU; demands that the Commission and the Council produce an overview of where, when and for what reason PSCs have been employed in support of EU missions; considers that it would not be illogical if, in its calls for tender concerning the security of its delegations, the European Union favoured the use of PSCs genuinely based in Europe, complying with European Union regulations and subject to European Union taxation;

8. Emphasises, however, that, particularly in conflict-prone environments, employing a PSC for certain duties can have negative side-effects for the EU, especially for its legitimacy, by accidentally associating it with armed actors in a conflict area, with negative repercussions in the case of armed incidents, or by possibly compromising Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR) efforts through the inadvertent strengthening of local actors; notes in particular the risks posed by uncontrolled sub-contracting, such as to local PSCs;

9. Points to the various and serious legal and political problems associated with the current practice of subcontracting in the field of military and security services, especially services provided by local subcontractors in third countries; believes that the Member States, the EEAS and the Commission should agree to follow the example of NATO by only contracting PSCs based in EU Member States;

10. Recommends, therefore, that the Commission propose common PSC contracting guidelines for the hire, use and management of military and security contractors which clearly spell out the requirements for PSCs to qualify for EU contracts, with the goal of replacing the current patchwork of approaches; urges the Commission and the EEAS to use the same guidelines for the hire, use and management of military and security contractors in all external actions, missions and operations, for EU Delegations across all countries and regions and for all services of a revised Common Military List of the European Union; considers that these guidelines should be based both on international best practices in relation to PSC conduct and management, in particular the Montreux document and the ICoC, and take into account the need for particular care to be taken when selecting PSCs in a complex post-crisis context; urges the Commission and the EEAS to only use ICoC-certified providers, as is already done by the UN for whom ICoC is a requirement; points to the approach taken by US authorities which include detailed standards and requirements in each individual contract, and calls on the EU to follow this example; underlines that contracts with the PSCs should include *inter alia* clauses on the possession of licences and authorisations, personnel and property records, training, the lawful acquisition and use of weapons, and internal organisation;

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11. Calls for an EU security supervisor of an EU security company to be present at EU-funded sites and EU delegations with the tasks of ensuring the quality of the security services provided, vetting and training the locally hired security personnel, establishing and keeping up good relations with local security forces, providing risk assessments and being the first point of contact in security-related matters for the delegation;

12. Recommends that the Commission establish an open list of contractors who comply with EU standards on matters such as clean criminal records, financial and economic capacity, possession of licences and authorisations, and the vetting of personnel; notes that standards across the EU regarding PSCs vary greatly and believes that Member States should strive to achieve similar standards; considers that this list should be updated at intervals not exceeding two years;

13. Stresses that when the EU relies on PSCs in third countries with which it has concluded a status of forces agreement (SOFA), such agreements must always include the PSCs employed and specifically clarify that the companies will be held accountable under EU law;

14. Stresses that the EU Concept for Contractors Support should be strengthened and made binding for Member States and EU institutions; believes that it should, in particular, specify stricter standards for inclusion in contracts, based for example on US standards, and that it should also require that no local PSC should be employed or subcontracted in conflict regions; stresses that international PSCs should have the possibility to hire local staff, but only individually and directly in order to ensure effective vetting and to prevent the creation of local security industries in conflict regions;

The regulation of PSCs

15. Recommends that the Commission draw up a Green Paper with the objective of involving all stakeholders from the public and private security sectors in a broad consultation and discussion of processes to identify opportunities for direct collaboration more efficiently and to establish a basic set of rules of engagement and good practices; recommends the creation of sector-specific EU quality standards; recommends, therefore, that the definition of PSCs be clarified before effective regulation of their activities is introduced, as the lack of such a definition can create legislative loopholes;

16. Believes that, as a first step, the EU should define relevant military and security services in a precise way; urges the Council, in this respect, to add military and security services by PSCs to the Common Military List of the European Union without delay;

17. Urges the Commission to develop an effective European regulatory model which will:

- help to harmonise legal differences between Member States by means of a directive;
- re-evaluate, and thus redefine, contemporary public-private collaboration strategies;
- map companies with a single or multiple end use;
- contextualise the precise nature and role of private military and security companies;
- set high-level standards for private security service providers within the EU or operating abroad, including appropriate levels of security screening of staff and equitable remuneration;
- ensure reporting of PSCs' irregularities and illegalities and make it possible to hold them accountable for violations, including human rights violations, during their activities abroad;
- integrate a specific maritime perspective, taking into account the leading role of the International Maritime Organisation (IMO);

18. Notes that nascent global regulatory frameworks, such as the Montreux document, the ICoC and other regulatory initiatives in the UN framework, constitute clear progress compared to the lack of meaningful regulation that prevailed only ten years ago;

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19. Commends also the efforts made by many EU Member States, following the good practice outlined in the Montreux document, to introduce effective national regulation of PSCs;

20. Notes, however, that the evaluation of the performance of PSCs is hampered by the lack of consistent reporting about their use by both the EU institutions and Member State governments; encourages Member States and the EU institutions to provide this information more consistently and in a transparent manner to allow for a proper assessment of the use of PSCs by their respective budgetary authorities and independent auditors; recommends that parliaments and NGOs should be actively engaged in the necessary evaluation processes that are crucial for the regulation and oversight of this industry;

21. Recommends that the Commission and the Council establish a legal framework requiring national legislation to control the export of military and security services, and report in the EU Annual Report on armaments exports on military and security service export licences granted by the Member States, so as to increase public transparency and accountability;

22. Stresses that the transnational nature of PSCs and, in particular, their activities in regions of the world affected by crisis can sometimes lead to jurisdictional gaps, particularly where the local legal structure is weak, that could make it difficult to hold the companies or their employees to account for their actions; notes that the national regulation of PSCs often does not have extraterritorial application; highlights the fact that PSCs must always be governed by laws and be subject to effective oversight by both the host state and the contracting state; observes that a legal vacuum frequently exists in the event of disputes or incidents involving PSCs and agents of the European Union, which may occur in high-risk areas; recommends therefore the establishment of uniform and clear rules for the European institutions which use PSCs to protect EU staff, assigning clear responsibility to avoid a protection gap and impunity and taking into account the host state's legal framework; also urges the EEAS, the Commission and Member States to only contract EU-based PSCs in combination with the obligation to execute services directly without recourse to local subcontractors in often fragile third countries;

23. Urges, therefore, that the EU and its Member States use their status in the Montreux Document Forum to insist upon regular reviews of the state of implementation of the Montreux Document's recommendations for good practice by its participants; urges the Member States that have not yet done so to join the Montreux document as soon as possible; encourages Member States to engage in sharing best practices;

24. Urges the EU and its Member States to push for an international legally binding instrument that goes further than the Montreux document, by regulating the activities of PSCs, establishing a level playing field to ensure that host states have the authority to regulate PSCs and contracting states are able to use their power to protect human rights and prevent corruption; emphasises that such a framework must include dissuasive sanctions for violations, the accountability of those responsible for violations and effective access to remedies for victims, in addition to a licensing and monitoring system requiring all PSCs to submit to independent audits and their personnel to participate in mandatory human rights training;

25. Urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the EEAS and the Commission to strongly support the creation of an international convention aimed at establishing an international legal regime to regulate relevant services provided by PSCs;

26. Commends the efforts of the International Maritime Organisation (IMO) in providing guidelines for the use of private armed security teams; encourages the Commission and the Member States to continue to work with the IMO towards the global application of this guidance;

27. Stresses that one of the most effective ways of influencing PSCs is through public procurement decisions; emphasises, therefore, the importance of making the award of contracts to PSCs conditional on the adoption of best practices, such as transparency, and their participation in the ICoC, which some Member States have already implemented; notes, however, that the ICoC compliance mechanism needs to be strengthened and its full independence assured to make it a credible incentive for compliance; notes that the only Member States to have signed up to the ICoC are Sweden and the UK and believes that the EU should focus on ensuring that other Member States sign up as a first step;

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28. Notes that PSCs should have a liability insurance as this would make the security market more stable and reliable, bringing in also smaller and medium-sized PSCs;

29. Stresses that the award of contracts to PSCs should take into account and be evaluated on the basis of the PSC's experience and period of working in hostile environments, rather than by turnover of a similar contract;

30. Draws attention to the fact that PSCs, besides offering security services, also conduct intelligence activities that, due to their potential implications, require efficient regulation and control;

31. Notes the considerable influence the EU and its Member States enjoy over the global security industry as a result of many major players having their headquarters in the EU; places particular emphasis, therefore, on the upcoming revision of the Common Military List as an opportunity to include certain services provided by PSCs, which would make them subject to export regulations and apply basic standards to their activities abroad;

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32. Instructs its President to forward this resolution to the European Council, the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the national parliaments of the Member States.

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P8_TA(2017)0290

Working conditions and precarious employment

European Parliament resolution of 4 July 2017 on working conditions and precarious employment (2016/2221(INI))

(2018/C 334/09)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 151 and 153,
- having regard to Article 5 of the Treaty on European Union (TEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular its Title IV (Solidarity),
- having regard to Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work ⁽¹⁾,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ⁽²⁾,
- having regard to Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work ⁽³⁾ (the Temporary Agency Work Directive),
- having regard to the targeted revision of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ⁽⁴⁾ (the Posting of Workers Directive) and of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services ⁽⁵⁾ (the Enforcement Directive),
- having regard to Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) ⁽⁶⁾,
- having regard to its resolution of 19 October 2010 on precarious women workers ⁽⁷⁾,
- having regard to its resolution of 10 September 2015 on ‘Creating a competitive EU labour market for the 21st century: matching skills and qualifications with demand and job opportunities, as a way to recover from the crisis’ ⁽⁸⁾,
- having regard to its resolution of 25 February 2016 on ‘European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth’ ⁽⁹⁾,
- having regard to its resolution of 14 September 2016 on social dumping in the European Union ⁽¹⁰⁾,

⁽¹⁾ OJ L 216, 20.8.1994, p. 12.

⁽²⁾ OJ L 204, 26.7.2006, p. 23.

⁽³⁾ OJ L 327, 5.12.2008, p. 9.

⁽⁴⁾ OJ L 18, 21.1.1997, p. 1.

⁽⁵⁾ OJ L 159, 28.5.2014, p. 11.

⁽⁶⁾ OJ L 177, 4.7.2008, p. 6.

⁽⁷⁾ OJ C 70 E, 8.3.2012, p. 1.

⁽⁸⁾ Texts adopted, P8_TA(2015)0321.

⁽⁹⁾ Texts adopted, P8_TA(2016)0059.

⁽¹⁰⁾ Texts adopted, P8_TA(2016)0346.

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- having regard to its resolution of 15 September 2016 on the application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽¹⁾,
- having regard to its resolution of 19 January 2017 on a European Pillar of Social Rights ⁽²⁾,
- having regard to the opinion of the European Economic and Social Committee on the changing nature of employment relationships and its impact on the living wage ⁽³⁾,
- having regard to the European Platform to enhance cooperation in tackling undeclared work,
- having regard to the 2016 study prepared at request of Parliament's Employment and Social Affairs Committee and entitled 'Precarious Employment in Europe: Patterns, trends and policy strategies' ⁽⁴⁾,
- having regard to the European Quality Charter on Internships and Apprenticeships launched on 14 December 2011,
- having regard to the Commission's Employment and Social Developments in Europe (ESDE) Quarterly Review for autumn 2016,
- having regard to the Commission's Strategic Engagement for Gender Equality 2016-2020,
- having regard to the Eurofound report (2010) on 'Flexible forms of work: "very atypical" contractual arrangements',
- having regards to the Eurofound report (2014) on 'Impact of the crisis on industrial relations and working conditions in Europe' ⁽⁵⁾,
- having regard to the Eurofound report (2015) on 'New forms of employment' ⁽⁶⁾,
- having regard to the Eurofound report (2016) on 'Exploring the fraudulent contracting of work in the European Union' ⁽⁷⁾,
- having regard to the Eurofound European Working Conditions Survey and its Sixth European Working Conditions Survey — Overview report ⁽⁸⁾,
- having regard to the Eurofound European Industrial Relations Dictionary ⁽⁹⁾,
- having regard to the fundamental labour standards established by the International Labour Organisation (ILO) and to its conventions and recommendations on working conditions,
- having regard to the ILO's Recommendation R198 of 2006 concerning the employment relationship (the Employment Relationship Recommendation) ⁽¹⁰⁾ and to its provisions on the determination of an employment relationship,
- having regard to the ILO report of 2011 on policies and regulations to combat precarious employment ⁽¹¹⁾,
- having regard to the ILO report of 2016 on non-standard employment around the world ⁽¹²⁾,
- having regard to the ILO report of 2016 on building a social pillar for European convergence ⁽¹³⁾,

⁽¹⁾ Texts adopted, P8_TA(2016)0360.

⁽²⁾ Texts adopted, P8_TA(2017)0010.

⁽³⁾ OJ C 303, 19.8.2016, p. 54.

⁽⁴⁾ [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/587285/IPOL_STU\(2016\)587285_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/587285/IPOL_STU(2016)587285_EN.pdf).

⁽⁵⁾ http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1398en.pdf

⁽⁶⁾ https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1461en.pdf

⁽⁷⁾ http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1639en.pdf

⁽⁸⁾ http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1634en.pdf

⁽⁹⁾ <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary>

⁽¹⁰⁾ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312535.

⁽¹¹⁾ http://www.ilo.org/wcmsp5/groups/public/-ed_dialogue/-actrav/documents/meetingdocument/wcms_164286.pdf.

⁽¹²⁾ http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_534496.pdf.

⁽¹³⁾ http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_490959.pdf.

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- having regard to the UN's General Recommendation No 28 of 2010 on the Core Obligations of States Parties under Article 2 of the UN Convention on the Elimination of All Forms of Discrimination against Women,
 - having regard to the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
 - having regard to the Council of Europe's Gender Equality Strategy 2014-2017,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Agriculture and Rural Development and the Committee on Women's Rights and Gender Equality (A8-0224/2017),
- A. whereas non-standard, atypical forms of employment have been emerging; whereas the number of workers with fixed-term and part-time contracts has increased in the EU over the past 15 years; whereas efficient policies are needed to embrace the various forms of employment and adequately protect workers;
- B. whereas during the last 10 years standard employment has fallen from 62 % to 59 % ⁽¹⁾; whereas if this trend continues it may well become the case that standard contracts will only apply to a minority of workers;
- C. whereas full-time, permanent contracts continue to account for the majority of employment contracts in the EU and in some sectors atypical forms of employment are also to be found alongside standard employment; whereas atypical employment can also have negative effects on work-life balance, due to non-standard working time as well as irregular wages and pension contributions;
- D. whereas the new forms of employment that are emerging, particularly in the context of digitalisation and the new technologies, are blurring the boundary between dependent employment and self-employment ⁽²⁾, which can cause a decline in the quality of employment;
- E. whereas some new forms of employment are different from traditional standard employment in a number of ways; whereas some are transforming the relationship between employer and employee, others are changing the working pattern and organisation of work, and others again are doing both; whereas this can cause a rise in bogus self-employment, a deterioration of working conditions and a reduction in social security protection, but can also bring advantages; whereas the implementation of existing legislation is therefore of paramount importance;
- F. whereas increases in employment rates in the Union since the economic crisis are to be welcomed, but can be partly attributed to an increase in the number of atypical contracts, creating in certain cases greater risk of precariousness than standard employment; whereas greater emphasis should be placed on quality in job creation;
- G. whereas part-time employment has at no moment declined since the crisis, and full-time employment at Union level is still below its 2008 pre-crisis level; whereas despite increases in recent years, the employment rate is still below the Europe 2020 target of 75 % and reveals large disparities among Member States;
- H. whereas it is important that a distinction is made between the new forms of employment that are emerging and the existence of precarious employment;

⁽¹⁾ Full-time permanent contracts account for 59 % of total employment in the EU; self-employment with employees for 4 %, freelance work for 11 %, temporary agency work for 1 %, fixed-term work for 7 %, apprenticeship or traineeship for 2 %, marginal part-time work (less than 20 hours per week) for 9 %, and part-time permanent work for 7 %.

⁽²⁾ See ILO report of 2016 on 'Building a social pillar for European convergence'.

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- I. whereas competence for social policy is shared by the European Union and the Member States; whereas the EU can only complement and support the Member States in this field;
- J. whereas the EU can only adopt minimum requirements for working conditions without harmonising the laws and regulations of the Member States;
- K. whereas a European Platform to tackle undeclared work has already been set up, enabling closer cross-border cooperation and joint action between the competent authorities of the Member States and other stakeholders in order to combat undeclared work effectively and efficiently;
- L. whereas precarious employment leads to market segmentation and exacerbates wages inequalities;
- M. whereas there is no common definition of precarious employment so far; whereas such a definition should be drawn up in close consultation with the social partners; whereas the type of contract cannot, on its own, presage the risk of precarious employment but, on the contrary, this risk depends on a wide range of factors;
- N. whereas standard employment can mean full-time and voluntary part-time regular employment on the basis of open-ended contracts; whereas each Member State has its own laws and practices establishing working conditions applicable to different types of employment contracts and internships; whereas there is no universally accepted definition of 'standard employment';
- O. whereas the most recent issues of representation, which are due to either weaknesses of the social partners' organisations in certain sectors or to reforms in various European countries limiting social partners' roles, impinge on all employment relationships;
- P. whereas some sectors such as agriculture, construction and arts are disproportionately affected by precarious employment; whereas precarious employment has also spread to other sectors in recent years such as aviation and the hotel industry ⁽¹⁾;
- Q. whereas, according to recent studies, workers in mid-skilled manual and low-skilled occupations have less earnings, prospects and intrinsic job quality; whereas they report more frequent exposure to environmental and posture risks, with lower levels of both mental health and physical wellbeing ⁽²⁾;
- R. whereas women account for 46 % of the EU's labour force and are particularly vulnerable to job insecurity resulting from discrimination, including in the area of pay, and whereas women earn around 16 % less than men in the EU; whereas women are more likely to work part-time or on time-limited or low-wage contracts and are therefore more at risk of precariousness; whereas such working conditions create lifelong losses in terms of income and protection, be it wages, pensions or social security benefits; whereas men are more likely to work on a full-time and permanent basis than women; whereas women are particularly affected by involuntary part-time work, bogus self-employment and undeclared work ⁽³⁾;
- S. whereas the employment rate in the EU is higher for men than for women; whereas the main reasons for women leaving the labour market are the need to care for children or elderly, their own illness or incapacity or other personal and family responsibilities; whereas women often face discrimination and hurdles in view of their existing or potential motherhood; whereas single women with dependent children face a particularly high risk of precariousness;

⁽¹⁾ See study of 2016 on 'Precarious Employment in Europe: Patterns, trends and policy strategies'.

⁽²⁾ Eurofound (2014), 'Occupational profiles in working conditions: Identification of groups with multiple disadvantages'.

⁽³⁾ See study of 2016 on 'Precarious Employment in Europe: Patterns, trends and policy strategies'.

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- T. whereas equality between men and women is a fundamental right that presupposes a guarantee of equal opportunities and equal treatment in all areas of life, and whereas policies aimed at ensuring such equality contribute to the promotion of smart and sustainable growth;
- U. whereas many workers who are in precarious employment or unemployed do not have the right to parental leave;
- V. whereas young workers are at a higher risk of finding themselves in a position of precarious employment; whereas the likelihood of being in a multiple disadvantaged position is twice as high for workers aged under 25 than for those aged 50 or more ⁽¹⁾;

I. Towards decent work — addressing working conditions and precarious employment

1. Calls on the Member States to take into account the following ILO indicators to determine the existence of an employment relationship:

- the work is carried out according to the instructions and under the control of another party;
- it involves the integration of the worker in the organisation of the enterprise;
- it is performed solely or mainly for the benefit of another person;
- it must be carried out personally by the worker;
- it is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work;
- it is of a particular duration and has a certain continuity;
- it requires the worker's availability or involves the provision of tools, materials and machinery by the party requesting the work;
- the worker is paid a periodic remuneration that constitutes his or her sole or principal source of income, and there may also be provision of payment in kind such as food, lodging or transport;
- the worker has entitlements such as weekly rest periods and annual holidays;

2. Notes the Eurofound definition of atypical work, which refers to employment relationships not conforming to the standard or typical model of full-time, regular and open-ended employment with a single employer over a long time-span ⁽²⁾; stresses that the terms 'atypical' and 'precarious' cannot be used synonymously;

3. Understands precarious employment to mean employment which does not comply with EU, international and national standards and laws and/or does not provide sufficient resources for a decent life or adequate social protection;

4. Notes that some atypical forms of employment may entail greater risks of precariousness and insecurity, for example, involuntary part-time and fixed-term contract work, zero-hour contracts and unpaid internships and traineeships;

5. Firmly believes that flexibility in the labour market is not about eroding workers' rights in exchange for productivity and competitiveness, but is about successfully balancing workers' protection with the opportunity for individuals and employers to agree ways of working that suit the needs of both;

6. Notes that the risk of precariousness depends on the type of contract but also on the following factors:

⁽¹⁾ Eurofound (2014), 'Occupational profiles in working conditions: Identification of groups with multiple disadvantages'.
⁽²⁾ See: <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/atypical-work>.

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- little or no job security owing to the non-permanent nature of the work, as in involuntary and often marginal part-time contracts, and, in some Member States, unclear working hours and duties that change owing to on-demand work;
- rudimentary protection from dismissal and lack of sufficient social protection in case of dismissal;
- insufficient remuneration for a decent living;
- no or limited social protection rights or benefits;
- no or limited protection against any form of discrimination;
- no or limited prospects for advancement in the labour market or career development and training;
- low level of collective rights and limited right to collective representation;
- a working environment that fails to meet minimum health and safety standards ⁽¹⁾;

7. Recalls the ILO definition of 'decent work', which states: 'Decent work is work that is productive and delivers a fair income, with a safe workplace and social protection, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men' ⁽²⁾; encourages the ILO to add a living wage to that definition; encourages the Commission and the Member States to endorse this definition when reviewing or developing employment legislation;

8. Recalls the success factors for good practice against precarious work, which are: a strong legal underpinning; involvement of social partners and works councils at the workplace; cooperation with relevant stakeholders; balancing flexibility and security; sectoral focus; low administrative burden for employers; enforcement by labour inspectorates; and awareness-raising campaigns;

9. Notes that the ILO Decent Work Agenda is intended specifically to guarantee job creation, rights at work, social protection and social dialogue as well as gender equality; highlights that decent work should specifically provide:

- a living wage, also guaranteeing the right of freedom of association;
- collective agreements in line with Member States' practices;
- workers' participation in company matters in line with Member States' practices;
- respect of collective bargaining;
- equal treatment of workers in the same workplace;
- workplace health and safety;
- social security protection for workers and their dependents;
- provisions on working and rest time;
- protection against dismissal;
- access to training and lifelong learning;
- support for work-life balance for all workers; stresses that to deliver on these rights it is also essential to improve the implementation of labour and social law;

⁽¹⁾ See the resolution of Parliament of 19 October 2010 on precarious women workers.

⁽²⁾ ILO report of 14 November 2016 on non-standard employment around the world.

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10. Notes that numerous factors, such as digitalisation and automation, are contributing to the transformation of the nature of work, including the rise in new forms of employment; notes in this regard that new forms of work might need new, responsive and proportionate regulation in order to ensure that all forms of employment are covered;
11. Reiterates in the context of digital jobs that digital platform workers and other intermediaries should be guaranteed adequate social and health coverage and protection;
12. Emphasises that digitalisation must not be seen simply as something that destroys jobs, and stresses, on the contrary, that it affords opportunities for the development and extension of individual skills;
13. Highlights that there are projected to be 756 000 unfilled job vacancies in the ICT sector in 2020, thus showing the need to improve the digital skills of the European workforce;
14. Stresses that the economic crisis has given rise to migratory flows within the EU that have highlighted existing barriers to the free movement of persons between Member States and discrimination on the basis of nationality, exposing EU citizens to a situation of job insecurity;
15. Stresses that precarious employment conditions, including undeclared work and bogus self-employment, have a long-term effect on mental health and physical wellbeing and can place workers at greater risk of poverty, social exclusion and deterioration of their fundamental rights;
16. Highlights that workers with very short contracts are those most exposed to adverse conditions in the physical aspects of their work; highlights that the combination of job insecurity and lack of control over working time often derives from stress-related occupational hazards;
17. Stresses that in certain sectors of the economy, flexible or atypical labour relations are being overused to the point of abuse;
18. Calls on the Commission and the Member States to promote policies that empower workers, interns and apprentices by strengthening social dialogue and promoting collective bargaining, ensuring that all workers regardless of their status can access and exercise their right to associate and to bargain collectively, freely and without fear of direct or indirect sanctions by the employer;
19. Stresses the importance of the social partners in safeguarding workers' rights, defining decent working conditions, setting decent wages and incomes in accordance with Member States' laws and practices, and providing consultation and guidance to employers and workers;
20. Calls on the Member States, in close cooperation with the social partners, to shore up career pathways so as to make it easier for people to adapt to the different situations they may face in their lives, in particular via lifelong vocational training, adequate unemployment benefits, the transferability of social rights, and active, effective labour market policies;
21. Calls on the Commission and the Member States to promote and guarantee effective protection and equal pay for male and female workers who perform work in the context of an employment relationship, through a comprehensive policy response that aims to tackle precarious employment and guarantee career paths and proper social security coverage;
22. Stresses the importance of Member States' labour inspectorates, and underlines that they should focus on the goal of monitoring, ensuring compliance with and improving working conditions, workplace health and safety, and combating illegal or undeclared work, and must under no circumstances be abused so as to become migration control mechanisms; points out the risk of discrimination against the most vulnerable workers, and strongly condemns the practice of companies who employ migrants without securing them their full rights and benefits and informing them on the matter; calls, therefore, on the Member States to provide labour inspectorates with adequate resources to ensure effective monitoring;

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II. Proposals

23. Calls on the Commission and the Member States to tackle precarious employment, including undeclared work and bogus self-employment, in order to ensure that all types of work contracts offer decent working conditions with proper social security coverage, in line with the ILO Decent Work Agenda, Article 9 TFEU, the EU Charter of Fundamental Rights and the European Social Charter;
24. Calls on the Commission and the Member States to combat all practices which might lead to an increase of precarious employment, thereby contributing to the Europe 2020 target of reducing poverty;
25. Calls on the Member States to increase job quality in non-standard jobs by providing, at the least, a set of minimum standards as regards social protection, minimum wage levels and access to training and development; stresses that this should be done while maintaining entry opportunities;
26. Calls on the Commission and the Member States to ensure that national social security systems are fit for purpose when it comes to new forms of employment;
27. Calls on the Commission to assess new forms of employment driven by digitalisation; calls, especially, for an assessment of the legal status of labour market intermediaries and online platforms and of their liability; calls on the Commission to revise Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship ⁽¹⁾ (the 'Written Statement Directive') to take account of new forms of employment;
28. Emphasises the potential that the collaborative economy has, in particular as regards new jobs; calls on the Commission and the Member States to assess the potential new employment norms created by the collaborative economy; strongly emphasises the need to increase the protection afforded to workers in this sector by stepping up transparency with regard to their status, the information they are given and non-discrimination;
29. Calls for the Commission to proceed with its targeted review of the Posting of Workers Directive, and to review the Agency Workers Directive to ensure fundamental social rights for all workers, including equal pay for equal work at the same location;
30. Underlines the need for public and private investment promoting in particular those sectors of the economy which promise the largest possible multiplier effect, in order to promote upward social convergence and cohesion in the Union and the creation of decent jobs; stresses in this context the need to support SMEs and start-ups;
31. Stresses the need to tackle undeclared work, since it reduces tax and social security revenues and creates precarious and poor working conditions and unfair competition between workers; welcomes the creation of a European Platform to enhance cooperation in tackling undeclared work;
32. Notes that given the number of workers, particularly young people, who are now leaving their countries of origin for other Member States in search of employment opportunities, there is an urgent need to develop appropriate measures to guarantee that no worker is left uncovered by social and labour rights protection; calls, in this regard, on the Commission and the Member States to further improve EU labour mobility while upholding the principle of equal treatment, safeguarding wages and social standards and guaranteeing full portability of social rights; calls on each Member State to establish social and employment policies for equal rights and equal pay at the same place of work;
33. Notes with concern the weakening of collective bargaining and of the coverage of collective agreements; calls on the Commission and the Member States to promote strategic policies of universal coverage of workers under collective agreements, safeguarding and enhancing at the same time the role of trade unions and employers' organisations;

⁽¹⁾ OJ L 288, 18.10.1991, p. 32.

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34. Recognises the major role played by social partners regarding the Union directives on part-time work, fixed-term contracts and temporary agency work, and encourages the Commission, in collaboration with the social partners, to regulate new forms of employment where appropriate; calls on Eurofound to study how social partners develop strategies to ensure job quality and tackle precarious employment;

35. Calls on the Commission and the Member States, within their respective competences, to ensure that individual self-employed workers who are legally considered a sole-member company have the right to collective bargaining and to freely associate;

36. Recalls that according to the Charter of Fundamental Rights of the European Union and to Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time ⁽¹⁾ (the Working Time Directive), every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave; stresses the need to ensure that those rights apply to all workers, including on-demand workers, workers in marginal part-time employment and crowd workers; recalls that the Working Time Directive is a health and safety measure; calls for the enforcement of the ECJ decisions confirming that on-call time in the workplace is working time and must be followed by compensatory rest;

37. Recalls that marginal part-time employment is marked by lower levels of job security, fewer career opportunities, less investment in training by employers, and a higher share of low pay; calls on the Member States and the Commission to encourage measures supporting longer hours for those who want to work more;

38. Recalls that according to the Charter of Fundamental Rights of the European Union, everyone has the right to access to vocational training and lifelong learning; calls on the Member States to ensure that vocational and continuing training are also available to workers in atypical employment relationships; recalls that upskilling measures are particularly important in a fast-changing digital economy; recalls that skills shortages and mismatches contribute to high unemployment levels; welcomes recent initiatives to tackle skills shortages;

39. Calls for a Skills Guarantee as a new right for everyone, at every stage of life, to acquire fundamental skills for the 21st century, including literacy, numeracy, digital and media literacy, critical thinking, social skills and relevant skills needed for the green and circular economy, taking into account emerging industries and key growth sectors and ensuring full outreach to people in disadvantaged situations, including people with disabilities, asylum seekers, the long-term unemployed and other under-represented groups; stresses that education systems should be inclusive, providing good quality education to the whole population, enabling people to be active European citizens, preparing them to be able to learn and adapt throughout their lives, and responding to societal and labour market needs;

40. Stresses that the policies of the Member States should be formulated and implemented in accordance with national law and practice and in consultation and close cooperation with employers' and workers' organisations;

41. Recalls that precarious employment not only harms the individual but also entails significant costs for society, in terms of tax losses and higher public expenditure in the long run, as well as of support for those suffering the long-term effects of income loss and difficult working conditions; calls on the Commission and the Member States to encourage the use of open-ended contracts and the exchange of best practices between Member States in order to tackle precarious employment;

42. Recalls that workers in the informal economy face a high level of precariousness; calls on the Commission and the Member States to adopt policies adapted to this group that protect them by tackling their problems irrespective of their residence status;

⁽¹⁾ OJ L 299, 18.11.2003, p. 9.

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43. Calls on the Commission and the Member States to combat undeclared work, bogus self-employment and all forms of illegal employment practices which undermine workers' rights and social security systems; reiterates its view that the prevention of zero-hour contracts should be considered in all future employment policies;

44. Emphasises that precarious employment is mainly suffered by the most vulnerable workers who are at risk of discrimination, poverty and exclusion; recalls in particular that having a disability, being of a different ethnic origin, religion or belief, or being a woman increases the risk of being faced with precarious employment conditions; condemns all forms of precariousness regardless of the contractual situation;

45. Calls on the Commission and the Member States to ensure the effective protection of vulnerable workers; urges the Commission and the Member States to take effective action to combat discrimination against women in the labour market, with particular emphasis on work-life balance and eliminating the gender pay gap; calls on the Commission to assess whether Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is suited for new forms of employment;

46. Calls on the Commission and the Member States to assess all legislation targeting aspects of precarious work for its gender impact; considers it necessary to target legislative and non-legislative measures to the needs of women in precarious work, as otherwise an already over-represented group will continue to be overly affected;

47. Considers that under no circumstances should increased demands for flexibility on the labour market result in women continuing to be over-represented in atypical employment and among those with insecure employment status;

48. Calls on the Commission and the Member States to monitor and tackle the phenomenon of 'mobbing' in the workplace, including the harassment of pregnant female employees or any disadvantage experienced after returning from maternity leave; 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; stresses that maternity leave must be accompanied by effective measures that protect the rights of pregnant women and new, breastfeeding and single mothers, reflecting the recommendations of the ILO and the World Health Organisation;

49. Reiterates its demand that people in all employment relationships and the self-employed should be able to accumulate entitlements providing income security in circumstances such as unemployment, ill-health, old age, career breaks for child-raising or other caring situations, or for reasons of training;

50. Calls on the Commission and the Member States to ensure decent working conditions for all first work experience opportunities for young people, such as internships, apprenticeships or opportunities under the Youth Guarantee; encourages the Member States to adopt and implement quality frameworks for internships, traineeships and apprenticeships that ensure workers' rights and the educational focus of work experience opportunities for young people;

51. Calls on the Commission in particular and on the Member States to take steps to combat insecure employment among young people; underscores how important it is that the Commission should implement the youth guarantee in this regard;

52. Recommends that Member States ensure that all age groups of young people have access to high-quality free public education, particularly at the higher levels of education and training, since it has been shown that raising the level of instruction helps to reduce labour inequalities between men and women;

53. Stresses that the use by the Commission and Member States of the ILO understanding of 'worker' rather than the more narrowly defined 'employee' could contribute to a better application and understanding of fundamental principles and rights at work;

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54. Calls on the Commission and the Member States to promote entrepreneurship and the cooperative movement among workers in multi-service companies and the burgeoning sector of the collaborative economy and digital platforms, with a view to reducing the risks posed by business models concerning the rights and working conditions of workers;

55. Points out that short-term contracts in the agriculture sector reflect the seasonal nature of farm work; calls for this major natural constraint to be respected by enabling farmers to continue recruiting on a seasonal basis and sparing them the burden of additional red tape in the recruitment and management of their workforce;

56. Calls on the Commission to promote and raise awareness of the protection rights of seasonal workers, and calls on the Member States to regulate the social and legal status of seasonal workers, to safeguard their health and safety and hygiene conditions at work and to provide them with social security cover while complying with the provisions of Article 23 of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers ⁽¹⁾, including those concerning 'equal pay and equal social protection'; emphasises the need to provide all seasonal workers with comprehensive information on their employment and social security rights, including pension rights, also taking account of the cross-border aspect of seasonal work;

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

⁽¹⁾ OJ L 94, 28.3.2014, p. 375.

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P8_TA(2017)0297

Conclusion of the EU-Cuba Political Dialogue and Cooperation Agreement (Resolution)

European Parliament non-legislative resolution of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part (12502/2016 — C8-0517/2016 — 2016/0298(NLE) — 2017/2036(INI))

(2018/C 334/10)

The European Parliament,

- having regard to the establishment of diplomatic relations between the EU and Cuba in 1988,
- having regard to the draft Council Decision (12502/2016),
- having regard to the draft Political Dialogue and Cooperation Agreement (PDCA) between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part (12504/2016),
- having regard to the request for consent submitted by the Council in accordance with Articles 207 and 209 and Article 218(6), second subparagraph, point (a), and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (TFEU) (C8-0517/2016),
- having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union's external action,
- having regard to TFEU, and in particular Part Five, Titles I-III and V thereof,
- having regard to the Common Position 96/697/CFSP of 2 December 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Cuba ⁽¹⁾,
- having regard to Council Decision (CFSP) 2016/2233 of 6 December 2016 repealing Common Position 96/697/CFSP on Cuba ⁽²⁾,
- having regard to the Council conclusions of 17 October 2016 on the Global Strategy on the European Union's Foreign and Security Policy,
- having regard to the Commission Communication of 30 September 2009 entitled 'The European Union and Latin America: Global Players in Partnership' (COM(2009)0495),
- having regard to the declarations of the summits of Heads of State or Government of Latin America and the Caribbean and the European Union held to date, and in particular the Declaration of the second EU-Community of Latin American and Caribbean States (CELAC) Summit, held in Brussels from 10-11 June 2015 under the theme 'Shaping our common future: working together for prosperous, cohesive and sustainable societies for our citizens' which adopted the Political Declaration entitled: 'A Partnership for the next Generation',
- having regard to the Council conclusions of 19 November 2012 on the Joint Caribbean-EU Strategy,
- having regard to the appearance by the Special Representative for Human Rights at the joint meeting of the European Parliament's Committee on Foreign Affairs and Subcommittee on Human Rights of 12 October 2016, to set out the results of the human rights dialogue between Cuba and the EU,

⁽¹⁾ OJ L 322, 12.12.1996, p. 1.

⁽²⁾ OJ L 337 I, 13.12.2016, p. 41.

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- having regard to the reports by Cuban civil society organisations,
 - having regard to its legislative resolution of 5 July 2017 ⁽¹⁾ on the draft Council decision,
 - having regard to its previous resolutions on Cuba, in particular those of 17 November 2004 on Cuba ⁽²⁾, 2 February 2006 on the EU's policy towards the Cuban Government ⁽³⁾, 21 June 2007 on Cuba ⁽⁴⁾, and 11 March 2010 on prisoners of conscience in Cuba ⁽⁵⁾,
 - having regard to the Universal Declaration of Human Rights and other international human rights treaties and instruments,
 - having regard to Rule 99(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on International Trade (A8-0233/2017),
- A. whereas deep historical, economic and cultural ties exist between Europe and Cuba;
- B. whereas relations between the EU and the countries of Latin America and the Caribbean are varied and cover a wide scope;
- C. whereas the EU maintains relations with the Community of Latin America and Caribbean States (CELAC); whereas CELAC welcomes the possibility of expanding relations between the EU and Cuba;
- D. whereas Cuba was the only country in Latin America and the Caribbean with which the EU had not signed any type of agreement; whereas 20 of its Member States have signed various types of bilateral agreements and maintain good relations with the island;
- E. whereas Common Position 96/697/CFSP was repealed by Council Decision (CFSP) 2016/2233 of 6 December 2016;
- F. whereas in 2008 the EU-Cuba high-level dialogue was re-launched and the bilateral development cooperation was resumed; whereas the Council launched a deliberation on the future of EU-Cuba relations in 2010, and adopted negotiation directives in February 2014, following which official negotiations for a PDCA were launched in April 2014 and concluded on 11 March 2016;
- G. whereas the PDCA defines general principles and objectives for the relationship between the EU and Cuba, including three main chapters on political dialogue, cooperation and sectoral policy dialogue, as well as trade and trade cooperation;
- H. whereas human rights feature in both the political dialogue and cooperation chapters; whereas with the PDCA both parties reaffirm their respect for universal human rights as set out in the Universal Declaration of Human Rights and other relevant international instruments on human rights; whereas with the PDCA both parties reaffirm their commitment to strengthen the role of the United Nations as well as to all the principles and purposes enshrined in the Charter of the United Nations; whereas pursuant to Article 21 of the Treaty on European Union, the external action of the Union should be guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights — including civil, political, economic, social and cultural rights — and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and the respect for the principles of the UN Charter and international law; whereas in this sense compliance with human rights and the defence of democracy and the rule of law should be an essential aspiration of the PDCA;

⁽¹⁾ Texts adopted of that date, P8_TA(2017)0296.

⁽²⁾ OJ C 201 E, 18.8.2005, p. 83.

⁽³⁾ OJ C 288 E, 25.11.2006, p. 81.

⁽⁴⁾ OJ C 146 E, 12.6.2008, p. 377.

⁽⁵⁾ OJ C 349 E, 22.12.2010, p. 82.

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- I. whereas the PDCA includes a so-called 'human rights clause', which is a standard essential element of EU international agreements that allows the PDCA to be suspended in case of violation of the provisions on human rights;
- J. whereas both parties have agreed on the broad modalities and areas for cooperation in the cooperation chapter, including on issues such as human rights, governance, justice and civil society;
- K. whereas Cuba is willing to accept cooperation with the EU within the framework of the European Instrument for Democracy and Human Rights (EIDHR); whereas the key objectives of the EIDHR are supporting, developing and consolidating democracy in third countries, and enhancing respect for and observance of human rights and fundamental freedoms; whereas with the PDCA both parties recognise that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of life;
- L. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, was established in 2015; whereas the human rights situation remains of concern;
- M. whereas issues discussed at the second meeting of the human rights dialogue held in Cuba in June 2016 with the participation of line ministries and agencies included freedom of association and human rights issues in a multilateral context, such as the death penalty; whereas the third meeting of the human rights dialogue took place in Brussels on 22 May 2017;
- N. whereas on three separate occasions Parliament has awarded the Sakharov Prize for Freedom of Thought to Cuban activists, Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010;
- O. whereas the EU has become the largest foreign investor in Cuba and its main export and overall trading partner, with overall trade and EU exports to Cuba having doubled between 2009 and 2015;
- P. whereas the PDCA devotes a chapter to the principles of international trade and addresses customs cooperation, trade facilitation and diversification, standards and technical rules, sustainable trade and promotion of a stable, transparent and non-discriminatory business and investment regime; whereas trade liberalisation, economic and financial investments, technological innovation and overall market freedoms would allow the island to modernise its economy;
- Q. whereas the 'Economic and social policy guidelines' for Cuba, adopted following a public debate procedure in 2011, contained proposals for reform, updating and modernisation;
- R. whereas two fresh public debates were opened in Cuba in 2016 on the 'Conceptualisation of the economic and social model' and the 'National economic and social development plan up to 2030: the nation's vision, priorities and strategic sectors';
- S. whereas the EU and Cuba have agreed to incorporate the gender perspective in all areas of their cooperation and to pay particular attention to preventing and tackling all forms of violence against women;
- T. whereas Cuba is a signatory to 11 of the 18 United Nations human rights conventions and has ratified eight of them; whereas Cuba has not ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights;
- U. whereas Cuba has ratified all eight core conventions of the International Labour Organization (ILO);
- V. whereas Cuba's National Assembly has been a member of the world Interparliamentary Union since 1977;

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- W. whereas the United Nations General Assembly has adopted 26 consecutive resolutions calling for the end of the United States embargo on Cuba, and the resolution was adopted unanimously for the first time in October 2016;
- X. whereas its long-standing position, adopted on numerous occasions and shared by the European institutions, is contrary to extraterritoriality laws, given that they are directly harmful to the Cuban people and affect the activities of European undertakings;
1. Welcomes the signing in Brussels, on 12 December 2016, of the PDCA between the EU and Cuba and states that it constitutes an instrument that will offer a new framework for relations between the EU and Cuba while maintaining the EU's interests, superseding the 1996 Common Position; stresses that the success of this agreement depends on its implementation and compliance with it;
 2. Affirms the high strategic value of the relationship between the EU and Cuba;
 3. Notes that the structure, content and dynamic of the agreement match the principles and values established by the EU institutions for its external relations;
 4. Underlines the fact that the Council of the EU agreed to establish a new framework for relations with Cuba and took the decision to embark on negotiations and conclude them successfully within a significantly brief timeframe;
 5. Stresses the commitment that Cuba is undertaking with the EU and the responsibility of both parties with regard to fulfilling the provisions of the agreement including through political dialogue;
 6. Recalls that the PDCA, as the first agreement between the EU and Cuba, will mark a turning point in bilateral relations between the two parties; welcomes the fact that both parties have agreed to develop this relationship in a structured manner, mutually subscribing to an agenda and obligations that are binding on both signatories;
 7. Underlines the relevance of the inclusion of the political dialogue chapter and the establishment of an institutionalised EU-Cuba Human Rights dialogue; calls for the EU to endorse Parliament's views on democracy, universal human rights and fundamental freedoms such as freedom of expression, assembly and political association, freedom of information in all its forms, as well as its 'worldwide policy of support to human rights defenders' throughout this dialogue; encourages both parties to establish guarantees for the work of human rights defenders and for the active participation of all civil society and opposition political actors, without restrictions, in this dialogue; notes, however, that the human rights dialogue has not to date put an end to arbitrary politically motivated detentions in Cuba and that, on the contrary, according to the Cuban Commission for Human Rights and National Reconciliation, there have been more and more crackdowns in recent years;
 8. Emphasises the importance of the human rights dialogue between the EU and Cuba and welcomes the fact that it was launched before the conclusion of the PDCA negotiations; reiterates that the objectives of the EU's policy towards Cuba include the respect for human rights and fundamental freedoms and facilitating the economic and social modernisation aimed at improving the living standards of the Cuban population;
 9. Notes the efforts made by Cuba to incorporate the United Nations' fundamental principles on human and labour rights into its national legislation, and urges Cuba to ratify the United Nations' human rights conventions which are still pending, more specifically the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; takes note of the work of the Cuban National Centre for Sex Education; calls on the Cuban Government to continue its efforts to end all forms of discrimination and marginalisation targeting the LGBTI community;
 10. Urges the Cuban Government to align its human rights policy with the international standards defined in the charters, declarations and international instruments to which Cuba is a signatory; insists that the persecution and imprisonment of anyone for their ideals and their peaceful political activity is in breach of the provisions laid down in the Universal Declaration of Human Rights and calls, therefore, for the release of any person imprisoned under such circumstances;

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11. Recalls that the PDCA includes a provision for the suspension of the agreement in the event of a violation of the provisions on human rights; urges the Commission and the European External Action Service (EEAS) to ensure the establishment of a regular exchange with Parliament on the implementation of the PDCA, on the fulfilment of the mutual obligations provided for in the PDCA, and in particular on the realisation of all human, environmental and labour rights provisions mentioned in this resolution; calls on the EEAS — in particular through the EU Delegation — to do its utmost to closely follow the situation with respect to human rights and fundamental freedoms in Cuba when implementing the PDCA and to report back to Parliament;

12. Stresses that the PDCA should contribute to improving the living conditions and social rights of Cuban citizens, reaffirming the importance of working systematically in promoting the values of democracy and human rights, including freedom of expression, association and assembly;

13. Welcomes the PDCA's explicit references to civil society as an actor of cooperation; voices its profound solidarity with the Cuban population and progress towards democracy and respect and promotion of fundamental freedoms; encourages both parties to the agreement to promote an active role for Cuban civil society during the implementation phase of the agreement;

14. Recalls the important role of Cuban civil society in the economic and democratic development of the country; stresses the need for civil society to be a leading player in all areas of this Agreement, including those related to development aid; recalls Parliament's support, through the Sakharov prize, of Cuban civil society in its role of promoting human rights and democracy in Cuba;

15. Recalls that internet connectivity in Cuba is among the lowest in the world and that internet access is extremely expensive and content remains restricted; welcomes the fact that more Cubans are getting access to the internet but believes the government should take further steps to foster uncensored access and improve the digital rights of the population;

16. Calls for the EEAS to keep Parliament informed of progress in the implementation of the agreement and its application, at appropriate intervals, and in accordance with the coordination system provided for in the agreement;

17. Takes notes of the process of normalising relations that has been achieved between Cuba and the United States with the restoration of diplomatic ties in 2015 and encourages further efforts;

18. Reiterates its long-standing doctrine, shared by the other European institutions and upheld on numerous occasions, opposing laws and measures with extraterritorial effect, given that they are harmful to the Cuban population and disrupt the activities of European undertakings;

19. Recognises that the PDCA can contribute to the reform, adjustment and modernisation processes already being proposed in Cuba, in particular with regard to the diversification of Cuba's international partners and the establishment of a general framework of political and economic development; stresses that closer political and economic relations with Cuba could help advance political reforms in the country in accordance with the aspirations of the Cuban people; urges the European institutions and the Member States to assist the economic and political transition in Cuba, encouraging the evolution towards democratic and electoral standards that respect the basic rights of all its citizens; supports the use of the various EU foreign policy instruments, and in particular EIDHR, in order to reinforce the EU's dialogue with Cuba's civil society and those who support a peaceful transition in Cuba;

20. Notes that the PDCA, as the first ever agreement between the EU and Cuba, constitutes the new legal framework for these relations, comprising a chapter on trade and trade cooperation that aims to create a more predictable and transparent environment for local and European economic operators;

21. Highlights that the trade and trade cooperation pillar of the PDCA does not provide any trade preferences for Cuba; recalls that this pillar covers customs cooperation, trade facilitation, intellectual property, sanitary and phytosanitary measures, technical barriers to trade, traditional and artisanal goods, trade and sustainable development, cooperation regarding trade defence, rules of origin and investment;

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22. Notes that the PDCA provides a platform for expanding the bilateral trade and investment relationship and establishing conventional bases for trade and economic relations between the EU and Cuba;

23. Supports the longstanding practice, also confirmed by Commissioner Cecilia Malmström in her hearing on 29 September 2014, of not applying trade and investment provisions of politically important agreements provisionally before Parliament has granted its consent; calls on the Council, the Commission and the EEAS to continue and to extend this practice to all international agreements related to the EU's external action policy where trade aspects are concerned, as is the case with the PDCA;

24. Takes the view that the agreement will serve to promote dialogue and economic cooperation, facilitating a predictable and transparent business environment and the development of a stronger, more stable framework in the future where it is ensured that Cubans can participate in investments jointly with companies and individuals from the EU;

25. Calls also on European companies operating in Cuba, especially those that receive credits or any financial assistance of public origin, to apply the same labour and ethical standards as required in their countries of origin;

26. Welcomes the fact that Cuba has ratified all eight ILO core conventions and asks for commitments regarding their swift implementation; strongly calls on Cuba and all countries with which it has or is negotiating agreements to ratify and comply with the regulations of the ILO and the Decent Work Agenda, and to proscribe all forms of labour exploitation; notes that there are areas in which social and labour rights are at stake, such as the recruitment practices by Cuban state-owned enterprises and wage confiscation practices in the tourism sector; stresses, in this context, that all workers need to enjoy a core set of labour rights as well as adequate social protection in line with the ILO conventions, and calls on both parties to work to this end in line with Article 38 of the PDCA;

27. Notes that the EU is Cuba's main export and second largest trade partner, as well as its biggest foreign investor; points out that the EU's foreign trade policy does not provide any trade preferences for Cuba, and that EU tariff rates apply as notified by the World Trade Organisation (WTO); recalls that as a result of the reform of the EU's Generalised Scheme of Preferences (GSP), from January 2014 Cuba lost its trade preferences for exporting to the EU since it had reached the category of an Upper Middle-Income Country (UMIC) and no longer fulfilled the eligibility criteria; stresses furthermore that trade still only represents a moderate share of the Cuban economy, with exports and imports taken together amounting to 26,4 % of GDP;

28. Suggests that future possibilities be explored to integrate Cuba into the EU-CARIFORUM EPA, which contains many specific and useful trade cooperation chapters and would offer Cuba the possibility of further regional integration;

29. Notes that Cuba is a member of the WTO and therefore emphasises the need to respect the basic principles of the WTO, such as trade facilitation, agreements on trade barriers, sanitary and phytosanitary measures and trade defence instruments;

30. Calls on Cuba to ratify the WTO TFA that entered into force in February 2017; welcomes the creation of the Trade Facilitation Committee in the country and, in this context, asks the Commission and the EEAS to provide technical support;

31. Points out that customs cooperation is a crucial area that needs to be developed in order to address important challenges such as border security, public health, the protection of geographical indications, the fight against counterfeit goods and the fight against terrorism, among other matters; calls on the Commission and the EEAS to provide technical and financial assistance and to establish bilateral instruments by mutual agreement to help with Cuba's implementation of trade facilitation measures and information services;

32. Emphasises the need for exports from Cuba to be diversified beyond the traditional products, and asks the Commission to create ad-hoc trade desks in order to exchange best practices and provide Cuban exporters with the knowledge required to improve the access of goods onto the EU market;

33. Welcomes the role of the World Customs Organization (WCO) in providing strategic support to the Cuban *Aduanas General de la República* (AGR) under the Mercator Programme in order to evaluate preparedness for implementing the WTO TFA; stresses the importance of the AGR being pro-active in the implementation of the TFA and asks the Commission to assist Cuba in this process;

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34. Takes note of the measures adopted by the Cuban authorities to encourage free enterprise and economic liberalisation; highlights the importance of gradually strengthening the private sector; emphasises the fact that the development of strong foreign investment to improve the physical and technological infrastructure of the country and to build a competitive Cuban production system will require further economic and financial measures with regulations that give legal certainty, including through independent, transparent and impartial institutions, and economic stability to the country; points out that Cuba can draw on the experience of EU Member States in this respect;
35. Calls for Cuba to be included as an eligible country under the EIB's external mandate provided it meets the requirements laid down by the EIB;
36. Welcomes the inclusion in the PDCA of provisions geared towards sustainable economic, social and environmental development in Cuba, in particular the commitment to working towards the fulfilment of the 2030 Agenda for Sustainable Development and its sustainable development goals (SDGs), taking into account the Addis Ababa Action Agenda on financing for development; calls on the Parties, once the PDCA has been ratified, to rapidly establish a dedicated dialogue on the implementation of the 2030 Agenda;
37. Recalls that diplomatic relations between the EU and Cuba were established in 1988, that Cuba has benefited from EU development assistance or humanitarian aid since 1984, and that it is currently receiving EUR 50 million in assistance from the EU under the Development Cooperation Instrument (DCI) regulation for the period 2014-2020;
38. Recalls that the PDCA will facilitate Cuba's engagement in EU programmes and the enhanced implementation of the multiannual indicative programme (MIP) for the period 2014-2020 in order to facilitate the economic and social modernisation strategy adopted by the Cuban Government;
39. Is concerned that Cuba, which is classed as an 'upper-middle-income country' by the OECD's Development Assistance Committee (DAC), risks seeing its development assistance under the DCI regulation being phased out; considers that the country's situation as a developing island state and the economic circumstances it is facing, which are exacerbated by the adverse impact of unilateral coercive measures, justify the adoption of measures that will enable EU assistance to Cuba to be continued, and that this should be given particular consideration as part of the forthcoming mid-term evaluation of the DCI regulation;
40. Supports the parties' reaffirmation of the need for all developed countries to set aside 0,7 % of their gross national income for official development assistance, and for emerging economies and upper-middle-income countries to set targets for increasing their contribution to international public finance;
41. Welcomes the promotion of the gender perspective in all the relevant fields of cooperation, including sustainable development;
42. Acknowledges and welcomes the important role Cuba plays in South-South cooperation, its commitment and its international solidarity in the form of humanitarian aid contributions, principally in the health and education sectors;
43. Notes that the PDCA is an opportunity for Cuba to be more engaged in and to enjoy greater access to EU programmes, including Horizon 2020, the framework programme for research and innovation, and Erasmus+ — the programme for education, training youth and sport — which would in turn foster closer academic and people-to-people exchanges;
44. Notes that the PDCA will also constitute an instrument for promoting, in multilateral fora, joint solutions to global challenges such as migration, the fight against terrorism and climate change;
45. Confirms its decision to send an official delegation of the Foreign Affairs committee of the European Parliament to Cuba; asks the Cuban authorities to allow the entry of EP delegations and to have access to their interlocutors;
46. Instructs its President to forward this resolution to the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the government and parliament of Cuba.
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P8_TA(2017)0301

HIV, TB and HCV epidemics in Europe on the rise

European Parliament resolution of 5 July 2017 on the EU's response to HIV/AIDS, Tuberculosis and Hepatitis C (2017/2576(RSP))

(2018/C 334/11)

The European Parliament,

- having regard to Article 168 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC ⁽¹⁾,
- having regard to the World Health Organisation (WHO) Action plan for the health sector response to HIV in the WHO European Region, which addresses the Global health sector strategy on HIV for the period 2016-2021,
- having regard to the 2014 annual epidemiological report of the European Centre for Disease Prevention and Control (ECDC) on Sexually transmitted infections, including HIV and blood-borne viruses,
- having regard to the ECDC's 2016 Systematic review on hepatitis B and C prevalence in the EU/EEA,
- having regard to its Written Declaration on Hepatitis C of 29 March 2007 ⁽²⁾,
- having regard to the ECDC's 2016 Guidance document on tuberculosis control in vulnerable and hard-to-reach populations,
- having regard to the WHO's Tuberculosis action plan for the WHO European Region 2016-2020 ⁽³⁾,
- having regard to the outcome of the informal EU Health Ministers' meeting held in Bratislava on 3-4 October 2016, which saw Member States agree on support for the development of an integrated EU policy framework on HIV, tuberculosis and viral hepatitis,
- having regard to the Commission communication of 22 November 2016, entitled 'Next steps for a sustainable European future — European action for sustainability', which encompasses the economic, social and environmental dimensions of sustainable development, as well as governance, both within the EU and globally, and in which the Commission states that it 'will contribute by monitoring, reporting and reviewing progress towards the Sustainable Development Goals in an EU context' (COM(2016)0739),
- having regard to the Joint Riga Declaration on Tuberculosis and its Multi-Drug Resistance made at the first Eastern Partnership Ministerial Conference on this topic held in Riga on 30-31 March 2015,
- having regard to the WHO's first Global Health Sector Strategy on viral hepatitis 2016-2021 adopted by the World Health Assembly in May 2016, which emphasises the crucial role of universal health coverage and the goals of which — aligned with the Sustainable Development Goals — are to reduce by 2030 the number of new cases and mortality of viral hepatitis by 90 % and 65 % respectively, and ultimately to eliminate viral hepatitis as a public health threat,

⁽¹⁾ OJ L 293, 5.11.2013, p. 1.

⁽²⁾ OJ C 27 E, 31.1.2008, p. 247.

⁽³⁾ http://www.euro.who.int/__data/assets/pdf_file/0007/283804/65wd17e_Rev1_TBActionPlan_150588_withCover.pdf

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- having regard to the WHO Europe Action plan for the health sector response to viral hepatitis in the WHO European Region, the overall goal of which is the elimination of viral hepatitis as a public health threat in the European Region by 2030, by reducing morbidity and mortality due to viral hepatitis and its complications, and ensuring equitable access to recommended prevention, testing, care and treatment services for all,
 - having regard to the WHO European Action Plan for HIV/AIDS 2012-2015,
 - having regard to its resolution of 2 March 2017 on EU options for improving access to medicines ⁽¹⁾, in which the Commission and the Member States are urged to adopt strategic plans to ensure access to life-saving medicines and to coordinate a plan to eradicate hepatitis C in the European Union by means of tools such as European joint procurement,
 - having regard to the UN Sustainable Development Goals (SDG) framework, in particular SDG 3, which includes the targets of ending HIV and tuberculosis epidemics by 2030 and combating hepatitis,
 - having regard to the Berlin Declaration on Tuberculosis — ‘All Against Tuberculosis’ — (EUR/07/5061622/5, WHO European Ministerial Forum, 74415) of 22 October 2007,
 - having regard to the question to the Commission on the EU’s response to HIV/AIDS, Tuberculosis and Hepatitis C (O-000045/2017 — B8-0321/2017),
 - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas, according to the ECDC, one out of seven people living with HIV are not aware of their serostatus, with an estimated average time between HIV infection and diagnosis of four years; whereas undiagnosed sufferers are 3,5 times more likely to transmit HIV than those who are diagnosed;
 - B. whereas the Dublin Declaration on Partnership to Fight HIV/Aids in Europe and Central Asia made a significant contribution to the establishment of a harmonised monitoring framework in the EU and neighbouring countries, which enables progress in the fight against HIV to be monitored;
 - C. whereas there is strong evidence that pre-exposure prophylaxis is effective in preventing infection and that the use of antiretroviral treatment all but eliminates the risk of transmission where viral loads are reduced to undetectable levels ⁽²⁾;
 - D. whereas, although new HIV infections among people who inject drugs have continued to decline in most European Union and European Economic Area (EU/EEA) countries, in 2015 one quarter of all newly diagnosed and reported HIV cases in four countries were attributed to injection drug use;
 - E. whereas new HIV infections due to transmission from parents to children and through blood transfusion have been virtually eliminated in the EU/EEA;
 - F. whereas tuberculosis (TB) and multi-drug-resistant tuberculosis (MDR-TB), being airborne diseases, are cross-border health threats in a globalised world in which the mobility of the population is increasing;
 - G. whereas the epidemiology of TB differs across the EU/EEA and depends on, *inter alia*, a Member State’s progress on its path towards TB elimination;

⁽¹⁾ Texts adopted, P8_TA(2017)0061.

⁽²⁾ <https://thinkprogress.org/massive-hiv-treatment-study-found-zero-transmissions-between-mixed-status-couples-73d4a497f77b>

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- H. whereas, of the 10 million total deaths attributable to drug resistance that could reportedly occur each year by 2050, around one quarter will come from drug-resistant strains of TB, at a cost to the global economy of at least USD 16,7 billion and to Europe of at least USD 1,1 billion;
- I. whereas attention should be paid to the issue of co-infection, in particular with TB and viral hepatitis B and C; whereas TB and viral hepatitis are highly prevalent, progress more rapidly and cause significant morbidity and mortality among HIV-positive people;
- J. whereas there is a critical need for cross-border and cross-disciplinary cooperation to address these epidemics;
- K. whereas viral hepatitis is one of the major public health threats globally, with around 240 million people affected by chronic hepatitis B ⁽¹⁾ and around 150 million people affected by chronic hepatitis C; whereas within the WHO European Region an estimated 13,3 million people live with chronic hepatitis B and an estimated 15 million people with hepatitis C; whereas, moreover, hepatitis B causes around 36 000 deaths and hepatitis C around 86 000 deaths in the Member States in the WHO European Region every year;
- L. whereas the WHO has identified injection drug use as a major driver of the hepatitis C epidemic in the European Region, with people who inject drugs (PWID) accounting for the majority of new cases;
- M. whereas, owing to generally rising national income levels and changes to the eligibility criteria for external donor financing, access to international financial support available for health programmes in the European Region is rapidly declining; whereas this particularly affects Eastern European and Central Asian countries, where rates of HIV, TB and hepatitis C are the highest, putting an effective response to these diseases at serious risk; whereas many countries in the WHO European Region still rely heavily on external funding to finance their health programmes, particularly for the purposes of helping vulnerable groups and key affected populations;
- N. whereas it will be difficult for the Commission to monitor progress made in achieving the SDGs as regards viral hepatitis, given the frequent absence or inadequacy of surveillance data in the Member States;
- O. whereas there are still inconsistencies in approaches to fighting viral hepatitis across the EU, with some Member States lacking a national plan altogether, while others have made significant funding commitments, have put in place strategies and have developed national plans for a comprehensive response to the burden of viral hepatitis;
- P. whereas there are between 130 and 150 million people in the world who are chronically infected with hepatitis C; whereas approximately 700 000 people die every year from liver diseases related to hepatitis C;
- Q. whereas in 2014, 35 321 cases of hepatitis C were reported from 28 EU/EEA Member States, a crude rate of 8,8 cases per 100 000 population ⁽²⁾;
- R. whereas between 2006 and 2014, the overall number of cases diagnosed and reported across all EU/EEA Member States increased by 28,7 %, with most of this increase observed since 2010 ⁽³⁾;
- S. whereas the interpretation of hepatitis C data across countries is hampered by differences in surveillance systems, testing practices and programmes, and difficulties in defining the cases as acute or chronic ⁽⁴⁾;

⁽¹⁾ <http://www.euro.who.int/en/health-topics/communicable-diseases/hepatitis/data-and-statistics>

⁽²⁾ Annual Epidemiological Report — ECDC:
http://ecdc.europa.eu/en/healthtopics/hepatitis_C/Documents/aer2016/AER-hepatitis-C.pdf

⁽³⁾ *Ibid.*

⁽⁴⁾ *Ibid.*

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A comprehensive and integrated EU policy framework

1. Calls on the Commission and the Member States to develop a comprehensive EU Policy Framework addressing HIV/AIDS, tuberculosis and viral hepatitis, while taking into account the varying circumstances and specific challenges faced by the Member States and neighbouring countries where the burden of HIV and MDR-TB is the greatest;
2. Calls on the Member States and the Commission to ensure the level of spending and resource mobilisation needed to achieve the objective of SDG 3;
3. Calls on the Commission and the Member States to strengthen work with communities and vulnerable people through multi-sectoral cooperation, by ensuring the participation of NGOs and the provision of services to the affected populations;
4. Calls on the Commission and the Council to play a strong political role in dialogue with neighbouring countries in Eastern Europe and Central Asia, ensuring that plans for sustainable transitions to domestic funding are in place so that HIV, viral hepatitis and TB programmes are effective, sustained and scaled up after the withdrawal of international donors' support; calls on the Commission and the Council to continue to work closely with those countries in ensuring that they take responsibility for and ownership of HIV, viral hepatitis and TB responses;
5. Calls on the Commission to discuss with Member States and future Council Presidencies the possibility of updating the Dublin Declaration to put HIV, viral hepatitis and TB on an equal footing;

HIV/AIDS

6. Stresses that HIV remains the communicable disease that carries the greatest social stigma, which can have a severe impact on the quality of life of those affected; stresses that almost 30 000 newly diagnosed HIV infections were reported by the 31 EU/EEA countries in 2015, with no clear signs of an overall decrease;
7. Calls on the Commission and the Member States to facilitate access to innovative treatment, including for the most vulnerable groups, and to work on combating the social stigma associated with HIV infection;
8. Underlines the fact that in the EU/EEA, sexual intercourse is still the main reported HIV transmission mode, followed by drug use injection; highlights the vulnerability of women and children to infection;
9. Calls on the Commission and the Council not only to increase investment in research with a view to achieving effective cures and developing new tools and innovative and patient-centred approaches to fighting these diseases, but also to ensure that these tools are available and affordable, and to address co-infections more effectively, in particular tuberculosis and viral hepatitis B and C and their complications;
10. Stresses that prevention remains the main tool for combating HIV/AIDS, but that two out of three EU/EEA countries report that the funds available for prevention are insufficient to reduce the number of new HIV infections;
11. Calls on the Member States, the Commission and the Council to continue to support HIV/AIDS prevention and linkage to care through joint action and projects under the EU Health Programme and to promote proven public health measures to prevent HIV, including: comprehensive harm-reduction services for drug users, treatment as prevention, condom use, pre-exposure prophylaxis and effective sexual health education;
12. Invites the Member States to focus HIV testing services in order to reach key populations in areas where HIV prevalence is highest, following WHO recommendations;

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13. Invites the Member States to fight effectively against the sexually transmitted infections that increase the risk of contracting HIV;

14. Encourages the Member States to make HIV tests available free of charge, especially for vulnerable groups, to ensure early detection and to improve reporting of the number of infections, which is important for the purposes of providing adequate information and warnings about the disease;

Tuberculosis

15. Stresses that in the European Union TB rates are among the lowest in the world; emphasises, however, that approximately 95 % of TB deaths occur in low- and middle-income countries; underlines, furthermore, that the WHO European Region and in particular the Eastern European and Central Asian countries are highly affected by MDR-TB, accounting for around one quarter of the global MDR-TB burden; whereas 15 out of the 27 high MDR-TB burden countries identified by the WHO are in the European Region;

16. Points out that TB is the biggest killer of people living with HIV, with around one in every three deaths among people with HIV due to TB ⁽¹⁾; stresses that the number of people falling ill with TB rose for the third year running in 2014, from 9 million in 2013 to 9,6 million in 2014; stresses that only one in four multi-drug resistant TB (MDR-TB) cases are diagnosed, which highlights major gaps in detection and diagnosis;

17. Points out that antimicrobial resistance (AMR) is an increasingly serious medical challenge in the treatment of infections and diseases, including tuberculosis;

18. Recalls that treatment interruption contributes to the development of drug resistance, to TB transmission, and to poor outcomes for individual patients;

19. Stresses that in order to improve TB prevention, detection and treatment adherence, the Commission and the Member States need to develop TB programmes and financial support in order to strengthen work with communities and vulnerable people through multi-sectoral cooperation which should include the participation of NGOs, especially in developing countries; highlights, moreover, that the financial involvement of all actors in subsidising treatment for TB is essential for the continuity of TB care, as treatments can be prohibitively expensive;

20. Emphasises the importance of tackling the emerging AMR crisis, including by funding the research and development of new vaccines as well as innovative and patient-centred approaches, diagnostics and treatment for tuberculosis;

21. Calls on the Commission and the Council to play a strong political role in ensuring that the link between AMR and MDR-TB is reflected in the outcome of the July 2017 G20 Summit in Germany, as well as in the new EU Action Plan on AMR that is set to be published in 2017;

22. Calls on the Commission and the Member States to cooperate in establishing cross-border measures to prevent the spread of TB through bilateral arrangements between countries and joint actions;

23. Calls on the Commission, the Council and the Member States to strengthen and formalise regional collaboration on TB and MDR-TB at the highest political level across the different sectors and to build partnerships with upcoming EU Presidencies in order to continue this work;

Hepatitis C

24. Stresses that in the European Union the main route of viral hepatitis transmission is via injection drug use as a result of sharing contaminated needles and the use of unsterile injection drug equipment; stresses that the rate of hepatitis infection among healthcare workers due to needlestick injuries remains above average; stresses that the provision of harm reduction services, including opiate substitution treatment (OST) and needle and syringe programmes (NSPs), is a critical viral hepatitis prevention strategy, which should also include measures to overcome stigma and discrimination; stresses that anti-HCV and HBsAg tests are frequently not part of reimbursed health check-ups; highlights that the virus can, in rare cases, be transmitted sexually, or in health and cosmetic care settings owing to inadequate infection control practices, or perinatally from an infected mother to the baby;

⁽¹⁾ WHO Global Tuberculosis report 2015.

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25. Stresses that over 90 % of patients show no symptoms on contracting the disease and it is usually discovered by chance during analysis or only when symptoms begin to appear, which accounts for the fact that it causes chronic hepatitis in 55 % to 85 % of cases; whereas within 20 years those with chronic hepatitis have a 15-30 % risk of developing liver cirrhosis — the main cause of hepatocellular carcinoma;
26. Emphasises that in 75 % of cases of hepatocellular carcinoma, the patient presents positive HCV serology results;
27. Emphasises that there is no standardised protocol in the Member States for hepatitis C screening and that the data on the numbers of people affected may be underestimated;
28. Emphasises that in April 2016 the WHO updated its Guidelines for the screening, care and treatment of persons with chronic hepatitis C infection, and that these complement existing WHO guidance on preventing the transmission of blood-borne viruses, including HCV; points out that these guidelines provide key recommendations in these areas and discuss considerations for implementation;
29. Emphasises that HCV infection can be cured, especially if it is detected and treated with the appropriate combination of antiviral drugs; points out in particular that antiviral treatment can now cure over 90 % of people with HCV infection; emphasises that viral HBV can be prevented through vaccination and can be controlled, but less than 50 % of people with chronic viral hepatitis are only diagnosed decades after becoming infected;
30. Calls on the Commission and the Member States to ensure sustainable funding of national viral hepatitis elimination plans, and to make use of EU Structural Funds and other available EU funding;
31. Calls on the Commission, the Council and the Member States to put in place an EU-wide harmonised infection surveillance programme that can detect outbreaks of viral hepatitis, TB and HIV in a timely manner, assess trends in incidence, provide disease burden estimates and effectively track in real time the diagnosis, treatment and care cascade, including for specific vulnerable groups;
32. Calls on the Commission to lead discussions with the Member States on how to best equip primary care professionals (such as the inclusion of anti-HCV and HBsAg tests in health check-ups, anamneses, follow-up tests and referral pathways), with a view to increasing the diagnosis rate and ensuring guideline-conforming care;
33. Regrets that there is no vaccine available at present for hepatitis C, rendering primary and secondary prevention crucial; emphasises, however, that the specific characteristics of hepatitis C infection and the lack of screening protocols impede testing in many cases;
34. Calls on the Commission, under the direction of the ECDC, to launch a multidisciplinary plan, in coordination with the Member States, which will standardise screening, testing and treatment protocols, and which will eradicate hepatitis C in the EU by 2030;

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35. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the World Health Organisation and the governments of the Member States.
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P8_TA(2017)0303

Towards an EU strategy for international cultural relations

European Parliament resolution of 5 July 2017 on Towards an EU strategy for international cultural relations (2016/2240(INI))

(2018/C 334/12)

The European Parliament,

- having regard to Article 167(3) and (4) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to United Nations Security Council resolution 2347 of 24 March 2017,
- having regard to the United Nations 2030 Agenda for Sustainable Development, in particular Sustainable Development Goals 4 and 17,
- having regard to the joint communication of the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to the European Parliament and the Council of 8 June 2016 entitled 'Towards an EU strategy for international cultural relations' (JOIN(2016)0029),
- having regard to the Commission communication of 10 May 2007 on a European agenda for culture in a globalising world (COM(2007)0242),
- having regard to the Preparatory Action for Culture in EU External Relations and its recommendations ⁽¹⁾,
- having regard to the document entitled 'Shared Vision, Common Action: A Stronger Europe — A Global Strategy for the European Union's Foreign and Security Policy' presented by the VP/HR on 28 June 2016,
- having regard to the Council resolution of 16 November 2007 on a European Agenda for Culture ⁽²⁾,
- having regard to the Commission report on the implementation of the European Agenda for Culture (COM(2010)0390),
- having regard to its resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties ⁽³⁾,
- having regard to the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro Convention) of 2005 ⁽⁴⁾,
- having regard to the Council conclusions of 16 December 2008 on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States ⁽⁵⁾,
- having regard to its resolution of 12 May 2011 on the cultural dimensions of the EU's external actions ⁽⁶⁾,

⁽¹⁾ http://ec.europa.eu/culture/library/publications/global-cultural-citizenship_en.pdf

⁽²⁾ OJ C 287, 29.11.2007, p. 1.

⁽³⁾ Texts adopted, P8_TA(2016)0441.

⁽⁴⁾ <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199>

⁽⁵⁾ OJ C 320, 16.12.2008, p. 10.

⁽⁶⁾ OJ C 377 E, 7.12.2012, p. 135.

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- having regard to its resolution of 19 January 2016 on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values ⁽¹⁾,
- having regard to its resolution of 24 November 2015 on the role of the EU within the UN — how to better achieve EU foreign policy goals ⁽²⁾,
- having regard to the Council conclusions of 23 December 2014 on a Work Plan for Culture (2015-2018) ⁽³⁾,
- having regard to the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage,
- having regard to its resolution of 8 September 2015 towards an integrated approach to cultural heritage for Europe ⁽⁴⁾,
- having regard to Resolution CM/Res(2010)53 adopted by the Council of Europe establishing an Enlarged Partial Agreement (EPA) on Cultural Routes,
- having regard to its resolution of 13 December 2016 on a coherent EU policy for cultural and creative industries ⁽⁵⁾,
- having regard to the Council conclusions of 24 November 2015 on culture in the EU's external relations with a focus on culture in development cooperation ⁽⁶⁾,
- having regard to its resolution of 30 April 2015 on the destruction of cultural sites perpetrated by ISIS/Da'esh ⁽⁷⁾, in particular paragraph 3 thereof, which 'calls on the VP/HR to use cultural diplomacy and intercultural dialogue as a tool when it comes to reconciling the different communities and rebuilding the destroyed sites',
- having regard to its resolution of 10 April 2008 on a European agenda for culture in a globalising world ⁽⁸⁾,
- having regard to the outcome of the 3502nd Education, Youth, Culture and Sport Council meeting of 21 and 22 November 2016,
- having regard to the study prepared at request of Parliament's Culture and Education Committee and entitled 'Research for CULT Committee — European Cultural Institutes Abroad' ⁽⁹⁾,
- having regard to the study prepared at request of Parliament's Culture and Education Committee and entitled 'Research for CULT Committee — European capitals of culture: success strategies and long-term effects' ⁽¹⁰⁾,
- having regard to the study of 2015 requested by the Commission's Service for Foreign Policy Instruments (FPI) entitled 'Analysis of the perception of the EU and EU's policies abroad' ⁽¹¹⁾,
- having regard to the opinion of the Committee of the Regions on towards an EU strategy for international cultural relations,

⁽¹⁾ Texts adopted, P8_TA(2016)0005.

⁽²⁾ Texts adopted, P8_TA(2015)0403.

⁽³⁾ OJ C 463, 23.12.2014, p. 4.

⁽⁴⁾ Texts adopted, P8_TA(2015)0293.

⁽⁵⁾ Texts adopted, P8_TA(2016)0486.

⁽⁶⁾ OJ C 417, 15.12.2015, p. 41.

⁽⁷⁾ OJ C 346, 21.9.2016, p. 55.

⁽⁸⁾ OJ C 247 E, 15.10.2009, p. 32.

⁽⁹⁾ [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/563418/IPOL_STU\(2016\)563418_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/563418/IPOL_STU(2016)563418_EN.pdf)

⁽¹⁰⁾ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513985/IPOL-CULT_ET\(2013\)513985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/513985/IPOL-CULT_ET(2013)513985_EN.pdf)

⁽¹¹⁾ http://ec.europa.eu/dgs/fpi/showcases/eu_perceptions_study_en.htm

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- having regard to the opinion of the European Economic and Social Committee on towards an EU strategy for international cultural relations,
 - having regard to the proposal for a decision of the European Parliament and of the Council on a European Year of Cultural Heritage (2018) (COM(2016)0543),
 - having regard to the Commission communication on a European Solidarity Corps (COM(2016)0942),
 - having regard to the Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy,
 - having regard to the decision of the International criminal court (ICC) of 27 September 2016, in which Ahmad Al Faqi Al Mahdi was found guilty of the destruction of several mausoleums in Timbuktu, and in which it ruled for the first time, in accordance with the Rome Statute, that the destruction of cultural heritage may be regarded as a war crime,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on Culture and Education under Rule 55 of the Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the Committee on Culture and Education (A8-0220/2017),
- A. whereas the EU is becoming a more prominent actor in international relations and should put additional resources and energy into the promotion of its common culture, cultural heritage, artistic creation and innovation within regional diversity, based on Article 167 TFEU;
- B. whereas the EU is an important actor in international politics playing an ever-increasing role in world affairs, including through the promotion of cultural and linguistic diversity in international relations;
- C. whereas culture has an intrinsic value, and the EU's experience has shown that cultural exchanges can serve to promote its external objectives and as a powerful bridge between people of different ethnic, religious and social backgrounds, not least by reinforcing intercultural and interreligious dialogue and mutual understanding, including through the activities of the European External Action Service (EEAS); considers, in this regard, that culture should become an essential part of the political dialogue with third countries, and that there is a need to systematically integrate culture into projects and programmes;
- D. whereas in order for the EU to foster intercultural understanding, it will have to expand on common communication tools in the form of genuinely European media, such as Arte, Euronews and Euranet;
- E. whereas culture and the protection of culture are inseparably linked to the honouring of human rights and fundamental freedoms;
- F. whereas science cooperation forms an essential element of foreign policy by building bridges between countries, enhancing the quality of international research and raising the profile of science diplomacy;
- G. whereas the EU and its Member States have a variety of common cultural, linguistic, historical and religious roots, and whereas by drawing inspiration from Europe's cultural, religious and humanist inheritance, they have succeeded in attaining unity in diversity; whereas European culture and cultural heritage, both tangible and intangible, represent the diversity of European societies and regions, of their majority societies as much as of their minority cultures;
- H. whereas the 'Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education', adopted in Paris on March 2015, highlights the need to foster active dialogue between cultures as well as global solidarity and mutual respect;

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- I. whereas throughout the history of the EU cultural relations have been fundamental drivers of social cohesion and sustainable economic and human development, while playing a crucial role in strengthening civil society capacities and people-to-people contacts, and in preventing radicalisation, with a view to protecting cultural heritage, reinforcing democratisation processes and engaging in conflict prevention, resolution and resilience;
- J. whereas cultural diplomacy should promote cultural and linguistic diversity, including the preservation of minority languages in the recognition that this constitutes a value in itself, and contributes to Europe's cultural heritage;
- K. whereas human rights also include cultural rights, and whereas equal attention should therefore be given to the right of each individual to participate in cultural life and enjoy his or her own culture, whilst fully respecting the fundamental human rights of all;
- L. whereas restrictive measures were put in place in December 2014 to counter the trading of cultural objects from Syria; whereas there is a clear need for the setting up of an emergency response mechanism to detect and prevent the destruction of cultural heritage and the removal of cultural objects, including in conflict areas or countries, acts that can be used in conflict situations to intimidate or shock, and which in some instances amount to 'cultural cleansing';
- M. whereas culture is a common good, and designing a new consensus on development must include a reflection about reclaiming common public goods, including through culture;
- N. whereas the EU and individual Member States provide more than half of the world's development aid, a fact that deserves to be better acknowledged;
- O. whereas cultural heritage is a universal legacy, and its protection is therefore a precondition for building peace and resilience;
- P. whereas the joint communication entitled 'Towards an EU strategy for international cultural relations' provides a framework for the EU's international cultural relations; whereas, however, it falls short of identifying thematic and geographical priorities, concrete objectives and outcomes, target groups, common interests and initiatives, financing provisions, sound financial management, a local and regional perspective and challenges and implementation modalities;
- Q. whereas people-to-people contacts such as youth exchanges, city twinning and partnerships in the professional field have been important vehicles for fostering intercultural understanding and should be promoted by the EU in its foreign policy relations;
- R. whereas mobility is an essential part of the EU's international cultural relations, requiring the setting up of mechanisms to facilitate visa access to and from third countries for cultural professionals, researchers, academics, teachers, students and staff, and for alumni networks for former participants in EU programmes ⁽¹⁾;
- S. whereas the EU and neighbouring states have historically influenced each other with regard to culture;
- T. whereas cooperation, training, mobility of artists and cultural professionals — and of their works, including through European and international networks, and artist residencies — are key factors in the dissemination and exchange of both European and non-European cultures and arts, and need to be promoted and enhanced;
- U. whereas a visa policy for artists and cultural professionals is key to successful cooperation and to the free circulation of works, through European and international networks, as well as to ensuring active artists' residencies programmes that involve civil societies in the different countries and regions of the world;

⁽¹⁾ For instance, Erasmus, Horizon 2020 and Creative Europe.

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- V. whereas it could be a useful starting point to take stock of what has been achieved under the 'EU agenda for culture' with a view to further developing and improving the strategy, establishing clear and measurable goals in line with individual country specificities, priorities and realistic outcomes, and learning from best practices;
- W. whereas the EU, as a key partner of the United Nations, should work closely with UNESCO to protect global cultural heritage;
- X. whereas coordination among EU programmes and resources should strengthen the cultural dimension of EU international relations in order to create a shared space of dialogue for cross-cultural understanding and trust;
- Y. whereas EU initiatives and actions should be more visible in third countries, including in those covered by the European Neighbourhood Policy, and their results better attributed, assessed and disseminated ⁽¹⁾;
- Z. whereas the number of products and services from the audiovisual, cultural and creative sectors is increasing, as is their contribution to GDP and international circulation;
- AA. whereas many of the European Cultural Routes certified by the Council of Europe pass through countries in the EU's Eastern and Southern Neighbourhood as well as through candidate countries, and whereas this contributes to strengthening the links between the EU and its neighbouring countries;
- AB. whereas the Union's efforts to nurture societal resilience by deepening work on culture, education and youth foster pluralism, coexistence and respect;

Objectives

1. Welcomes the joint communication, which offers an overview of all instruments, actions, initiatives, programmes and projects supported or implemented by the EU and its Member States that have culture as a common denominator; calls for the development of an effective EU strategy for international cultural relations;
2. Acknowledges that the joint communication aims at fostering cultural cooperation within the EU and with its partner countries, and at promoting a global order based on peacekeeping, on fighting extremism and radicalisation through intercultural and interreligious dialogue and on conflict prevention, with respect for democracy, the rule of law, freedom of expression, artistic freedom, mutual understanding, human rights, cultural and linguistic diversity and fundamental values; stresses, furthermore, the important role of cultural diplomacy, education and cultural exchange in strengthening a common core of universal values;
3. Acknowledges the efforts realised by EEAS, together with the Commission, to enhance the external dimension of science and research policies, and urges the Commission to foster the development of an ambitious science diplomacy;
4. Calls for cultural rights to be promoted as integral fundamental human rights, and for culture to be considered for its intrinsic value as a fourth standalone, transversal pillar of sustainable development together with social, economic and environmental dimensions;
5. Welcomes the approach of the joint communication, which identifies three work streams: supporting culture as an engine for sustainable social and economic development; promoting culture and intercultural dialogue for peaceful inter-community relations; and reinforcing cooperation on cultural heritage;
6. Calls for artistic freedom of expression to be promoted as a value and an endeavour of the European Union, fostering free dialogue and the exchange of good practices at international level;

⁽¹⁾ For instance, the EU Visitors Programme (EUVP), established in 1974 by Parliament and the Commission, is an individual study programme for promising young leaders and opinion-moulders from countries outside the European Union, its motto being 'Sharing EU values around the world since 1974'.

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7. Underlines that the EU has multiple and diverse experiences in inclusive governance, that its strength is in being united in its diversity and that this is where the EU adds value;
8. Recognises that while principles of subsidiarity and proportionality have to be respected in the field of culture — considering also the EU's and the Member States' common cultural roots and heritage, and the result of long-standing artistic and cultural interactions — creating the habit to work and create together has built a foundation of respect for, and understanding of, other cultures;
9. Stresses that the EU is an arena in which all Member States join forces to play a stronger role in the field of international cultural relations, taking advantage of the mutual benefits of cooperation;
10. Suggests that each Member State could launch joint actions together with the EU to highlight a different EU country each year by means of, e.g., exhibitions and co-productions, with a special role given to the rotating presidency, with a view to delivering additional intrinsic value for the EU and the Member States and to increasing the visibility of their actions and initiatives abroad, including through EU delegations, with specific human and financial resources made available to this end;
11. Member States, especially smaller Member States and their cultural institutions and actors, could add value to their cultural achievements by using the EU to promote and share them abroad;
12. Cultural diplomacy can function as an envoy of the EU and its Member States;
13. Recalls, with respect to tangible and intangible cultural heritage, the importance of cooperation among the Member States and the EU institutions in terms of accessibility research, promotion, preservation and management, and the fight against trafficking, looting and destruction, including through regionally dedicated funds and assistance, and through trans-border police cooperation, both inside and outside the EU;
14. Stresses the role of independent media in promoting cultural diversity and intercultural competences, and the need to strengthen such media as a source of credible information, especially in the EU neighbourhood;
15. Welcomes the fact that the joint communication introduces cultural and creative industries as an important element of the EU's strategy for international cultural relations; whereas these industries contribute to Europe's 'soft power' in their role as ambassadors of European values, especially with regards to regional creative hubs and cultural networks, and recommends that they be identified and offered stimulation as well as skills development; calls on the Commission to upgrade the networks of creative and cultural agents and actors, with a specific focus on SMEs, European creative districts and creative platforms, as generators of multiplier effects and innovation, including in other fields;
16. Asks the Commission and the VP/HR to identify 'cultural actors' as playing an integral role in the implementation of the joint communication, clarifying that these should include, among other categories, artists, cultural and creative professionals, cultural institutions, private and public foundation, universities, and culture and creative businesses;

Governance and tools

17. Calls on the Commission and the VP/HR to present annual and multiannual action plans in this field, which should include actions, strategic thematic and geographical priorities and common objectives, and for a periodic review of the implementation of the joint communication, the outcome of which should be reported to Parliament;
18. Stresses the need for greater coherence among EU policies and actions involving third countries; stresses the need to draw on existing research results, best practices and other EU-funded initiatives and instruments relating to protection of cultural heritage that could benefit cooperation with third countries; calls for enhanced synergies between all actors involved, and of other EU-funded initiatives that could be beneficial to achieving the objectives of the strategy, to ensure resource efficiency, optimised outcomes and enhanced impact of EU actions and initiatives; recommends a stocktaking exercise to guarantee an effective approach;

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19. Urges the Commission, in the next multiannual financial framework, to provide for a budget line dedicated to supporting international cultural relations in existing programmes and future calls, especially in the next generation of programmes on culture and education, so that these can develop their international action in a proper way;
20. Proposes that a dedicated EU programme be designed and resources focused on international mobility and exchanges such as residency programmes especially for young cultural and creative professionals and artists;
21. Proposes, in this context, that alumni and former beneficiaries of Erasmus and other mobility educational and volunteering programmes should be encouraged to make use of their intercultural skills and competences to the benefit of others, and should become influential actors in the development of partnerships in the field of cultural external relations;
22. Calls on the Commission to develop the cultural tourism dimension by, for example, drafting and exchanging thematic programmes and best practices in order to facilitate international mobility and exchanges with citizens from third countries, as well as access to cultural items;
23. Calls on the Commission and the EEAS to include international cultural relations in international cooperation instruments and programmes in a horizontal way, and in the course of the mid-term review exercises, in order to ensure coherency and to turn international cultural relations into an efficient tool;
24. Calls on the Commission to strengthen the impact of the cultural dimension in international relations by including the cultural dimension systematically in negotiations and in association agreements; underlines the need for the EU to set principles of conduct for cooperation partners in transnational projects and create a flexible framework for facilitating transnational cultural cooperation by removing barriers;
25. Calls on the Commission to further support cultural relations with Neighbourhood countries through technical assistance, capacity-building programmes training, skill development, and knowledge transfer — also in the media sphere — to improve governance and favour new partnerships at national, regional, local and cross-border levels, while providing a follow-up to regional programmes in Southern and Eastern Neighbourhood countries, including the Western Balkans;
26. Underlines that, for reasons of sustainability, the EU's external cultural funding activities must result from a strong involvement of local partners, adaptation of programmes to local realities and a due consideration of the post-funding period for projects, including transition to national financing or other revenue-models;
27. Highlights the importance of culture and human rights initiatives, which should aim at supporting cultural professionals in countries or regions where their rights are threatened; calls for such programmes to be jointly funded by the European Endowment for Democracy and the European Neighbourhood Instrument;
28. Stresses that an active civil society in partner countries may help considerably when it comes to spreading the values promoted by the EU, and that it is therefore essential that the EU, when cultivating its bilateral relations, bolsters support for the civil society organisations of the cultural sector in partner countries;
29. Calls on the Commission to include culture in all existing and future bilateral and multilateral agreements, with adequate budget provisions and with due respect for the commitments made under the UNESCO Convention on Cultural Diversity, in order to place further emphasis on the economic potential of cultural heritage and the cultural and creative sectors in promoting sustainable development, including in the areas of growth and jobs, and on their impact on social wellbeing; argues that this could be done, for example, in the next negotiation mandate for the new partnership with ACP countries after 2020; calls for EU indicators to be developed in that field as a means of contributing to the cultural policy debate;
30. Stresses the importance of youth mobility and university cooperation schemes as highly valuable measures for establishing long-term academic and cultural relations;

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31. Calls on the Commission to strengthen the international dimension of Erasmus+, Creative Europe, Europe for Citizens and Horizon 2020; recalls, in this regard, the crucial role that EU programmes in the fields of culture, education, youth and sport have as core elements in tackling intolerance and prejudices, as well as in fostering the sense of common belonging and respect for cultural diversity; calls on the Commission to promote, particularly within the context of the European Neighbourhood Policy, participation in these programmes by the partner countries closest to the EU;
32. Recognises the Commission's efforts to promote the role of science, research, education and cultural cooperation as soft-power tools in European external relations; highlights that scientific and cultural exchanges contribute to capacity building and conflict resolution, particularly in relations with neighbouring countries;
33. Calls on the Commission to reinforce and expand COSME (the EU programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises) to cover the strategy for international cultural relations, and to reinforce, through EU thematic programmes, SMEs active in the culture sector in countries outside the EU;
34. Highlights the role of the Committee of the Regions and the European Economic and Social Committee, and the role of regional and local authorities, and of civil society, in the formulation of the strategy;
35. Stresses that Parliament should play an active role in promoting culture in the EU's external action, including through its information and liaison offices;
36. Calls on the Commission and the EEAS to appoint a 'focal point' in each EU delegation to liaise with Member States' national cultural institutes, representatives and local civil societies, actors and authorities in a structured dialogue process aimed at jointly identifying common priority areas, needs and methods of cooperation, and to provide adequate budget and training; asks the Commission and the EEAS to report to Parliament on the state of implementation and achieved results every two years;
37. Calls for the allocation of appropriate human and financial resources in the EEAS for cultural international relations, empowering the EEAS with a catalytic leadership role within the different EU services dealing with the international cultural relations;
38. Advocates international cultural relations as a subject for education, training and research with a view to building the capacity of actors in that field, as well as to enhancing cultural participation through education, including by providing EU staff with relevant training on cultural competences;
39. Calls for the role of Member States' cultural institutes to be clearly framed with regard to the EU's cultural influence outside its borders, and in the context of an inclusive and shared European narrative, through the EU National Institutes for Culture (EUNIC) network and other forums, and advocates an inclusive and equal approach towards all stakeholders, including civil society; praises, in this regard, the work carried out to date by Member States' cultural institutions; encourages further collaboration abroad with a view to optimising Member States' interests, with particular attention given to smaller Member States and Member States with no cultural institutes abroad, and to their cultural representation needs;
40. Calls for a reinforcement of the strategic partnership with UNESCO in the implementation of the joint communication, using its credibility in Europe and its global outreach to multiply the effects of joint actions with all EU and non-EU stakeholders, and for consideration to be given to associating it to the future working groups or advisory boards to assist in the implementation of the communication;
41. Emphasises the need to redefine the important role of national cultural institutes in intercultural exchanges, bearing in mind that some of these have long traditions with many contacts in third countries, allowing them to serve as a solid foundation for cooperation and communication among the various European players; points, furthermore, to their potential to promote and facilitate bilateral relationships between countries and to help develop and implement a European strategy for cultural diplomacy;

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42. Calls on the Commission and the VP/HR to further support the development of the individually tailored EUVP study programme (European Union Visitors Programme) as a powerful tool for enhancing dialogue, promoting democracy and providing a permanent platform for young and future leaders and opinion-builders from third countries and for key interlocutors within European institutions and civil society organisations;

43. Welcomes the establishment of the Cultural Diplomacy Platform and calls for it to be made sustainable, with a regular evaluation of its objectives, results and governance; recognises that many different institutional and non-institutional stakeholders ⁽¹⁾ are active in the area of international cultural relations, and asks the Commission to promote a structured dialogue among all stakeholders, including through the open method of coordination;

44. Calls for the setting-up, without delay, of a mechanism for the prevention, assessment, the reconstruction of cultural heritage in danger, and for the evaluation of losses, including a rapid emergency mechanism to safeguard heritage in countries of conflict, building on the experience of the UN's Blue Helmets for Culture task force initiative, in close and structured cooperation with UNESCO and with the technological support of Copernicus — the European Earth Observation Programme; welcomes, in this regard, the adoption of United Nations Security Council resolution 2347, which states that the destruction of cultural heritage may constitute a war crime, and calls on the EU and the EEAS to work with all partners to contribute to conflict prevention, peace building and the processes of restoration and reconciliation in all areas affected by conflict;

45. Calls for coordination at EU level to combat the unlawful trafficking of cultural items stolen during armed conflicts and wars, and to recover such items, in the recognition that such coordination has a vital role in efforts to block the financing of terrorist groups;

46. Highlights the need to reinforce the EU-UNESCO strategic partnership by creating a sustained platform for cooperation and communication on shared priorities with a view to tackling common challenges in culture and education effectively;

47. Proposes that special attention be given, at the European Culture Forum and during the European Development Days, to a structured dialogue with civil society and stakeholders on the topic of the EU's international cultural relations;

48. Calls on the Commission to organise a specific colloquium/forum for cultural actors on culture and development, in keeping with the EU-ACP Brussels Declaration of April 2009, and that this should be open to actors from the EU's neighbourhood and from other strategic partner countries;

49. Considers the decision for a European year of Cultural Heritage 2018 an opportunity to contribute to the promotion of cultural heritage, with an integrated approach, as an important element of the EU's international dimension, building on the interest of partner countries on Europe's heritage and expertise;

50. Calls for efficient implementation of the legal instruments already in place to better protect cultural heritage, copyright and intellectual property; asks the Commission to present the envisaged legislative proposal to regulate the import of cultural goods into the EU, in particular such goods from conflict areas, as a means of combating trafficking;

51. Calls on the EU and the Member States — having signed and ratified, and thus committed themselves to the implementation of, the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions — to support common actions for its implementation;

⁽¹⁾ Commission Directorates-General (notably for Education and Culture (EAC), International Cooperation and Development (DEVCO), Neighbourhood and Enlargement Negotiations (NEAR), Research and Innovation (RTD) and Communications Networks, Content and Technology (CONNECT)), the EEAS, the Service for Foreign Policy Instruments (FPI), EU delegations, Member State delegations, Member States' cultural institutes abroad, the Council of Europe, the European Economic and Social Committee and the Committee of the Regions, the European Union National Institutes for Culture (EUNIC), the International Council of Museums (ICOM), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), UNESCO, international organisations, civil society organisations, non-governmental organisations, local cultural actors, street artists and other platforms and networks.

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People-to-people approach

52. Agrees with the proposal of the joint communication to shift from a top-down showcasing approach to a people-to-people (P2P) approach, stressing processes of co-creation and co-production in cultural and creative industries; considers that culture should reach all citizens;

53. Recognises that young people are one of the main target groups in the EU and partner countries and that exposure to other cultures and languages offers experiences that often create a lifelong affinity, and acknowledges that performing arts, visual arts, street arts, music, theatre, film, literature and social media, and digital platforms in general, are the best channels for reaching and engaging them;

54. Asks that joint projects between the EU and third countries in the field of research and development of digitalisation of cultural heritage be valorised also in order to facilitate access to knowledge, the development of new services and products, and the promotion of a new cultural tourism;

55. Calls for the value and role of cultural content, of which Europe is one of the major producers, to be integrated into European policies, including in the digital sector, with a view to creating global virtual citizens' networks to increase cultural participation and exchange;

56. Calls for the setting up of an EU connectivity initiative to assist geographically disadvantaged youths in order to allow them to participate more actively;

57. Welcomes initiatives by the Commission to promote peer-to-peer learning for young cultural entrepreneurs, such as the Med Culture programme, or to support initiatives in training in intercultural relations, such as More Europe;

58. Advocates measures to make it as easy as possible for third countries to participate further in cross-border and joint projects such as the Cultural Routes of the Council of Europe, as well as to include them as players in the future strategy suggested for EU delegations in third countries, allowing them to take full advantage for their work in third countries of EU cultural activities such as the European Capital of Culture and the Lux Prize; recalls that digital tools, technological platforms such as Europeana, and cultural networks can play a crucial role in reaching larger audiences and disseminating best practices;

59. Calls for the creation of a cultural visa programme, along the lines of the existing Scientific Visa Programme, for third-country nationals, artists and other professionals in the cultural field with a view to fostering cultural relations and eliminating obstacles to mobility in the cultural sector;

60. Calls on the Commission to step up collaboration with the Council of Europe, in particular in programmes dedicated to highlighting culture as a vehicle for democracy, intercultural dialogue, cultural heritage and the audiovisual world;

61. Recognises the need for an in-depth knowledge of the field, and of local actors and civil society, in order to improve these actors' access to programmes and funding and to ensure that the multiplying effect of their participation in EU programmes and initiatives is exploited; recommends that local actors, including local authorities, be consulted with a view to co-designing programmes; calls for the development of innovative collaborative approaches relying on tools and networks already in place (grants, sub-grants) ⁽¹⁾, and for these to be followed up, taking gender balance into account;

⁽¹⁾ For example, the EU-funded programme Med Culture, which aims at developing and improving cultural policies and practices related to the cultural sector. The participative approach involves civil society actors, ministries and private and public institutions working in the field of culture, as well as other related sectors.

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62. Acknowledges that development strategies and programmes focus heavily on material and sociocultural deprivation; calls for better outreach to vulnerable communities, including in rural and remote areas, with a view to fostering social cohesion;

63. Call for improved visibility and better dissemination of the EU's and the Member States' activities in the field of culture at international level, including through the setting up common guidelines⁽¹⁾ and by reaching out to target audiences in their local languages;

64. Calls for a paradigm shift in media coverage by encouraging the provision of European cultural information, with the launch of an EU cultural portal, festivals and the elaboration of the concept of the European Houses of Culture, including through structured engagement with local media and social media platforms as well as in cooperation with EBU, EURONEWS and EURANET, among others;

65. Encourages the EU to fully take advantage of the potential of multimedia research to understand the current challenges and opportunities in developing countries, including on matters related to culture and on the assessment of the role of culture in development and international cooperation;

EU Global Strategy

66. Highlights the important role of culture in EU external policy as a soft power tool, a catalyst for peacekeeping, stability and reconciliation, and as an engine for sustainable socio-economic and human development;

67. Stresses the crucial role of education and culture in fostering citizenship and intercultural skills, as well as in building better social, human and economic prospects;

68. Praises the fact that the EU Global Strategy highlights the importance of intercultural and interreligious dialogue in enhancing mutual understanding; regrets, however, that the intrinsic value of culture and art as restraints against radicalism and terrorism is not mentioned; requests, therefore, that instruments specifically dedicated to the strengthening of, and cooperation with, the cultural sector be reinforced;

69. Calls on the Commission to step up its cooperation with international organisations such as the United Nations, UNESCO, Interpol, the World Customs Organisation and the International Council of Museums in order to strengthen the fight against trafficking in cultural goods that can serve to finance criminal activities, including the financing of terrorist organisations;

70. Calls on the VP/HR to give a specific role to cultural issues in the implementation road map of the EU Global Strategy;

71. Underlines that the EU, the foundations of which are based on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, should build on its experiences and lessons learnt when it comes to external policy, and that this should be reflected in the development of relations with third countries through culture and cultural heritage, noting in this regard that this would also provide an opportunity for the EU to showcase and export its cultural values;

72. Calls for targeted cultural and educational policies that can support key EU foreign and security policy objectives and contribute to reinforcing democracy, the rule of law and the protection of human rights; recalls that 2018 will be the 70th anniversary of the Universal Declaration of Human Rights;

73. Recognises that the EU's cultural influence enables it to project visibility in international affairs through the channels of its diverse cultural identity;

⁽¹⁾ One suggestion would be the creation of 'Ambassadors for Culture' who are committed to, and supportive of, both European integration and international relations (in a manner similar to UN Goodwill Ambassadors). These could be artists, musicians, writers, etc.

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74. Recalls that education and culture are fundamental drivers when it comes to facilitating the achievement of the Sustainable Development Goals in 2030, with specific attention to urban regeneration and to cities in Europe and in the world; calls, therefore, for the proposal for a new European Consensus on Development to highlight the role of culture and the protection and promotion of cultural expressions;

75. Calls for international cultural relations to be strengthened in discussions on 'migration' and refugee policies; urges the EU, whose strength is in being united in diversity, to adopt a balanced approach that respects cultural differences, and in which diasporas play a crucial role; stresses that culture should be a bridge for mutual understanding with a view to living together in greater harmony;

76. Acknowledges that the EU also operates in specific environments in which the political context and the legal frameworks for the fruition of cultural relations are hostile and repressive; recognises that in third countries the EU often suffers the consequences of inaccurate, partial and subjective information and is the target of outright propaganda; calls for special measures and appropriate action in this regard;

77. Calls on the EU and the Member States to reinforce the resources available for access to education and culture, in particular for migrant and refugee minors in EU and third countries; asks for support to 'educational corridors' for university students at EU universities (in collaboration as well with telematic universities), always respecting linguistic and cultural diversity;

78. Calls on the Commission and the EEAS to foster cultural relations with the EU's direct neighbours with a view to promoting concrete actions aimed at stimulating intercultural dialogue ⁽¹⁾ and tackling the issues of migration, security and radicalisation that the EU is facing;

79. Recommends that the EU works with all relevant institutions working in this field and with local partners to pursue its objectives in the field of international cultural relations, both through multilateral cooperation in international organisations and through partnerships with key actors on the ground;

80. Calls on the Commission and the EEAS to strengthen cooperation with the Enlarged Partial Agreement on Cultural Routes of the Council of Europe, an institutional tool for strengthening grassroots cultural relations also with third countries, with a view to promoting the fundamental values of cultural diversity, intercultural dialogue and sustainable territorial development of less well-known cultural destinations, while preserving their shared cultural heritage;

81. Encourages the EU to work closely with all states that share its goals and values and are prepared to act in their support; stresses that this is particularly important in order to establish a legitimate and stable action for the EU to be recognised as a 'global player';

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82. 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 European External Action Service and the governments and parliaments of the Member States.

⁽¹⁾ Such as the EU-funded project Young Arab Voice.

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P8_TA(2017)0305

Building an ambitious EU industrial strategy as a strategic priority for growth, employment and innovation in Europe

European Parliament resolution of 5 July 2017 on building an ambitious EU industrial strategy as a strategic priority for growth, employment and innovation in Europe (2017/2732(RSP))

(2018/C 334/13)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 9, 151, 152, 153(1) and (2), and 173 thereof,
- having regard to Articles 14, 27 and 30 of the Charter of Fundamental Rights of the European Union,
- having regard to the Treaty on the Functioning of the European Union (TFEU) and to the Treaty on European Union (TEU), in particular to Article 5(3) TEU and to Protocol No 2 on the application of the principles of subsidiarity and proportionality,
- having regard to the Commission communication of 23 November 2010 entitled ‘An Agenda for New Skills and Jobs: A European contribution towards full employment’ (COM(2010)0682),
- having regard to its resolution of 15 January 2014 on reindustrialising Europe to promote competitiveness and sustainability ⁽¹⁾,
- having regard to the Commission communication of 22 January 2014 entitled ‘For a European industrial renaissance’ (COM(2014)0014),
- 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 Commission communication of 10 October 2012 entitled ‘A stronger European industry for growth and economic recovery’ (COM(2012)0582),
- having regard to President Juncker’s Political Guidelines entitled ‘A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change’,
- having regard to its resolution of 5 October 2016 on the need for a European reindustrialisation policy in light of the recent Caterpillar and Alstom cases ⁽²⁾,
- having regard to the European Council conclusions of 15 December 2016 and of 23 June 2017,
- having regard to the Council conclusions on the Industrial Competitiveness Agenda, on the digital transformation of European industry and on the ‘Digital Single Market Technologies and Public Services Modernisation’ package,
- having regard to its resolution of 9 March 2011 on an industrial policy for the globalised era ⁽³⁾,
- 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),
- having regard to its resolution of 1 June 2017 on digitising European industry ⁽⁴⁾,

⁽¹⁾ OJ C 482, 23.12.2016, p. 89.

⁽²⁾ Texts adopted, P8_TA(2016)0377.

⁽³⁾ OJ C 199 E, 7.7.2012, p. 131.

⁽⁴⁾ Texts adopted, P8_TA(2017)0240.

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- having regard to the Council conclusions of 29 May 2017 on a future EU industrial policy strategy,
 - having regard to the Paris Agreement, ratified by the European Parliament on 4 October 2016,
 - having regard to the question to the Commission on building an ambitious EU industrial strategy as a strategic priority for growth, employment and innovation in Europe (O-000047/2017 — B8-0319/2017),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas European industry is a global leader in many industrial sectors, accounting for over half Europe's exports and around 65 % of research and development investments, and providing more than 50 million jobs (both directly and indirectly), meaning 20 % of jobs in Europe;
- B. whereas the contribution of the European manufacturing industry to the EU's GDP has decreased from 19 % to less than 15,5 % during the last 20 years and its contribution to jobs and investment in research and development has declined during that period;
- C. whereas the strengthening of our industrial base is therefore essential to keeping expertise and know-how in the EU;
- D. whereas EU policy needs to enable European industry to preserve its competitiveness and capacity to invest in Europe and to address social and environmental challenges, including climate change, while remaining a leader in social and environmental responsibility;
- E. whereas the circular economy can have a highly positive impact on the reindustrialisation of Europe and on lowering energy consumption and dependence on raw materials coming from third countries, and whereas investment in renewable energy and energy efficiency is an important driver for the promotion of industrial renewal capable of creating virtuous circles;
- F. whereas an ambitious innovation policy which favours the production of high-quality, innovative and energy-efficient products and promotes sustainable processes will enable the EU to strengthen its competitiveness in the world; whereas innovation and investment in R&D, jobs and skill renewal are essential for sustainable growth; whereas innovative industry depends strongly on the EU's research capacity, research progress and collaborative research in particular;
- G. whereas European industry, both large- and small-scale, faces global competition and whereas an integrated and functioning internal market and open and fair trade with third countries is essential for EU industry, where fair trade in industrial products must respect EU standards;
- H. whereas small and medium-sized enterprises (SMEs), which account for a large majority of European companies and represent the backbone of EU industries, are facing major challenges due to global changes in the economy and financial and administrative barriers;
- I. whereas female entrepreneurs represent only 31 % of the EU self-employed population and 30 % of start-up entrepreneurs, and are currently under-represented in industry, in particular in scientific, engineering and management posts;
- J. whereas more than 60 % of all enterprises today are family-run businesses and provide up to 50 % of all private sector jobs in the European Union;
- K. whereas the support strategy for the digitalisation of industry is essential for the competitiveness of the European economy;
- L. whereas EU financing instruments and programmes play a strategic role in fostering competitiveness and in attracting investment in the EU and preventing its leakage;

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1. Underlines the essential role of industry as a driver for sustainable growth, employment and innovation in Europe;
2. Emphasises the importance of strengthening and modernising the industrial base in Europe, while recalling the EU's target of ensuring that 20 % of Union GDP is based on industry by 2020;
3. Calls on the Commission to develop, by early 2018, together with the Member States, a Union strategy and an action plan for a consistent and comprehensive industrial policy aimed at Europe's reindustrialisation, with targets, indicators, measures and time scales; calls on the Commission to base this strategy on an assessment of the impact of mainstreaming industrial policy into EU strategic policy initiatives and extensive dialogue with relevant stakeholders and to take account of industrial competitiveness and sustainability across all its major policy initiatives; highlights the fact that this Union strategy must be based inter alia on digitalisation, on an energy- and resource-efficient economy and on a life-cycle and circular economy approach;
4. Believes that the European regulatory framework and public and private investment should enable industries to adapt to the changes concerned and to take anticipatory action, in order to contribute to job creation, growth, regional convergence and territorial cohesion;
5. Highlights the role of SMEs as the backbone of EU industry and stresses the need to reinforce strong value-chains between SMEs, mid-caps and larger enterprises, and the need to pursue an EU industrial policy in an SME-compatible way that addresses the challenges they face; underlines the need to support the creation of a business-friendly environment by establishing a level playing field for all EU SMEs, start-ups and scale-ups, young entrepreneurship, in particular in the most innovative areas, and social economy enterprises;
6. Stresses that the competitiveness clusters, business networks and digital innovation hubs are a very useful solution for bringing together relevant stakeholders; calls for the EU to support public investment in innovation, as it is strategic in this domain; asks the Commission to support these clusters and their cooperation at European level, ensuring the involvement of SMEs, research centres and universities at regional and local level; calls on the Commission to develop smart specialisation platforms encouraging intersectoral and interdisciplinary links; stresses the need to strengthen interregional cooperation in order to develop transnational opportunities and transversal innovation alliances;
7. Calls on the Commission to identify the challenges and obstacles that women face in becoming entrepreneurs, and to promote and support women's leadership and ways to tackle inequalities in salary and access to job positions;
8. Is convinced that European industry should be seen as a strategic asset for the competitiveness and sustainability of the EU; underlines the fact that only a strong and resilient industry and a future-oriented industrial policy will enable the EU to face the different challenges ahead, including its sustainable reindustrialisation, global competition, rapid technological progress and the creation of quality employment;
9. Highlights the importance of the Energy Union, the Digital Single Market, the Digital Agenda and Europe's connectivity through adequate, future-proof and efficient infrastructure;
10. Stresses the importance for the EU of supporting the qualitative rise of European products through reindustrialisation processes, notably through research and digitalisation, in order to improve competitiveness in Europe;
11. Underlines that, in order to support the Union's industry in facing the challenges of rapid economic and regulatory changes in today's globalised world, it is essential to enhance Europe's industrial attractiveness for European and foreign direct investment;

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12. Stresses the importance of the timely adoption of a Union industrial strategy and recalls, in this context, the necessity of keeping sufficient financial means for the industry sector in the next multiannual financial framework (MFF), in particular through the specific instruments and funds (such as the European Structural and Investment Funds, Horizon 2020, the European Fund for Strategic Investments (EFSI), the Connecting Europe Facility (CEF) and COSME);
 13. Recalls the EU's commitments under the Paris Agreement; calls for the integration into the EU industrial strategy of effective financing instruments and measures to help decrease carbon risk and tackle the risks of carbon leakage;
 14. Highlights the need to fully exploit the potential of industry, especially in environmental technologies, and to ensure that industries constantly develop and disseminate the best available techniques and emerging innovations;
 15. Stresses the need to reduce administrative burdens and compliance costs for businesses, including family businesses, while ensuring the effectiveness of EU legislation on consumer, health and safety and environmental protection;
 16. Underlines the importance for EU industry of open and fair international trade based on common rules and a level playing field; calls for more consistency between trade policy and industrial policy in order to prevent incoherence, which could lead to relocations and further deindustrialisation in the EU;
 17. Stresses the need to prevent EU trade policy from fostering anti-competitive practices; emphasises the need for a consistent WTO-compatible and effective anti-dumping and anti-subsidies strategy for the EU;
 18. Stresses that European industry faces global competition, and therefore calls on the Commission to assess the adequacy of market definitions and the current set of EU competition rules to take into account the evolution of respective global markets and the emergence of the role of major national players in third countries;
 19. Calls on the Commission to pay more attention to the role of foreign-based state-owned enterprises that are supported and subsidised by their governments in ways that the EU single market rules prohibit for EU entities;
 20. Calls on the Commission, together with the Member States, to screen third country FDI in the EU in strategic industries, infrastructure and key future technologies, or other assets that are important in the interests of security and protection of access to them, while bearing in mind that Europe depends to a large extent on FDI;
 21. Emphasises the need for coordinated EU efforts, with consultation of all relevant partners, including social partners and academia, to pursue the promotion of new skills as well as retraining, up-skilling and life-long learning, as advocated by the Commission in its Agenda for New Skills and Jobs;
 22. Recalls the important role of EU standardisation and advocates a strong focus on the EU's leading role in international standards organisations;
 23. Takes note of the need to coordinate EU efforts towards reducing resource dependency on third countries through a four-pronged focus on:
 - a. fair international market access to resources
 - b. sustainable mining
 - c. efficiency-technology innovations
 - d. the circular economy;
 24. Underlines that a new industrial policy strategy must align different policy areas with industrial policy — most importantly trade, environment, research, health, investment, competition, energy, climate and creative industries — to form one coherent approach;
 25. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.
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P8_TA(2017)0306

2016 Report on Turkey

European Parliament resolution of 6 July 2017 on the 2016 Commission Report on Turkey (2016/2308(INI))

(2018/C 334/14)

The European Parliament,

- having regard to its previous resolutions, in particular those of 24 November 2016 on EU-Turkey relations ⁽¹⁾, and 27 October 2016 on the situation of journalists in Turkey ⁽²⁾,
- having regard to its resolution of 13 November 2014 on Turkish actions creating tensions in the exclusive economic zone of Cyprus ⁽³⁾ and its resolution of 15 April 2015 on the centenary of the Armenian genocide ⁽⁴⁾,
- having regard to the Commission communication of 9 November 2016 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU Enlargement Policy (COM(2016)0715), and to the Turkey 2016 Report (SWD(2016)0366),
- having regard to the Presidency conclusions of 13 December 2016, and to previous relevant Council and European Council conclusions,
- having regard to the Negotiating Framework for Turkey, and in particular its paragraph 5 of the principles governing the negotiations, of 3 October 2005,
- having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey ⁽⁵⁾ ('the Accession Partnership'), and to the previous Council Decisions of 2001, 2003 and 2006 on the Accession Partnership,
- having regard to the joint statement following the EU-Turkey Summit of 29 November 2015, and the EU-Turkey Action Plan,
- having regard to the declaration issued by the European Community and its Member States on 21 September 2005, including the provision that the recognition of all Member States is a necessary component of the negotiations, and the need for Turkey to fully and effectively implement the Additional Protocol to the Ankara Agreement in relation to all Member States by removing all obstacles to the free movement of goods without prejudice and discrimination,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Article 46 of the European Convention on Human Rights (ECHR), which states that the contracting parties undertake to abide by and implement the final judgments of the European Court of Human Rights (ECtHR) in any case to which they are parties,
- having regard to the opinions of the Council of Europe's Venice Commission, in particular those of 10-11 March 2017 on the amendments to the Constitution to be submitted to a national referendum, on the measures provided in the recent Emergency Decree Laws with respect to freedom of the media and on the duties, competences and functioning of the criminal peace judgeships, of 9-10 December 2016 on Emergency Decree Laws Nos 667-676 adopted following the failed coup of 15 July 2016, and of 14-15 October 2016 on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability),

⁽¹⁾ Texts adopted, P8_TA(2016)0450.

⁽²⁾ Texts adopted, P8_TA(2016)0423.

⁽³⁾ OJ C 285, 5.8.2016, p. 11.

⁽⁴⁾ OJ C 328, 6.9.2016, p. 2.

⁽⁵⁾ OJ L 51, 26.2.2008, p. 4.

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- having regard to the statement by the Council of Europe's Commissioner for Human Rights of 26 July 2016 on measures taken under the state of emergency in Turkey,
- having regard to the EU-Turkey Statement of 18 March 2016,
- having regard to the Commission communication of 2 March 2017 to the European Parliament and the Council on the First Annual Report on the Facility for Refugees in Turkey (COM(2017)0130) and to the Commission's Fifth Report of 2 March 2017 to the European Parliament, the European Council and the Council on the progress made in the implementation of the EU-Turkey Statement (COM(2017)0204),
- having regard to the fact that Turkey has committed itself to the fulfilment of the Copenhagen criteria, adequate and effective reforms, good neighbourly relations and progressive alignment with the EU, and having regard to the fact that these efforts should have been viewed as an opportunity for Turkey to strengthen its institutions and continue its process of democratisation and modernisation,
- having regard to the Commission recommendation of 21 December 2016 for a Council Decision authorising the opening of negotiations with Turkey on an Agreement on the extension of the scope of the bilateral preferential trade relationship and on the modernisation of the Customs Union,
- having regard to the fact that respect for the rule of law, including, in particular, the separation of powers, democracy, freedom of expression and media, human rights, the rights of minorities and religious freedom, freedom of association and peaceful protest, are at the core of the negotiation process, according to the Copenhagen criteria for membership of the European Union,
- having regard to the fact that Turkey has been assessed as occupying 155th place in the World Press Freedom Index, published on 26 April 2017, ranked lower than ever before, and as one of the countries where journalists suffered the most threats, physical attacks, and judicial harassment, including detention and prison sentences,
- having regard to the fact that in November 2016 Parliament called on the Commission and the Member States to initiate a temporary freeze on the ongoing accession negotiations with Turkey and committed to reviewing its position once the disproportionate measures under the state of emergency in Turkey have been lifted, with the review being based on whether the rule of law and respect for human rights have been restored throughout the country,
- having regard to the crisis in Syria, the efforts towards a ceasefire and a peaceful settlement, and Turkey's obligations to enhance stability and promote good neighbourly relations through intensive efforts in order to resolve outstanding bilateral issues, disputes and conflicts with the neighbouring countries over land and maritime borders and airspace, in accordance with international agreements, including the UN Convention on the Law of the Sea and the UN Charter,
- having regard to Russian involvement in Syria, including support of the Syrian military's use of chemical weapons, which further destabilises the country and increases the number of refugees seeking protection in Turkey and the EU,
- having regard to Turkey's security situation, which has deteriorated both internally and externally, and to the terrorist attacks carried out in the country,
- having regard to the fact that Turkey hosts the largest refugee population in the world, with almost 3 million registered refugees from Syria, Iraq and Afghanistan, according to the Office of the United Nations High Commissioner for Refugees (UNHCR),
- having regard to the economic and financial situation in Turkey, which is due partly to the recent wave of attacks and to political instability, but also to deeper underlying problems with the economy,

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- having regard to the Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), ‘The human rights situation in South-East Turkey’, of February 2017,
 - having regard to the fact that Turkey has been admirably hospitable to the large number of refugees living in the country,
 - having regard to the ‘Statement of Preliminary Findings and Conclusions’ of the International Referendum Observation Mission, issued on 17 April 2017,
 - having regard to Resolution 2156 of the Parliamentary Assembly of the Council of Europe (PACE) entitled ‘The functioning of democratic institutions in Turkey’, of 25 April 2017, resulting in the reopening of the monitoring procedure,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0234/2017),
- A. whereas millions of Turks and people of Turkish extraction have been living in the Member States and contributing to their prosperity for decades;

Introduction

1. Underlines that 2016 was a difficult year for Turkey’s population as a result of the continuing war in Syria, the high numbers of refugees, the conflict in the south-east, a string of heinous terror attacks, and a violent coup attempt in which 248 people were killed; reiterates its strong condemnation of the coup attempt of 15 July 2016 and expresses its solidarity with the people of Turkey; recognises the right and the responsibility of the Turkish government to take action in bringing the perpetrators to justice while guaranteeing respect for the rule of law and the right to a fair trial;
2. Underlines, however, that measures taken under the state of emergency have large-scale, disproportionate and long-lasting negative effects on a large number of citizens as well as on the protection of fundamental freedoms in the country; condemns the collective dismissal of civil servants and police officers, the mass liquidation of media outlets, the arrests of journalists, academics, judges, human rights defenders, elected and unelected officials, members of the security services and ordinary citizens, and the confiscation of their property, assets and passports, the closure of many schools and universities, and the travel ban imposed on thousands of Turkish citizens, on the basis of emergency decree laws without individualised decisions, and without the possibility of timely judicial review; is concerned about the confiscation, and in some cases nationalisation, of Turkish private companies and enterprises; calls for the immediate and unconditional release of all prisoners held without proof of individual involvement in committing a crime; regrets, in this context, that the parliament’s legislative prerogatives have been seriously undermined;
3. Stresses the strategic importance of good EU-Turkey relations and the high added value of cooperation in coping with the challenges both sides face; recognises that both Turkey and the EU have gone through their own internal transformation processes since the accession negotiations were opened in 2004; regrets that the accession instruments have not been used to the fullest extent, and that there has been a regression in the areas of the rule of law and human rights, which are at the heart of the Copenhagen criteria, and that, over the years, public support for Turkey’s full integration into the EU has weakened on both sides; remains committed to cooperating and maintaining a constructive and open dialogue with the Turkish Government, in order to address common challenges and shared priorities, such as regional stability, the situation in Syria, migration and security;
4. Takes note of the outcome of the referendum that took place on 16 April 2017, held under the state of emergency and in circumstances that prevented a fair campaign and an informed choice as the two sides of the campaign were not on an equal footing in terms of opportunities and since the rights of the opponents to the constitutional reform were violated; is seriously concerned by the allegations of irregularities and widespread electoral fraud identified in the findings of the Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODHIR) Observation Mission, issued on 17 April 2017, raising serious doubts about the validity and legitimacy of the outcome; supports an independent inquiry into all claims in relation to irregularities listed in the OSCE/ODHIR statement; notes the decision of PACE to reopen the monitoring process for Turkey;

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5. Points out that Turkey must abide by its commitments as a member of the Council of Europe; calls on Turkey to remain in compliance with its Council of Europe commitments and to implement constitutional and judicial changes and reforms in cooperation with, and according to the criteria of, the Venice Commission;

6. Strongly condemns the repeatedly declared support for the re-introduction of the death penalty by the Turkish President and various other politicians; recalls that the unequivocal rejection of the death penalty is an essential requirement for EU membership and underlines that a reintroduction of the death penalty would violate Turkey's international commitments, would call into question Turkey's membership of the Council of Europe and lead to an immediate end of EU accession talks and pre-accession support; underlines that, if a referendum on the reintroduction of the death penalty is organised in Turkey, the Member States have the right to refuse to allow this vote to be facilitated in their respective countries;

7. Recalls its position from November 2016 to freeze the accession process with Turkey;

8. Calls on the Commission and the Member States, in accordance with the Negotiating Framework, to formally suspend the accession negotiations with Turkey without delay if the constitutional reform package is implemented unchanged; underlines, taking into account the remarks of the Venice Commission on the constitutional reform, that the proposed constitutional amendments do not respect the fundamental principles of the separation of powers, do not provide for sufficient checks and balances and are not in line with the Copenhagen criteria; invites the Commission, the Member States and Turkey to hold an open and honest discussion about the areas of mutual interest for which intensified cooperation would be possible; underlines that any political engagement between the EU and Turkey should be built on conditionality provisions concerning respect for democracy, the rule of law and fundamental rights;

Human rights and fundamental freedoms

9. Notes with regret that the disproportionate measures undertaken following the declaration of the state of emergency have targeted, through detention, dismissals, arrests and property confiscation, not only thousands of people who are alleged members/supporters of the Gülen movement, but also dissenters in general and political parties of the opposition in particular; is still awaiting compelling evidence as regards the perpetrators of the coup attempt; strongly condemns the imprisonment of 11 MPs belonging to the People's Democratic Party (HDP), including its co-chairs Ms Figen Yüksekdağ and Mr Selahattin Demirtaş, of one MP from the Republican People's Party (CHP), and of 85 Kurdish municipal mayors; urges the Turkish Government to lift the state of emergency immediately; warns against the abuse of anti-terror measures to legitimise the clampdown on human rights; calls on the European Court of Human Rights (ECtHR) to immediately admit the first exemplary cases and to bring the first proceedings to a close as soon as possible, since no effective national remedies would appear to exist;

10. Asks the Turkish authorities to carry out a thorough investigation into allegations of the serious ill-treatment of prisoners, as reported by several human rights organisations and calls for the full accountability and punishment of those guilty of human rights violations; is deeply concerned about detention conditions; calls for the immediate publication of the latest reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe and urges the Turkish authorities to allow national and international observers to monitor detention facilities;

11. Calls on the Turkish Government to offer to all persons subject to restrictive measures appropriate and effective remedies and judicial review in line with the rule of law; stresses that the presumption of innocence is a fundamental principle in any constitutional state; notes that, under the ongoing state of emergency, arrested citizens have no right to legal aid during the first five days of their detention and laments the severe restrictions placed on access to lawyers by detainees; underlines that since July 2016 more than 100 000 legal complaints have been filed with the Turkish Constitutional Court, which declared itself not competent on matters falling under the emergency decree; calls on Turkey to revise as a matter of urgency the 'Commission of Inquiry for State of Emergency Practices' in such a way that it becomes a robust, independent and fully mandated commission capable of giving individual treatment to all cases, of processing effectively the enormous number of applications it will receive and of ensuring that the judicial review is not unduly delayed;

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12. Condemns strongly the serious backsliding and violations of freedom of expression and the serious infringements of media freedom, including the disproportionate bannings of media sites and social media; notes with concern the closure of around 170 media outlets — including almost all Kurdish-language outlets — and the jailing of more than 150 journalists; stresses that Turkey's decision to block access to Wikipedia constitutes a grave attack on the freedom of information; notes the continuous deterioration of Turkey's ranking in the press freedom index compiled by Reporters without Borders, which now places Turkey as number 155 out of 180 countries; recalls that a free and pluralistic press, including a free and open internet, is an essential component of any democracy and urges the Turkish government to release all unlawfully arrested journalists immediately; calls on the Turkish government to allow former MEP and President of the Joint Parliamentary Committee, Mr Joost Lagendijk, to return to his family in Turkey;

13. Expresses its serious concern at the continuously deteriorating situation in south-east Turkey, especially in the areas where curfews were imposed, excessive force was used and collective punishment applied to all inhabitants, and where some 2 000 people were reportedly killed in the context of security operations and an estimated half a million people became displaced in the period from July 2015 to December 2016; notes that local prosecutors have consistently refused to open investigations into the reported killings and that access to the area by independent observers has been denied; recalls that the Turkish government has a responsibility to protect all of its citizens, irrespective of their cultural or religious origins and beliefs; deplores the widespread practice of expropriation, including of properties belonging to the municipalities and also of church properties, which is a violation of the rights of religious minorities; is convinced that only a fair political settlement of the Kurdish question can bring sustainable stability and prosperity, both to the area and to Turkey as a whole, and therefore calls on both sides to return to the negotiating table; notes that a series of laws, including Law No 6722 on the legal protection of security forces participating in the fight against terrorist organisations adopted in 2016, have created an atmosphere of 'systematic impunity' for the security forces;

14. Condemns the decision of the Turkish Parliament to waive the immunity of a large number of MPs unconstitutionally, including 55 out of 59 HDP parliamentarians, paving the way for the arrests of opposition politicians and seriously damaging the Parliament's image as a democratic institution; underlines that the Turkish Grand National Assembly should be the central institution in Turkish democracy, and represent all citizens on equal terms; regrets the high electoral threshold;

15. Is concerned that judges and prosecutors continue to come under strong political pressure and that as many as 4 000, which is close to one fourth of all judges and prosecutors, have been dismissed or arrested and in some cases their properties have been confiscated; calls on Turkey to restore and implement all legal guarantees to ensure full respect for the independence of the judiciary, including by amending the law on the High Council of Judges and Prosecutors (HSYK) in order to reduce the executive's influence within that Council; is particularly concerned that the institution of 'criminal judges of peace', established in June 2014 by the government in office, appears to have been transformed into an instrument of harassment to stifle opposition, as well as controlling the information available to the general public;

16. Is seriously concerned about the lack of respect for the freedom of religion, about discrimination against religious minorities, including Christians and Alevis, and violence on religious grounds, including verbal and physical attacks, stigmatisation and social pressure at schools, and problems in relation to legally establishing a place of worship; calls on the Turkish authorities to promote positive and effective reforms in the area of freedom of thought, conscience and religion, by enabling religious communities to obtain legal personality, allowing charitable foundations to elect their governing bodies, eliminating all restrictions on the training, appointment and succession of the clergy, complying with the relevant judgements of the ECtHR and the recommendations of the Venice Commission and by eliminating all forms of discrimination or barriers based on religion; calls on Turkey to respect the distinct character and importance of the Ecumenical Patriarchate and to recognise its legal personality; reiterates the need to allow the reopening of the Halki Seminary and lift all obstacles to its proper functioning; is concerned about the recent seizure of the churches in the region of Diyarbakir; urges the government to return them to their rightful owners; urges the Turkish authorities to combat seriously all manifestations of anti-Semitism in society;

17. Calls on Turkey to protect the rights of the most vulnerable groups and of persons belonging to minorities; regrets that the LGBTI marches in Ankara and Istanbul were banned for the third consecutive year and faced suppression and police violence; is seriously concerned about gender-based violence, discrimination, hate speech against minorities, hate crime, and violations of the human rights of LGBTI persons; calls on Turkey to take adequate measures to prevent and

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punish hate speech or crimes targeting minorities; calls on Turkey to harmonise its domestic legislation with the Council of Europe's Istanbul Convention, which it ratified in 2014; welcomes the government's national strategy and action plan for Roma and calls on the Turkish government to start implementing the strategy and to set up a monitoring and evaluation mechanism; encourages the authorities to address key obstacles to the social inclusion of Roma; calls on Turkey to provide full equality for all citizens and to address the problems faced by members of minorities, in particular with regard to education and property rights; notes that, in compliance with the Copenhagen criteria, minorities should also have the right to receive education in their native language in public schools; recalls the importance of implementing the resolution by the Parliamentary Assembly of the Council of Europe on Imbros and Tenedos and calls on Turkey to assist the repatriation of minority families who wish to return to the islands; welcomes the opening of the Greek-minority school on the island of Imbros, which constitutes a positive step;

18. Calls on the Turkish government to respect and fully implement the legal obligations which it has entered into concerning the protection of cultural heritage, and, in particular, to draw up in good faith an integrated inventory of Greek, Armenian, Assyrian and other cultural heritage that was destroyed or ruined in the course of the last century; calls on Turkey to ratify the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions; calls on Turkey to cooperate with the relevant international organisations, especially the Council of Europe, in preventing and combating illicit trafficking and the deliberate destruction of cultural heritage;

19. Welcomes moves by individual Member States, which have speeded up asylum procedures for Turkish citizens persecuted under the emergency decrees;

EU-Turkey relations

20. Calls for the deepening of EU-Turkey relations in key areas of joint interest, such as counter-terrorism, migration, energy, the economy and trade, and reiterates that dialogue and cooperation should be maintained and encouraged; believes that EU-Turkey cooperation in these areas represents an investment in the stability and prosperity of both Turkey and the EU, provided it is based on respect by all sides of their commitments on fundamental rights and basic freedoms; believes that cooperation among members of civil society is of key importance and urges that these contacts be intensified;

21. Calls on Turkey to further align its foreign policy with that of the EU; calls for closer cooperation and coordination of foreign policy challenges between the EU and Turkey; is of the opinion that the Turkish Foreign Minister should be invited to attend Foreign Affairs Council meetings on a case-by-case basis whenever relevant; recommends that the Council invite the Turkish government to a summit to discuss EU-Turkey relations;

22. Believes that strengthening trade relations could bring concrete benefits to citizens in Turkey and the EU, and therefore, in the light of the current failings of the Customs Union, supports the Commission's proposal to start negotiations on the upgrading of the Customs Union; reiterates that the EU is Turkey's main trading partner and that two thirds of Foreign Direct Investment (FDI) in Turkey comes from EU Member States; underlines, furthermore, the economic importance of Turkey as a growth market for the EU; considers the involvement of social partners in negotiations as crucial; calls on the Commission to include a clause on human rights and fundamental freedoms in the upgraded Customs Union between Turkey and the EU, making human rights and fundamental freedoms a key conditionality; recalls that the Customs Union can only achieve its full potential when Turkey fully implements the Additional Protocol vis-à-vis all Member States; notes the Commission's conclusion that further trade integration with the EU would be stimulated by Turkey eliminating the impediments to the functioning of the Customs Union;

23. Notes that visa liberalisation is of great importance for Turkish citizens, particularly for business people and for people of Turkish origin in the EU, and will enhance people-to-people contacts; encourages the Turkish Government to comply fully with the final outstanding criteria, as identified in the visa liberalisation roadmap; underlines that the revision of its anti-terrorism legislation is a key condition to ensuring fundamental rights and freedoms and that visa liberalisation will only be possible once all the criteria have been met;

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24. Stresses the importance of the fight against corruption and recalls the Commission's findings that corruption remains prevalent in many areas and continues to be a serious problem; is concerned that the track record of investigation, prosecution and conviction in high-level corruption cases remains poor;

25. Calls on the Commission to take into account the latest developments in Turkey when conducting the mid-term review of the Instrument for Pre-Accession Assistance (IPA) funds in 2017, and to suspend the pre-accession funds if accession negotiations are suspended; calls on the Commission, in case that scenario ensues, to use those funds to support Turkish civil society and refugees in Turkey directly, and to invest more in people-to-people exchange programmes, such as Erasmus+ for students, academics and journalists;

26. Condemns in the strongest terms all terrorist attacks carried out in Turkey, and stands firmly by Turkey's population in our joint fight against terrorism; notes the bilateral relations between EU Member States and Turkey in the field of anti-terrorism cooperation on 'foreign fighters'; underlines that strong cooperation between Europol and Turkish law enforcement agencies is key to combat terrorism effectively; reiterates its condemnation of the return to violence by the Kurdistan Workers' Party (PKK), which has been on the EU's list of terrorist organisations since 2002 and urges it to lay down its arms and to use peaceful and legal means to voice its expectations; underlines that a peaceful solution to the Kurdish question is also necessary for Turkey's democratic future, and will be reached only by involving all parties and democratic forces concerned; calls for a resumption of negotiations with a view to achieving a comprehensive and sustainable solution to the Kurdish issue; invites the Member States to enforce legislation banning the use of signs and symbols of organisations which are on the EU's list of terrorist organisations;

27. Deplores the decision of the Turkish Government to prevent German MPs from visiting the German Federal Armed Forces in Incirlik, which means that they will now be relocated to a non-NATO country, representing a major setback for effective cooperation between NATO allies in the fight against terrorism;

28. Commends the engagement by the Turkish Government and local NGOs and the hospitality shown by the population in hosting around 3 million refugees; notes the EU-Turkey statement on migration, and urges the Member States to initiate the voluntary resettlement scheme for the most vulnerable refugees in Turkey; calls on the Commission to ensure long-term investment in both refugees and their host communities in Turkey as well as the adequate spending of the funds; encourages the Turkish Government to grant work permits and access to healthcare to all Syrian refugees, and to provide access to education for Syrian children; calls on Ankara and the EU to keep up their coordinated patrolling efforts in the Aegean, to step up efforts to combat migrant smuggling and to implement fully and effectively the EU-Turkey Readmission Agreement and the bilateral readmission agreements signed with Bulgaria and Greece;

29. Condemns strongly the statements made by President Erdogan accusing some EU leaders of 'Nazi practices' and their citizens of being 'Nazis'; points out that the continuation of such unwarranted statements undermines Turkey's credibility as a political partner and that exporting its internal conflicts poses a threat to peaceful co-existence within society in those Member States with a substantial community of Turkish origin; underlines that the Turkish government must refrain from systematic efforts to mobilise the Turkish diaspora in the Member States for its own purposes; notes with concern the reports of alleged pressure on members of the Turkish diaspora living in the Member States, and condemns the Turkish authorities' surveillance of citizens with dual nationality living abroad; is concerned at the revocation of a large number of passports, leaving people stateless in violation of the 1954 UN Convention relating to the status of stateless persons and the 1961 UN Convention on the reduction of statelessness, and at the reported refusal of service by Turkish consulates to a number of its citizens;

30. Reiterates the importance of good neighbourly relations; calls on Turkey, in this connection, to step up efforts to resolve outstanding bilateral issues, including unresolved legal obligations and unsettled disputes with its immediate neighbours over land and maritime borders and airspace, in accordance with the provisions of the UN Charter and with international law; calls on the Turkish Government to sign and ratify the United Nations Convention on the Law of the Sea (UNCLOS); urges the Turkish Government to end the repeated violations of Greek airspace and territorial waters, and to respect the territorial integrity and sovereignty of all of its neighbours; expresses its regret that the *casus belli* threat issued by the Turkish Grand National Assembly against Greece has not yet been withdrawn;

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31. Calls on Turkey and Armenia to work on the normalisation of their relations; stresses that the opening of the Turkish-Armenian border could lead to improved relations, with particular reference to cross-border cooperation and economic integration;

32. Calls on the Turkish Government to halt its plans for the construction of the Akkuyu nuclear power plant; points out that the envisaged site is located in a region prone to severe earthquakes, hence posing a major threat not only to Turkey, but also to the Mediterranean region; requests, accordingly, that the Turkish Government join the Espoo Convention, which commits its parties to notifying and consulting each other on major projects under consideration that are likely to have a significant adverse environmental impact across boundaries; asks, to this end, the Turkish Government to involve, or at least consult, the governments of its neighbouring countries, such as Greece and Cyprus, in relation to any further developments in the Akkuyu venture;

33. Underlines that a settlement of the Cyprus problem would have a positive impact on the entire region, while first and foremost benefiting both Greek Cypriots and Turkish Cypriots; welcomes the joint declaration of 11 February 2014 as a basis for a settlement and praises the leaders of the Greek Cypriot and Turkish Cypriot communities for having achieved major progress in the reunification talks; welcomes the agreement by the two leaders on a series of confidence-building measures and urges that all agreed measures be implemented; welcomes the exchange of preferred maps, thus far unprecedented, and the first conference on Cyprus held at Geneva with the guarantor powers and with the participation of the EU, and supports its continuation with the aim of reaching a mutually acceptable agreement on the chapter on security and guarantees; supports a fair, comprehensive and viable settlement based on a bi-communal, bi-zonal federation, a single international legal personality, single sovereignty and single citizenship with political equality between the two communities, in line with the relevant UN Security Council resolutions, international law, the EU *acquis*, and on the basis of respect for the principles on which the Union is founded; welcomes the intensified engagement by the parties to achieve the settlement of the Cyprus problem; expects Turkey to show active support for a rapid and successful conclusion to the negotiations, and reiterates that Turkey's commitment and contribution to a comprehensive settlement remains crucial; calls on all parties concerned to support the negotiation process actively, to contribute to a positive outcome, and to make use of the current window of opportunity; urges the Commission to use all its resources to support fully the successful conclusion of the reunification process;

34. Reiterates its call on Turkey to begin withdrawing its troops from Cyprus, to transfer the sealed-off area of Famagusta to the UN, in accordance with UN Security Council (UNSC) Resolution 550 (of 1984), and to refrain from actions altering the demographic balance on the island through its policy of illegal settlements; notes that the implementation of the EU *acquis* in the future Turkish Cypriot constituent state upon the entry into force of the settlement agreement must have already been well prepared for; acknowledges, in this regard, the continuation of the work of the bi-communal ad hoc committee on EU preparation; commits to stepping up its efforts to engage with the Turkish Cypriot community in its preparation to fully integrate into the EU, and calls on the Commission to do the same; praises the important work of the Committee on Missing Persons (CMP, which deals with both Turkish Cypriot and Greek Cypriot missing persons), and commends the fact that improved access to relevant sites, including military areas, has been granted; calls on Turkey to assist the CMP by providing information from its military archives; calls for special consideration to be given to the work done by the CMP and welcomes, in this respect, the appointment of a European Parliament Standing Rapporteur on missing persons;

35. Recognises the right of the Republic of Cyprus to enter into bilateral agreements concerning its exclusive economic zone; reiterates its call on Turkey to respect fully the sovereign rights of all Member States, including those related to prospecting for and the exploitation of natural resources in accordance with the EU *acquis* and international law; urges Turkey to engage in the peaceful settlement of disputes, and to refrain from any threat or action which might have negative effects on good neighbourly relations;

36. Firmly believes that only a credible political solution will ensure the stability of Syria and enable the decisive defeat of ISIS/Daesh and other UN-designated terrorist groups in Syria; reaffirms the primacy of the UN-led Geneva process; recognises the efforts made in the Astana meetings to re-establish a full cessation of hostilities as well as the establishment of the trilateral mechanism to monitor and ensure full compliance with the ceasefire; urges all guarantors, including Turkey, to live up to their commitments to ensure the full implementation of the ceasefire and to make progress in securing full,

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unhindered, country-wide humanitarian access, the lifting of sieges and the release of all arbitrarily detained persons, especially women and children, in line with UNSC Resolution 2268; reiterates its call on Turkey to respect the sovereignty and territorial integrity of all of its neighbours;

37. Calls for the translation of this resolution into Turkish;

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38. 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 and Security Policy, and the Member States.

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P8_TA(2017)0308

The cases of Nobel laureate Liu Xiaobo and Lee Ming-che**European Parliament resolution of 6 July 2017 on the cases of Nobel laureate Liu Xiaobo and Lee Ming-che (2017/2754(RSP))**

(2018/C 334/15)

The European Parliament,

- having regard to its previous resolutions on the situation in China, in particular those of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo ⁽¹⁾, of 14 March 2013 on EU-China relations ⁽²⁾ and of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter ⁽³⁾,
 - having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini on the status of Liu Xiaobo of 30 June 2017,
 - having regard to the 35th round of the EU-China dialogue on human rights on 22-23 June 2017 in Brussels, and the statement of the Chair of the Subcommittee on Human Rights (DROI) on the occasion of the dialogue,
 - having regard to the EU-China Summit held in Brussels on 1-2 June 2017,
 - having regard to the EU statement at the 34th Session of the United Nations Human Rights Council (UNHRC) on 14 March 2017,
 - having regard to the statement by the European External Action Service (EEAS) of 9 December 2016, on International Human Rights Day,
 - having regard to the EU-China Strategic Partnership launched in 2003, and to the European Commission and EEAS joint communication of 22 June 2016 to the European Parliament and the Council entitled 'Elements for a new EU Strategy on China',
 - having regard to 'Charter 08', a manifesto drawn up by over 350 Chinese political activists, academics and human rights defenders calling for social, judicial and governmental reform, and released on 10 December 2008 to coincide with the 60th anniversary of the adoption of the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Liu Xiaobo, the prominent Chinese writer and human rights activist, has been formally detained in prison four times over the course of the last 30 years; whereas Liu Xiaobo was jailed for 11 years in 2009 for 'inciting subversion of state power' after he helped to write a manifesto known as 'Charter 08'; whereas the formal procedures followed in Liu Xiaobo's prosecution have not allowed for him to be represented or be present himself at formal proceedings, and diplomats from over a dozen states, including several Member States, were denied access to the court for the duration of the trial;
- B. whereas Liu Xiaobo's wife, Liu Xia, although never charged with any offence, has been under house arrest since he was awarded the Peace Prize in 2010, and has, since then, been denied almost all human contact, except with close family and a few friends;

⁽¹⁾ OJ C 305 E, 11.11.2010, p. 9.

⁽²⁾ OJ C 36, 29.1.2016, p. 126.

⁽³⁾ OJ C 316, 30.8.2016, p. 141.

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- C. whereas, on 8 October 2010, the Nobel Committee awarded Liu Xiaobo the Nobel Peace Prize in recognition of his 'long and non-violent struggle for fundamental human rights in China';
 - D. whereas Liu Xiaobo has recently been transferred from a prison in China's northeast Liaoning province to a hospital in the provincial capital Shenyang, where he is being treated for his serious health condition after having been diagnosed with late-stage liver cancer;
 - E. whereas the Chinese authorities rejected requests by Liu Xiaobo and his wife to seek medical treatment outside China or to move him to his home in Beijing;
 - F. whereas, on 29 June 2017, 154 Nobel Laureates issued a joint letter to the President of the People's Republic of China urging the Chinese Government to allow Liu Xiaobo and his wife Liu Xia to travel abroad for medical treatment;
 - G. whereas Lee Ming-che, the noted Taiwanese pro-democracy activist known for his human rights advocacy through social media, went missing on 19 March 2017 after crossing from Macau into Zhuhai in China's Guangdong province; whereas China's Taiwan Affairs Office confirmed at a news conference that the 'relevant authorities' had detained Lee and placed him under investigation on suspicion of 'engaging in activities that endanger national security';
 - H. whereas the Chinese authorities have offered no credible evidence for the grave allegations against Lee Ming-che; whereas Lee's detainment comes at a juncture during which cross-straits relations are deteriorating; whereas Lee was active in providing information about the democratic political culture of Taiwan to his friends in China through online platforms susceptible to Chinese government monitoring;
 - I. whereas China has progressed in the last few years in terms of realising economic and social rights, reflecting its priorities for the people's right to subsistence, while, since 2013, the human rights situation in China has continued to deteriorate with the government stepping up its hostility toward peaceful dissent, the rule of law, freedom of expression and freedom of religion, as in the recent case of Bishop Peter Shao Zhumin, who was forcibly removed from his diocese in Wenzhou on 18 May 2017;
 - J. whereas the Chinese Government has passed new laws, in particular, the State Security Law, the Counterterrorism Law, the Cybersecurity Law, and the Foreign NGO Management Law, which have been utilised to persecute those engaging in public activism and peaceful criticism of the government as state security threats, as well as to strengthen censorship, the surveillance and control of individuals and social groups and to deter individuals from campaigning for human rights and the rule of law;
 - K. whereas, last month, the Greek Government refused to endorse an EU statement criticising the crackdown on activists and dissidents in China that was due to be submitted to the United Nations Human Rights Council in Geneva on 15 June 2017; whereas this was the first occasion on which the EU had failed to make such a statement before the UN's top rights body;
 - L. whereas the promotion of and respect for human rights, democracy and the rule of law should remain at the centre of the long-standing relationship between the EU and China, in line with the EU's commitment to uphold these values in its external action and with China's expressed interest in adhering to these very values in its own development and international cooperation;
- 1. Calls on the Chinese Government to release, immediately and unconditionally, the 2010 Nobel Peace Prize winner Liu Xiaobo and his wife Liu Xia from house arrest and allow him to obtain medical treatment wherever they wish;
 - 2. Urges the Chinese authorities to allow Lui Xiaobo unrestricted access to family, friends, and legal counsel;

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3. Calls on the Chinese authorities to release Lee Ming-che immediately, as no credible evidence related to his case has been provided, to disclose information about his exact whereabouts, and to ensure, in the meantime, that Lee Ming-che is protected from torture and other ill-treatment, and that he is allowed access to his family, a lawyer of his choice and adequate medical care;
 4. Remains highly concerned by the Chinese Government's continued efforts to silence civil society actors, including human rights defenders, activists and lawyers;
 5. Recalls the importance of the EU raising the issue of human rights violations in China during every political and human rights dialogue with the Chinese authorities, in line with the EU's commitment to project a strong, clear and unified voice in its approach to the country, including at the regular and more result-oriented Human Rights Dialogues; recalls, further, that, in the context of its ongoing reform process and increasing global engagement, China has opted into the international human rights framework by signing up to a wide range of international human rights treaties; calls, therefore, for the dialogue with China to be pursued in order to live up to these commitments;
 6. Encourages China to ratify the International Covenant on Civil and Political Rights;
 7. Regrets the failure of the EU to make a statement on human rights in China at the UN's Human Rights Council in Geneva in June 2017; calls on all EU Member States to adopt a firm, values-based approach towards China and expects them not to undertake unilateral initiatives or acts that might undermine the coherence, effectiveness and consistency of EU action;
 8. 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, and the Government and Parliament of the People's Republic of China.
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P8_TA(2017)0309

Eritrea, notably the cases of Abune Antonios and Dawit Isaak

European Parliament resolution of 6 July 2017 on Eritrea, notably the cases of Abune Antonios and Dawit Isaak (2017/2755(RSP))

(2018/C 334/16)

The European Parliament,

- having regard to its previous resolutions on Eritrea, in particular that of 15 September 2011 on Eritrea: the case of Dawit Isaak ⁽¹⁾, and of 10 March 2016 on the situation in Eritrea ⁽²⁾,
- having regard to the report of 23 June 2017 of the UN Special Rapporteur on the situation of human rights in Eritrea,
- having regard to the statement of 14 June 2017 by the UN Special Rapporteur on the situation of human rights in Eritrea at the 35th session of the Human Rights Council,
- having regard to the report of the UN Commission of Inquiry on Human Rights in Eritrea, released on 8 June 2016,
- having regard to UN Security Council resolutions 751 (1992), 1882 (2009), 1907 (2009), 2023 (2011), 2244 (2015), and 2317 (2016) which extended the arms embargo on Eritrea until 15 November 2017,
- having regard to the Joint Communication of the Commission and of the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership, of 4 May 2017,
- having regard to the ACP-EU Partnership Agreement (the Cotonou Agreement), as revised in 2005 and 2010, to which Eritrea is a signatory,
- having regard to Council Decision 2010/127/CFSP of 1 March 2010 concerning restrictive measures against Eritrea ⁽³⁾, amended by Council Decision 2010/414/CFSP of 26 July 2010 ⁽⁴⁾ and further amended by Council Decision 2012/632/CFSP of 15 October 2012 ⁽⁵⁾,
- having regard to Case 428/12 (2012) filed with the African Commission on Human and Peoples' Rights on behalf of Dawit Isaak and other political prisoners,
- having regard to the Final Declaration of the 60th session of the African Commission on Human and Peoples' Rights of 22 May 2017,
- having regard to the European External Action Service report of 2015 on the Eritrea-European Union Partnership,
- having regard to the National Indicative Programme for Eritrea under the 11th European Development Fund, of 3 February 2016,
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

⁽¹⁾ OJ C 51 E, 22.2.2013, p. 146.

⁽²⁾ Texts adopted, P8_TA(2016)0090.

⁽³⁾ OJ L 51, 2.3.2010, p. 19.

⁽⁴⁾ OJ L 195, 27.7.2010, p. 74.

⁽⁵⁾ OJ L 282, 16.10.2012, p. 46.

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- having regard to the Constitution of Eritrea adopted in 1997, which guarantees civil liberties, including freedom of religion,
 - having regard to the African Charter on Human and Peoples' Rights of 1981,
 - having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Eritrea has one of the worst human rights records in the world, with routine human rights violations taking place every day and no improvement recorded in recent years; whereas the Government of Eritrea has undertaken a widespread campaign aimed at maintaining control over the population and restricting fundamental freedoms, under the pretext of defending the integrity of the State;
- B. whereas the UN Commission of Inquiry on Human Rights in Eritrea has found that the violations in the areas of extrajudicial executions, torture (including sexual torture and sexual slavery), national service as a form of slavery, forced labour and the shoot-to-kill policy at the border may constitute crimes against humanity;
- C. whereas in September 2001 the Eritrean authorities arrested dozens of citizens who had endorsed an open letter calling for democratic reforms; whereas those detained were not charged with a crime or placed on trial, and most of them remain incarcerated to this day; whereas despite widespread appeals from human rights groups and international observers, several of these people have reportedly died in jail; whereas on 20 June 2016, however, the Eritrean Foreign Minister, Osman Saleh, referred to the detainees as political prisoners, stating that 'all of them are alive' and that they will be tried 'when the government decides';
- D. whereas Dawit Isaak, a dual citizen of Eritrea and Sweden, was arrested on 23 September 2001, after the Eritrean Government outlawed privately owned media; whereas he was last heard from in 2005; whereas Dawit Isaak's incarceration has become an international symbol for the struggle for freedom of the press in Eritrea, most recently acknowledged by an independent international jury of media professionals awarding him the UNESCO/Guillermo Cano World Press Freedom Prize 2017 in recognition of his courage, resistance and commitment to freedom of expression;
- E. whereas Dawit Isaak's family have faced unbearable distress and uncertainty since his disappearance, having little knowledge of their loved one's well-being, whereabouts or future prospects;
- F. whereas in the September 2001 crackdown, 11 politicians — all former members of the Central Council of the ruling People's Front for Democracy and Justice (PFDJ), including former Foreign Minister Petros Solomon — were arrested after they published an open letter to the government and President Isaias Afwerki calling for reform and 'democratic dialogue'; whereas 10 journalists, including Isaak, were arrested over the following week;
- G. whereas a huge number of Eritrean people are arrested for various unjustifiable reasons such as expressing independent views, or without any explicit justification, and thus for unspecified time periods; whereas detainees, including children, are held in extremely harsh conditions which in some cases amount to torture and denial of medical care; whereas international organisations have not been granted access to prison facilities, with the exception of one overground prison in Asmara;
- H. whereas only four religious faiths are authorised: the Eritrean Orthodox Church, the Catholic Church, the Lutheran Church and Islam; whereas all other religious faiths are prohibited and members of these faiths, and their family members, are arrested and imprisoned; whereas a resurgence in harassment of and violence against those practising religious faiths has been observed since 2016; whereas Christian Solidarity Worldwide (CSW) estimates that, in May 2017 alone, 160 Christians were imprisoned in Eritrea;

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- I. whereas Abune Antonios, the Patriarch of the Eritrean Orthodox Church, the nation's largest religious community, has been in detention since 2007, having refused to excommunicate 3 000 parishioners who opposed the government; whereas since then, he has been held in an unknown location where he has been denied medical care;
- J. whereas there is no independent judiciary and no national assembly in Eritrea; whereas the lack of democratic institutions in the country has resulted in a vacuum in good governance and the rule of law that has created an environment of impunity for crimes against humanity;
- K. whereas there is only one legal political party, the People's Front for Democracy and Justice (PFDJ); whereas other political parties are banned; whereas according to Freedom House, the PFDJ and the military are in practice the only institutions of political significance in Eritrea, and both entities are strictly subordinate to the President;
- L. whereas there is no freedom of press, as independent media is forbidden in Eritrea, with the Reporters Without Borders World Press Freedom Index ranking Eritrea last out of the 170-180 evaluated countries for eight years in succession;
- M. whereas the Presidential and parliamentary elections planned for 1997 never took place and the Constitution ratified in the same year has never been implemented; whereas the country has held no national elections for 24 years, and has virtually no independent judiciary, no functioning national assembly and no civil society;
- N. whereas Eritrea is ranked 179th out of 188 countries in the Human Development Index for 2016, according to the UNDP Human Development Report of 2016;
- O. whereas in 2016, Eritreans fleeing their country accounted for the fourth-largest number of people risking the perilous journey to Europe (after Syrians, Iraqis and Afghans), who run the gauntlet of pitiless people-smugglers to make the dangerous Mediterranean crossing; whereas the situation in Eritrea therefore directly affects Europe, since if human rights were respected and upheld in the country and people could live there without fear, Eritreans would be able to return to their homeland;
- P. whereas, according to the UN High Commissioner for Refugees (UNHCR), over 400 000 Eritreans, or 9 % of the total population, have fled; whereas the UNHCR estimates that some 5 000 Eritreans leave the country every month, this being explained to a large degree by the persistence of severe human rights violations; whereas in 2015 in 69 % of Eritrean asylum cases refugee status was granted in the EU, while an additional 27 % of applicants received subsidiary protection, illustrating the gravity of persecution in Eritrea;
- Q. whereas Eritrea is supportive of the Khartoum Process (an EU and African Union initiative launched on 28 November 2014 with the aim of addressing the issue of migration and human trafficking), which encompasses the implementation of concrete projects, including capacity-building for the judiciary and awareness-raising;
- R. whereas many young people have fled the country to escape the repressive government and mandatory military conscription, which often starts at a very young age, with most Eritreans serving indefinitely; whereas the majority of those in national service remain in a situation of slavery, in which any work, job applications and the possibility of having a family life are controlled; whereas an estimated 400 000 people are currently in unlimited forced national service and many of them are subjected to forced labour, with little or no pay; whereas women conscripts are forced to endure domestic servitude and sexual abuse;
- S. whereas discrimination and violence against women are present in all areas of Eritrean society; whereas women are not only at extreme risk of sexual violence within the military and in military training camps, but also in society at large; whereas an estimated 89 % of girls in Eritrea have undergone female genital mutilation (FGM); whereas in March 2007, however, the government issued a proclamation declaring FGM a crime, prohibiting its practice and sponsoring education programmes discouraging the practice over that year;

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- T. whereas the regime extends its totalitarian grip to the diaspora community via a 2 % expat income tax, and by spying on the diaspora and targeting family members who remain in Eritrea;
- U. whereas since 2011 the Eritrean regime has denied that the country is at risk of famine; whereas this year a particularly severe drought is affecting the whole of East Africa and concern about the situation in Eritrea is increasing; whereas according to UNICEF, 1,5 million Eritreans were affected by food insecurity in January 2017, including 15 000 children who are suffering from malnutrition;
- V. whereas the EU is an important donor for Eritrea in terms of development assistance; whereas in January 2016, in spite of Parliament's serious concerns and opposition, a new National Indicative Programme (NIP) was signed by the EU and Eritrea under the 11th EDF allocating EUR 200 million; whereas actions should focus on renewable energy, governance and public finance management in the energy sector in particular;
1. Condemns in the strongest terms Eritrea's systematic, widespread and gross human rights violations; calls on the Eritrean Government to put an end to detention of the opposition, journalists, religious leaders and innocent civilians; demands that all prisoners of conscience in Eritrea be immediately and unconditionally released, notably Dawit Isaak and the other journalists detained since September 2001, and Abune Antonios; demands that the Eritrean Government provide detailed information on the fate and whereabouts of all those deprived of physical liberty;
 2. Recalls the decision of the African Commission on Human and Peoples' Rights of May 2017, and demands that Eritrea immediately confirm the well-being of Dawit Isaak, release him, let him meet family and legal representatives and award him the necessary compensation for his years of imprisonment; further calls on Eritrea to lift the ban on independent media, as also ruled by the African Commission;
 3. Notes that in failing to respect the ruling of the African Commission, Eritrea continues to show flagrant disregard for international norms and fundamental rights, including the right to a fair trial, the ban on torture, freedom of expression, the right to one's family, and that each country shall respect the African Charter on Human and Peoples' Rights;
 4. Calls on the Eritrean Government to release Abune Antonios, allow him to return to his position as Patriarch, and cease its interference in peaceful religious practices in the country; recalls that freedom of religion is a fundamental right, and strongly condemns any violence or discrimination on grounds of religion;
 5. Calls for fair trials for those accused, and the abolition of torture and other degrading treatment such as restrictions on food, water and medical care; reminds the Eritrean Government of its due diligence obligation to investigate extrajudicial killings;
 6. Reminds the Eritrean Government that many of its activities constitute crimes against humanity and that although Eritrea is not a party to the Rome Statute of the International Criminal Court, many provisions of the Rome Statute reflect international customary law binding on Eritrea; underlines its support for the recommendation by the UN Commission of Inquiry, and for a thorough investigation into the allegations of serious violations of human rights and crimes against humanity committed by the Eritrean authorities, in order to make sure that all those found responsible are held accountable;
 7. Expresses its full support to the work of the UN Special Rapporteur on the situation of human rights in Eritrea; calls on the EU, in collaboration with the UN and the African Union, to closely monitor the overall situation in Eritrea and to report all cases of violation of human rights and fundamental freedoms;
 8. Demands that Eritrea fully respect and immediately enact the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and fully uphold its obligations under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, both of which prohibit torture; notes with concern that public and private actors, including companies, are severely restricted by government control; recognises that the lack of any public finance management, including the absence of a national budget, makes budgetary control impossible;

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9. Calls on the Eritrean Government to allow the creation of other political parties as a primary tool of promoting democracy in the country and calls for human rights organisations to be allowed to freely operate within the country;

10. Recalls that the EU's partnership with Eritrea is governed by the Cotonou Agreement, and that all parties are bound to respect and implement the terms of that agreement, in particular respect for human rights, democracy and the rule of law; calls, therefore, on the EU to ascertain conditionality of its aid, including that the Government of Eritrea should adhere to international obligations on human rights and that the political prisoners should be released before any further EU aid is given to Eritrea; calls, furthermore, on the EU to make use of all available instruments and tools to ensure that the Eritrean Government respects its obligations to protect and guarantee fundamental freedoms, including by considering the launch of consultations under Article 96 of the Cotonou Agreement; requests a detailed and comprehensive assessment of the funds allocated to Eritrea which are financed by the EU and its Member States;

11. Denounces the resumption of major EU aid to Eritrea and in particular the signing off of the NIP for Eritrea of EUR 200 million; calls on the Commission to review its scrutiny arrangements with Parliament, to carefully consider the concerns and suggestions expressed by Parliament and to guarantee that they are communicated to the EDF Committee; believes that the EDF Committee should have taken into consideration Parliament's previous recommendations not to adopt the NIP and to engage in further discussion;

12. Calls on the Commission to ensure that the funding allocated does not benefit the Eritrean Government but is strictly and transparently assigned to meeting the needs of the Eritrean people for development, democracy, human rights, good governance and security, and freedom of speech, press and assembly; urges the EU to ensure the conditionality of the recently agreed aid and also to ensure that the NIP supports Eritrea in operating an important shift in its energy policy in order to make energy accessible for all, especially in the rural areas which are currently still without electricity; believes, moreover, that the governance component of the NIP should strongly focus on implementing the recommendations of the UN-led Universal Periodic Review on human rights;

13. Demands that the Commission obtain guarantees from the Eritrean Government that it will implement democratic reforms and ensure respect for human rights, including by implementing the recommendations made by the 18th session of the Universal Periodic Review (UPR) Working Group, which it accepted on 7 February 2014;

14. Calls on the Council to reassess the relationship between the EU and Eritrea as well as its development aid assistance to the country in response to the country's poor human rights record, and to publish the tangible outcomes resulting from aid programmes over the last years; calls on the EU and the Member States to make use of all available measures, especially through the Cotonou Agreement, to ensure that the Eritrean authorities comply with their international commitments;

15. Firmly underlines that Eritrea must allow international and regional human rights bodies, including special rapporteurs, unhindered access to the country to monitor any progress; asks the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to actively support the renewal of the mandate of the UN Special Rapporteur on the situation of human rights in Eritrea; encourages the Eritrean Government to undertake urgent reforms such as the loosening of the one-party state and the resumption of the National Assembly and elections;

16. Urges the EU Member States to take appropriate measures against the application of the diaspora tax to Eritrean nationals living on their territory, in accordance with UNSC resolution 2023 (2011); reminds the Eritrean Government that the right to leave one's country is enshrined in international human rights law; calls on the government to allow freedom of movement and to stop collecting the diaspora tax from Eritreans living abroad; urges the government to end 'guilt-by-association' policies that target family members of those who evade national service, seek to flee Eritrea or do not pay the 2 % income tax the Eritrean Government imposes on Eritrean expats;

17. Calls on the Eritrean Government to adhere to the period of service statute, to desist from using its citizens as forced labour, to stop allowing foreign companies to use such conscripts for a fee, to allow the possibility of conscientious objection to serving in the military and to ensure the protection of conscripts;

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18. Reminds Eritrea of its obligations under ILO conventions, with particular regard to the right of civil society organisations and trade unions to organise, peacefully demonstrate, participate in public affairs, and campaign for better workers' rights; calls on the Eritrean Government to repeal the policy that bans NGOs that have less than USD 2 million in their bank accounts; is concerned about the endemic link between business, politics and corruption in Eritrea; condemns foreign companies who are complicit in using forced labour and asks all those who are operating in Eritrea for better accountability, due diligence and reporting systems;

19. Notes the EU's attempts to cooperate with Eritrea in the area of migration; highlights the very high rate of granting of asylum and subsidiary protection by EU Member States to Eritreans and consequently urges Member States not to return Eritreans seeking asylum in Europe, in accordance with the Geneva Convention; demands that the EU Member States adhere to the concept of non-refoulement, and reminds them that returning asylum-seekers are likely to be arbitrarily detained and tortured as a result of their attempts to flee;

20. Encourages Eritrea to engage with the international community in the field of human rights; requests that the UN Human Rights Council (HRC) cooperate with Eritrea in capacity building in the judicial system by organising seminars and training for judges and lawyers as a constructive way forward; recognises that a delegation from the Office of the High Commissioner of the HRC will visit Eritrea in July 2017, and calls on this delegation to report on what they see and to attempt to gain access to all parts of the country, in particular prisons, where facilities can be surveyed and reported upon;

21. Reiterates its deep concern about the current devastating climatic conditions in the Horn of Africa, including Eritrea, and the serious risk of food and humanitarian crisis that they entail; calls on the EU, together with its international partners, to scale up its support to the affected populations and to ensure that the necessary funding and assistance are provided;

22. Condemns the Eritrean Government's policy of arbitrarily revoking citizenship, and demands that all Eritrean citizens be treated fairly and equally before the law; stresses that addressing the justice deficit in Eritrea democratic governance and restoration of the rule of law must be prioritised, by ending authoritarian rule by fear of arbitrary and incommunicado detention, of torture and of other human rights violations, some of which may amount to crimes against humanity;

23. Instructs its President to forward this resolution to the Council, the Commission, the ACP-EU Joint Parliamentary Assembly, the Council of the African Union, the East African Community, the Secretary-General of the UN, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Eritrean authorities.

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P8_TA(2017)0310

Burundi

European Parliament resolution of 6 July 2017 on the situation in Burundi (2017/2756(RSP))

(2018/C 334/17)

The European Parliament,

- having regard to the revised Cotonou Agreement, in particular Article 96 thereof,
- having regard to the Universal Declaration of Human Rights,
- having regard to the 1966 International Covenant on Civil and Political Rights,
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to United Nations Security Council Resolutions 2248 (2015) of 12 November 2015 and 2303 (2016) of 29 July 2016 on the situation in Burundi,
- having regard to the international commission of inquiry report presented to the United Nations Human Rights Council on 15 June 2017,
- having regard to the first UN Secretary-General's report on the situation in Burundi, published on 23 February 2017,
- having regard to the Security Council press release of 9 March 2017 regarding the situation in Burundi,
- having regard to the report of the UN Independent Investigation on Burundi (UNIIB), published on 20 September 2016,
- having regard to the resolution adopted by the United Nations Human Rights Council on 30 September 2016 on the human rights situation in Burundi,
- having regard to the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Agreement) of 28 August 2000,
- having regard to the declaration on Burundi by the African Union summit of 13 June 2015,
- having regard to the Decision on the Activities of the Peace and Security Council and the State of Peace and Security in Africa (Assembly/AU/Dec.598(XXVI)), adopted at the 26th Ordinary Session of the Assembly of Heads of State and Government of the African Union held on 30 and 31 January 2016 in Addis Ababa (Ethiopia),
- having regard to the Decisions and Declarations of the Assembly of the African Union (Assembly/AU/Dec.605-620 (XXVII)), adopted at the 27th Ordinary Session of the Assembly of Heads of State and Government of the African Union held on 17 and 18 July 2016 in Kigali (Rwanda),
- having regard to the resolution of the African Commission on Human and Peoples' Rights of 4 November 2016 on the human rights situation in the Republic of Burundi,
- having regard to the declaration on Burundi by the East African Community (EAC) summit of 31 May 2015,
- having regard to the European Parliament resolutions on Burundi, notably those of 9 July 2015 ⁽¹⁾, 17 December 2015 ⁽²⁾ and 19 January 2017 ⁽³⁾,

⁽¹⁾ Texts adopted, P8_TA(2015)0275.

⁽²⁾ Texts adopted, P8_TA(2015)0474.

⁽³⁾ Texts adopted, P8_TA(2017)0004.

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- having regard to Council Decision (EU) 2016/394 of 14 March 2016 concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (ACP), of the one part, and the European Community and its Member States, of the other part,
 - having regard to Council Regulation (EU) 2015/1755 of 1 October 2015 and Council Decisions (CFSP) 2015/1763 and (CFSP) 2016/1745 concerning restrictive measures in view of the situation in Burundi,
 - having regard to the Council conclusions of 16 March, 18 May, 22 June and 16 November 2015 and 15 February 2016 on Burundi,
 - having regard to the statements of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 28 May 2015, 19 December 2015 and 21 October 2016,
 - having regard to the statement of 6 January 2017 by the VP/HR spokesperson on the banning of Iteka League in Burundi,
 - having regard to the Constitution of Burundi, in particular Article 96 thereof,
 - having regard to Rules 122(5) and 123(4) of its Rules of Procedure,
- A. whereas Burundi was plunged into grave political crisis and civil unrest after President Pierre Nkurunziza announced in April 2015 that he would run for a third term, regardless of the Burundian Constitution limiting the presidential mandate to two terms; whereas his re-election has faced strong opposition and has resulted in a massive crackdown by the government and an alarming deterioration of the human rights situation in the country;
- B. whereas, according to international observers, those opposing his re-election have faced a massive government crackdown since July 2015; whereas, according to the United Nations, 500 people have died since the violence erupted; whereas, according to human rights organisations, more than 1 200 people have been killed, between 400 and 900 have been victims of enforced disappearances, hundreds or possibly thousands have been tortured, and more than 10 000 are still being arbitrarily detained;
- C. whereas President Pierre Nkurunziza is not ruling out the possibility of amending the Constitution, enabling him to stand for a fourth term as of 2020; whereas internal procedures have been initiated seeking to remove restrictions on terms of office; whereas this appears to run counter to previous declarations by President Pierre Nkurunziza, undermining the collective efforts to find a viable long-term solution to the crisis;
- D. whereas the report of the United Nations Independent Investigation on Burundi (UNIIB) points to 'abundant evidence of serious human rights violations and abuses' in the country, perpetrated mainly by the security forces and the authorities; whereas there has been an increase in cases of incitement to violence and hatred since April 2017, in particular at rallies of the Imbonerakure, the youth militia of the CNDD-FDD party in power; whereas opposition figures and civil society activists, notably human rights defenders and journalists, have been the primary targets of these abuses; whereas the final report of the commission of inquiry set up by the Human Rights Council is expected in September 2017;
- E. whereas the reported acts of violence include murder, abduction, enforced disappearances, torture, rape and arbitrary arrests and imprisonment; whereas corruption and the failure of the public authorities to take action is perpetuating a culture of impunity that is preventing many of those perpetrating acts of deadly violence, including members of the security forces and intelligence services, from being brought to justice;
- F. whereas, in October 2016, the Burundian authorities banned five human rights organisations; whereas, in January 2017, the oldest of those organisations in the country, the League Iteka, was also outlawed; whereas, in December 2016, Parliament passed a law imposing strict controls on international NGOs;

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- G. whereas the clampdown on independent media and newspapers has been stepped up; whereas independent media are still being censored, suspended, blocked and/or shut down; whereas journalists have been subjected to forced disappearance, threats, physical attacks and judicial harassment; whereas all independent radio stations have been suspended; whereas 'Reporters Sans Frontières' ranks Burundi 160th out of 180 countries in its 2017 World Press Freedom Index;
- H. whereas UN officials are reporting a tendency for government officials to sow the seeds of discord, raising fears of spiralling violence and a possible escalation of the crisis along ethnic lines; whereas there have been reports of widespread violence and intimidation by the CNDD-FDD (National Council for the Defence of Democracy — Forces for the Defence of Democracy) and its Imbonerakure youth militia;
- I. whereas Burundi took formal steps in October 2016 to withdraw from the Rome Statute, thereby indicating its intention to leave the International Criminal Court (ICC), following the court's decision to open a preliminary investigation into acts of violence and human rights abuses in the country;
- J. whereas, in August 2016, the Burundian Government rejected the deployment of UN police officers to monitor the situation in Burundi; whereas the Burundian Government decided to suspend cooperation with the Office of the UN High Commissioner for Human Rights and refused to cooperate with the commission of inquiry set up by the UN Human Rights Council;
- K. whereas, on 21 December 2015, the Burundian Parliament rejected the proposed African Union (AU) peacekeeping force, stating that any military intervention by AU troops would constitute an invasion by an occupation force;
- L. whereas, on 8 December 2015, the EU began consultations with the Government of Burundi under Article 96 of the Cotonou Agreement, in the presence of representatives of the ACP Group of States, the AU, the East African Community (EAC) and the UN; whereas, in March 2016, the EU closed consultations, having concluded that the commitments proposed by the Burundian Government in terms of human rights, democratic principles and the rule of law are unsatisfactory;
- M. whereas, at the close of those proceedings, the EU set out specific measures to be taken by the Government of Burundi in order to resume full cooperation;
- N. whereas the EU suspended direct financial support to the Burundian administration, including budget support; whereas the EU has undertaken to maintain financial support for the population and humanitarian assistance, including projects to ensure access to basic services;
- O. whereas the EU has adopted targeted sanctions in respect of persons, entities or bodies undermining democracy or obstructing the search for a political solution in Burundi; whereas the AU is also currently planning to adopt sanctions;
- P. whereas the inter-Burundian dialogue, led by the EAC and endorsed by the AU and EU, is regarded by the UN Security Council as the only viable process for a sustainable political settlement in Burundi; whereas the dialogue must be open to all, including opposition parties, civil society and members of the diaspora;
- Q. whereas the political deadlock in Burundi and the deteriorating economic situation are having serious consequences for the population; whereas the UN Agency for Refugees estimates that over 420 000 people have fled Burundi to seek refuge in neighbouring countries; whereas, according to the UN Under-Secretary-General, there are at present 209 000 internally displaced persons; whereas three million people are in need of humanitarian aid and 2,6 million are facing acute food insecurity; whereas 700 000 are dependent on emergency food aid in spite of the fact that the Government has lifted certain restrictions; whereas the situation is seriously jeopardising the region's stability;

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1. Expresses its deep concern at the political and security situation in Burundi; strongly condemns the acts of violence, killings and other human rights abuses that have taken place in Burundi since 2015; appeals for effective and proportionate action to prevent further violence;
2. Is concerned about widespread impunity, in particular for the perpetrators of violence and human rights abuses; points out that the Burundian authorities have an obligation under international and regional human rights legislation to guarantee, protect and promote fundamental rights, including citizens' civil and political rights; calls, in this context, for a thorough and independent inquiry into the killings and abuses that have occurred in recent years in Burundi, and for measures to ensure that those responsible are held to account;
3. Deplores the fact that the Government of Burundi has initiated proceedings for withdrawal from the Rome Statute establishing the ICC; calls on the Government of Burundi to reverse the withdrawal procedure and ensure that the country continues to participate fully in the ICC;
4. Urges the Burundian Government to respect in full UN Security Council Resolution 2303 (2016) and authorise the deployment of a UN police unit to monitor the security situation in the country;
5. Welcomes the establishment of the UN Commission of Inquiry on human rights in Burundi in November 2016 to investigate human rights violations and abuses committed in Burundi since April 2015; calls on the Burundian authorities to cooperate fully with the members of the commission of inquiry;
6. Welcomes the recent appointment of a new Special Envoy to Burundi, Michel Kafando, by UN Secretary-General António Guterres with a view to facilitating understanding of the ongoing political process;
7. Reiterates its commitment to freedom of expression and reaffirms the key role played by civil society, lawyers, human rights organisations and the media in a democratic society; calls on the Burundian authorities, in this context, to lift the bans and restrictions imposed on those entities, reconsider the new legislation regarding foreign NGOs and ensure that journalists and human rights defenders can operate freely and safely in the country;
8. Is concerned that the present state of affairs very much risks creating deeper divisions between different ethnic groups; condemns the 'ethnisation' of the crisis by means of recourse to propaganda based on an ethnic ideology; urges all sides in Burundi to refrain from any behaviour or language that might further aggravate violence, deepen the crisis or affect regional stability in the long term and to abide by the Arusha Agreement in full;
9. Condemns the acts of incitement to hatred and violence by the leaders of the Imbonerakure youth militia against refugees and opposition members, especially public incitement to rape the wives of opposition members, and calls for the immediate disarmament of militias; is extremely concerned at the adoption of a new law on the creation of a national volunteer corps that would legalise the activities of such militias;
10. Urges all parties to establish the necessary conditions for rebuilding trust and fostering national unity through an open, transparent and inclusive national dialogue between government, opposition parties and civil society in accordance with the Burundian Constitution, the Arusha Agreement and the country's international commitments;
11. Notes that the situation in Burundi is having an extremely damaging impact throughout the region; welcomes, in this regard, the negotiations being carried out under the auspices of the EAC with the support of the AU, and calls for the commitment and cooperation of the Burundian authorities for an immediate, long-term, sustainable solution to this conflict; expresses great concern, however, about the slow progress of this dialogue;
12. Calls on the EU to back the efforts of regional actors to resolve the crisis; calls for implementation of the roadmap produced by the facilitator appointed by the ECA, former Tanzanian President Mkapa;

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13. Welcomes the decision of the AU Peace and Security Council authorising the deployment of an African Prevention and Protection Mission in Burundi in order to promote a political solution; urges the Burundian Government to honour in full the commitment to facilitating the swift deployment of observers and experts on human rights, in particular through immediate issuing of visas and very prompt completion of other requisite formalities;
 14. Takes the view that a greater presence of international observers in Burundi might very much help to improve the situation as regards human rights and security; calls for a further 200 AU military and human rights observers to be deployed in support of the 30 observers already present;
 15. Considers that there needs to be clarification, in coordination with the AU, of the traceability of the funds provided for Burundian soldiers deployed within AMISOM;
 16. Takes the view that, for there to be any normalisation of relations with the EU, including the Member States, the Burundian authorities must implement all provisions, in the schedule of commitments, on the consultations provided for by Article 96 of the Cotonou Agreement;
 17. Takes note of the EU's decision, following consultation with the Burundian authorities under Article 96 of the Cotonou Agreement, to suspend direct financial support to the administration of Burundi and welcomes the adoption of the travel restrictions and asset freeze measures by the EU against those seeking to undermine peace efforts or human rights; emphasises that the EU is maintaining full financial support for the people of Burundi, including refugees, in the key areas of health, nutrition and education, and humanitarian support provided through direct channels; supports the renewed targeted sanctions by the EU, and the EU Council decision to suspend funding for Burundi following the consultations under Article 96;
 18. Is deeply concerned by the influx of Burundian refugees in neighbouring countries and by the alarming humanitarian situation of displaced persons in Burundi, and reiterates its support for the humanitarian organisations present in the region and in neighbouring countries that are hosting refugees; urges the EU and other donors to step up funding and humanitarian aid for Burundians who are internally displaced or refugees; reminds the Member States of their commitment to respect the Geneva Convention;
 19. Instructs its President to forward this resolution to the Government and Parliament of Burundi, the ACP-EU Council of Ministers, the European Commission, the Council of Ministers of the European Union, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the EU Member States, the member countries and institutions of the African Union, and the Secretary-General of the United Nations.
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P8_TA(2017)0315

EU action for sustainability**European Parliament resolution of 6 July 2017 on EU action for sustainability (2017/2009(INI))**

(2018/C 334/18)

The European Parliament,

- having regard to the United Nations resolution on ‘Transforming our World: The 2030 Agenda for Sustainable Development’, adopted at the UN Sustainable Development Summit on 25 September 2015 in New York ⁽¹⁾,
- having regard to the Agreement adopted at the 21st Conference of Parties (COP21) in Paris on 12 December 2015 (the Paris Agreement),
- having regard to Article 3(3) and (5) of the Treaty on European Union (TEU),
- having regard to Article 7 of the Treaty on the Functioning of the European Union (TFEU), which reaffirms that the EU ‘shall ensure consistency between its policies and activities, taking all of its objectives into account’, and to Article 11 of TFEU,
- having regard to the Commission communication of 22 November 2016, ‘Next steps for a sustainable European future — European action for sustainability’ (COM(2016)0739),
- having regard to the UN Convention on the Rights of Persons with Disabilities, ratified by the EU in January 2011,
- having regard to the General Union Environment Action Programme to 2020 entitled ‘Living well, within the limits of our planet’ ⁽²⁾,
- having regard to the European Environment Agency (EEA) Report No 30/2016: the Environmental indicator report 2016,
- having regard to its resolution of 12 May 2016 on the follow-up to and review of the 2030 Agenda ⁽³⁾,
- having regard to the Strategic Note of the Commission’s European Political Strategy Centre of 20 July 2016 entitled ‘Sustainability Now! A European Voice for Sustainability’ ⁽⁴⁾,
- having regard to the EU Biodiversity Strategy to 2020 ⁽⁵⁾, to its mid-term review ⁽⁶⁾ and to the European Parliament resolution of 2 February 2016 on the mid-term review ⁽⁷⁾,
- having regard to the reports of the UN Environment Programme (UNEP) International Resource Panel entitled: ‘Policy Coherence of the Sustainable Development Goals’ (2015), ‘Global Material Flows and Resource Productivity’ (2016) and ‘Resource Efficiency: Potential and Economic Implications’ (2017),

⁽¹⁾ A/RES/70/1.

⁽²⁾ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 (OJ L 354, 28.12.2013, p. 171).

⁽³⁾ Texts adopted, P8_TA(2016)0224.

⁽⁴⁾ https://ec.europa.eu/epsc/sites/epsc/files/strategic_note_issue_18.pdf

⁽⁵⁾ Commission communication of 3 May 2011 entitled ‘Our life insurance, our natural capital: an EU biodiversity strategy to 2020’ (COM(2011)0244).

⁽⁶⁾ Commission report of 2 October 2015 on the mid-term review of the EU biodiversity strategy to 2020 (COM(2015)0478).

⁽⁷⁾ Texts adopted, P8_TA(2016)0034.

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- having regard to the Joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 November 2016 on 'International ocean governance: an agenda for the future of our oceans' (JOIN(2016)0049),
 - having regard to the Habitat III New Urban Agenda Agreement adopted in Quito on 20 October 2016,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Development, the Committee on Agriculture and Rural Development and the Committee on Culture and Education (A8-0239/2017),
- A. whereas the EU and its Member States have adopted the 2030 Agenda for Sustainable Development (hereinafter 'the 2030 Agenda'), including the Sustainable Development Goals (SDGs);
- B. whereas the UN's 17 Sustainable Development Goals (SDGs) represent a blueprint for a better society and world, deliverable through practical and measurable action and covering a number of issues including achieving better and more equal health outcomes, greater wellbeing and education of citizens, higher overall prosperity, action against climate change and the conservation of the environment for future generations, and as such must always be considered horizontally across all areas of the Union's work;
- C. whereas future economic growth will only be possible by fully respecting the planetary boundaries in order to ensure a life of dignity for all;
- D. whereas the 2030 Agenda has a transformational potential and sets out universal, ambitious, comprehensive, indivisible and interlinked goals, aimed at eradicating poverty, fighting discrimination, and promoting prosperity, environmental responsibility, social inclusion and respect for human rights, and strengthening peace and security; whereas these goals require immediate action with a view to full and effective implementation;
- E. whereas the Commission has not yet established a comprehensive strategy to implement the 2030 Agenda encompassing internal and external policy areas with a detailed timeline up to 2030, as requested by the European Parliament in its resolution of 12 May 2016 on the follow-up to and review of the agenda, and has not fully taken up a general coordination role for the actions taken at national level; whereas an effective implementation strategy and a monitoring and review mechanism are essential in order to achieve the SDGs;
- F. whereas the 17 SDGs and 169 underlying targets touch on all aspects of the Union's policy;
- G. whereas many of the SDGs directly concern the powers of the EU in addition to the national, regional and local authorities and their implementation therefore requires a true multi-level governance approach with an active and broad-based civil society engagement;
- H. whereas climate change is not a stand-alone environmental issue but presents, according to the UN ⁽¹⁾, one of the greatest challenges of our time and poses a serious threat to sustainable development, and its widespread, unprecedented impacts place a disproportionate burden on the poorest and most vulnerable and increase inequality between and within countries; whereas urgent action to combat climate change is integral to the successful implementation of the SDGs;
- I. Whereas the Europe 2020 climate change and energy sustainability targets are: to reduce greenhouse gas emissions (GHGs) by 20 %, to meet 20 % of EU energy demand with renewables, and to increase energy efficiency by 20 %; whereas the EU is committed to a reduction in domestic GHG emissions of at least 40 % by 2030 compared to 2005 levels, subject to a ratchet-up mechanism under the Paris Agreement; whereas Parliament has called for a binding 2030

⁽¹⁾ <https://unstats.un.org/sdgs/report/2016/goal-13/>

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energy efficiency target of 40 % and a binding renewable energy sources (RES) target of at least 30 %, and stresses that such targets should be implemented by means of individual national targets;

- J. Whereas the EU and its Member States are all signatories to the Paris Agreement, and as such are committed to working with other countries to limit the increase in global warming to well below 2 °C, and to pursue efforts to further limit it to 1,5 °C and therefore to attempt to limit the worst risks of climate change, which undermine the ability to achieve sustainable development;
- K. whereas healthy seas and oceans are essential to support abundant biodiversity, and provide food security and sustainable livelihoods;
- L. whereas the Commission is required, under the 7th Environment Action Programme (EAP), to assess the environmental impact, in a global context, of Union consumption of food and non-food commodities;
- M. whereas any appraisal of the current and future effectiveness of the SDG agenda in Europe should not only speak to the current successes, but also look to future efforts and schemes, and should also be based on a thorough assessment of the gaps between the EU's policies and the SDGs, including areas where the EU does not meet the SDG targets, weak implementation of current policies and potential contradictions between policy areas;
- N. whereas, according to the EEA, it is highly likely that 11 of the 30 priority objectives of the EAP will not be achieved by the 2020 deadline;
- O. whereas the financing of the SDGs poses an enormous challenge which demands a strong and global partnership and the use of all forms of financing (from domestic, international, public, private and innovative sources), as well as non-financial means; whereas private financing can complement, but not substitute public funding;
- P. whereas effective mobilisation of domestic resources is an indispensable factor in achieving the objectives of the 2030 Agenda; whereas developing countries are particularly affected by corporate tax evasion and tax avoidance;
- Q. whereas promoting sustainable development requires resilience, which should be fostered by means of a multifaceted approach to the EU's external action and by upholding the principle of policy coherence for development; whereas the Member States' and EU's policies have both intended and unintended effects on developing countries, and the SDGs constitute a unique opportunity to achieve more coherence and fairer policies towards developing countries;
- R. whereas international trade can be a powerful driver of development and economic growth and a large share of EU imports comes from developing countries; whereas the 2030 Agenda acknowledges trade as a means of achieving the SDGs;
- S. whereas addressing the challenge of migration and the demands of an increasing global population is essential for achieving sustainable development; whereas the 2030 Agenda emphasises the role of migration as a potential driver of development; whereas Article 208 of TFEU establishes the eradication of poverty as the primary objective of EU development policies;
- 1. Takes note of the Commission communication on European action for sustainability, which maps existing policy initiatives and instruments at European level and serves as a reaction to the 2030 Agenda; stresses, however, the necessity of a comprehensive assessment, including policy gaps and trends, inconsistencies and implementation deficiencies as well as the potential co-benefits and synergies, of all existing EU policies and legislation in all sectors; underlines the need for coordinated action for this assessment at both European and Member State levels; calls, therefore, on the Commission, on the Council, in all its formations, and on the EU agencies and bodies, to pursue this work without delay;

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2. Highlights that the aim of the 2030 Agenda is to achieve greater well-being for all and that the three equal pillars of sustainable development, namely social, environmental and economic development, are essential for achieving the SDGs; underlines the fact that sustainable development is a fundamental objective of the Union as laid down in Article 3(3) of TEU and should play a central role in the debate on the future of Europe;

3. Welcomes the Commission's commitment to mainstreaming SDGs into all EU policies and initiatives, based on the principles of universality and integration; calls on the Commission to develop, without delay, a comprehensive short-, medium-, and long-term coherent, coordinated and overarching framework strategy on the implementation of the 17 SDGs and their 169 targets in the EU, recognising the inter-linkages and parity of the different SDGs by taking a multi-level governance and cross-sectoral approach; underlines, furthermore, the necessity of integrating all aspects of the 2030 Agenda into the European Semester and of ensuring Parliament's complete involvement in the process; calls on the First Vice-President, who has cross-cutting responsibility for sustainable development, to take a lead on this; stresses the fact that the EU and its Member States have made a commitment to fully implementing all SDGs and targets, both in practice and in spirit;

4. Recalls the importance of the underlying principle of the 2030 Agenda of 'leaving no one behind'; asks the Commission and the Member States to take strong action in addressing inequalities within and between countries, as these magnify the impact of other global challenges and hinder progress on sustainable development; asks the Commission and the Member States to promote research and data disaggregation in their policies in order to ensure that the most vulnerable and marginalised are included and prioritised;

5. Welcomes the Commission's commitment to mainstreaming the SDGs into its Better Regulation agenda and underlines the potential of using the Better Regulation tools strategically in order to evaluate EU policy coherence with regard to the 2030 Agenda; calls on the Commission to establish an SDG check of all new policies and legislation and to ensure full policy coherence in the implementation of the SDGs, while promoting synergies, gaining co-benefits and avoiding trade-offs, both at European and Member State levels; underlines the need to include sustainable development as an integrated part of the overarching framework of impact assessments, not as a separate impact assessment as is currently the case according to the Commission's Better Regulation toolbox; calls for the tools designed to measure and quantify medium- and long-term environmental outcomes in impact assessments to be improved; calls on the Commission, furthermore, to ensure that evaluations and fitness checks carried out within the framework of the Regulatory Fitness and Performance (REFIT) programme assess whether certain policies or legislation contribute to the ambitious implementation of the SDGs or actually hinder it; calls for the clear identification and differentiation of the governance level at which the targets should be implemented, while stressing that the principle of subsidiarity should be respected; calls for the establishment of clear and coherent sustainable development pathways at national and, if necessary, subnational or local levels for those Member States which have not done so already; stresses that the Commission should provide guidance for this process in order to ensure a harmonised format;

6. Underlines that the 7th EAP is, in itself, a key instrument for the implementation of the SDGs, although action taken in some sectors is still not enough to ensure that the SDGs will be met; calls on the Commission and the Member States to take all the necessary steps to fully implement the 7th EAP, to incorporate in the evaluation of the 7th EAP an assessment of the extent to which its goals correspond to the SDGs and, by taking these outcomes into account, to come up with a recommendation for the successor programme; calls on the Commission to propose in a timely manner a Union Environmental Action Programme for the period after 2020, as required by Article 192(3) of TFEU, as such a programme will contribute to achieving the SDGs in Europe;

7. Strongly urges the Commission to adhere to the governance agenda agreed upon in the Rio Declaration and in the 2030 Agenda, as well as in the 2002 Johannesburg Plan of Implementation (JPOI) and Rio+20 Outcome Document of the 2012 UN Conference on Sustainable Development;

8. Considers that the Commission should encourage the Member States to promote the establishment or enhancement of sustainable development councils at national level, including at local level; and to enhance the participation and effective engagement of civil society and other relevant stakeholders in the relevant international forums and, in this regard, promote transparency and broad public participation and partnerships to implement sustainable development;

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9. Recognises that in order to meet the SDGs, multi-stakeholder engagement will be required from the EU, Member States' local and regional authorities, civil society, citizens, business and third partners; calls on the Commission to ensure that the multi-stakeholder platform announced in its communication becomes a model of best practice for facilitating the planning, implementation, monitoring and review of the 2030 Agenda; stresses that the platform should mobilise the expertise of different key sectors, promote innovation and contribute to ensuring effective links with stakeholders, encouraging the bottom-up promotion of sustainable development; stresses, moreover, that the platform should be much broader in scope than a peer-learning platform and allow for a real engagement of stakeholders in the planning and monitoring of the implementation of the SDGs; calls on the Commission to promote synergies with other related platforms such as the REFIT platform, the Circular Economy Platform, the High Level Working Group on Competitiveness and Growth and the High Level Expert Group on Sustainable Finance, and to report to Parliament and the Council on how the recommendations of the platform will be followed up;

10. Calls on the Commission to step up efforts to facilitate the governance of the SDGs to ensure the following:

(i) Multi-sector: by setting up a national co-ordination structure responsible for the follow-up of Agenda 21 which would benefit from the expertise of NGOs;

(ii) Multi-level: by establishing an effective institutional framework for sustainable development at all levels;

(iii) Multi-actor: by facilitating and encouraging public awareness and participation by making information widely available;

(iv) A focus on improving the science-policy interface;

(v) Establishing a clear timetable that combines short-term and long-term thinking.

Asks the Commission, therefore, to ensure that the multi-stakeholder platform results not only in pooling, but also in the dissemination of working knowledge on SDGs, and to ensure that the platform influences the policy agenda. As such, requests that the Commission, with input from Parliament and the Council, create a multi-stakeholder platform that engages actors from across a range of sectors. Business and industry, consumer groups, trade unions, social NGOs, environment and climate NGOs, development cooperation NGOs and local government and city representatives should all be represented in a forum of no less than 30 stakeholders. The meetings should be open to as many actors as possible and designed to be expanded if interest increases over time. The platform should, in its quarterly meetings, identify issues which present impediments to delivering on the SDGs. Parliament should consider the establishment of a working group on the SDGs so as to ensure horizontal working within Parliament on the topic. This forum should consist of MEPs representing as many of the Committees as possible. The Commission and Parliament should both be active in the meetings of the multi-stakeholder platform meetings. The Commission should produce an update to the platform each year on its future plans to help with SDG implementation, as well as a document that would be accessible at all levels in all Member States about best practice in implementing SDGs ahead of the UN SDG high level meetings in June/July. The Committee of Regions should act as a bridge between local actors and national actors;

11. Welcomes the increasing amount of institutional and private capital allocated to financing the SDGs and invites the Commission and the Member States to develop sustainable development criteria for EU institutional spending, to identify potential regulatory barriers and incentives to SDG investment and to explore opportunities for convergence and cooperation between public and private investments;

12. Welcomes the potential contribution of the Environmental Implementation Review to the achievement of the SDGs through the improved implementation of the *acquis* in the Member States; warns, however, that this review should not be considered a replacement for other tools such as infringement procedures;

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13. Urges the Commission to develop effective monitoring, tracking and review mechanisms for implementing and mainstreaming the SDGs and the 2030 Agenda and calls on the Commission, in cooperation with Eurostat, to establish a set of specific progress indicators for the internal application of the SDGs in the EU; calls for the Commission to carry out annual reporting on the EU's progress in SDG implementation; stresses that the Member States should be supported by the Commission in their coherent reporting; calls for Parliament to become a partner in the process, particularly in the second work stream post-2020, and calls for annual dialogue and reporting between Parliament, the Council and the Commission, culminating in the production of a report; urges that the results should be both transparent and easily understandable and communicable for a wide range of audiences; highlights the importance of transparency and democratic accountability when monitoring the 2030 Agenda and therefore underlines the role of the co-legislators in this process; considers that the conclusion of a binding interinstitutional agreement under Article 295 of TFEU would provide an appropriate arrangement for cooperation in this regard;

14. Recalls that Member States are required to report to the UN on their performance with respect to the SDGs; emphasises that these Member State reports should be developed in cooperation with competent local and regional authorities; underlines that in Member States with federal or devolved levels of government it is necessary to detail the specific challenges and obligations of these delegated levels of government in achieving the SDGs;

15. Calls on the Commission to promote sustainable global value chains with the introduction of due diligence systems for companies, with a focus on their entire supply chain, which would encourage businesses to invest more responsibly and stimulate a more effective implementation of sustainability chapters in free trade agreements, including in the areas of anticorruption, transparency, anti-tax avoidance and responsible business conduct;

16. Considers that any future vision of Europe must embrace the SDGs as a key principle, and that in doing so Member States should be moving towards sustainable economic models, and the role of the EU in achieving sustainable development should therefore be at the heart of the reflections launched by the Commission's White Paper of 1 March 2017 on the Future of Europe (COM(2017)2025), where a stronger dimension of sustainability in the context of economic growth is needed; considers that achieving the SDGs and 2030 Agenda is crucial for the EU and that achieving the SDGs should be Europe's legacy to future generations; recognises that the 2030 Agenda is in line with the principles and values of the Union and that achieving the SDGs therefore naturally follows the European Union's plans to create a better, healthier and more sustainable future for Europe;

17. Calls on the Commission and the Member States to build capacities for integrated assessment, technological and institutional innovation and financial mobilisation for the achievement of the SDGs;

18. Recognises that most European countries, both EU and non-EU, are signatories to the SDG agreement; considers that, in the context of the debate on the future of Europe, consideration should be given to the development of a pan-European framework for the achievement of the SDGs among Member States of the EU and EEA, signatories to EU association agreements, EU candidate countries and, following its withdrawal, the United Kingdom;

19. Stresses the role of the High-Level Political Forum in the follow-up and review of the SDGs, and calls on the Commission and Council to honour the EU's leading role in designing and implementing the 2030 Agenda by agreeing joint EU positions and joined-up EU reporting, based on coordinated reporting from the Member States and the EU institutions, ahead of the High-Level Political Forum under the auspices of the General Assembly; invites the Commission to take stock of existing actions during the upcoming High-Level Political Forum and the specific SDGs that will be under review;

20. Considers that the EU should be the global frontrunner of the transition to a low-carbon economy and a sustainable production-consumption system; invites the Commission to orient its science, technology and innovation (STI) policies towards the SDGs and calls on it to devise a communication on STI for sustainable development ('STI4SD'), as recommended by the Commission Expert Group on the 'Follow-up to Rio+20, notably the SDGs', in order to formulate and support long-term policy coordination and cohesion;

21. Stresses that science, technology and innovation are particularly important tools for implementing the SDGs; emphasises the need for Horizon 2020 and future framework programmes for research to integrate better the concept of sustainable development and societal challenges;

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22. Recalls that, as set out in its 12 May 2016 resolution, Parliament should have a clear role in the EU's implementation of the 2030 Agenda;

23. Welcomes recent initiatives to promote resource efficiency, *inter alia* through the promotion of waste prevention, reuse and recycling, limiting energy recovery to non-recyclable materials and phasing out landfilling of recyclable or recoverable waste, as put forward in the Circular Economy Action Plan and the proposal for new, ambitious EU waste targets, which will, *inter alia*, contribute to SDG 12 and the reduction of marine litter; recognises that achieving the SDGs and meeting the climate change targets in a cost-effective manner will require increases in resource efficiency and will, by 2050, reduce annual global GHG emissions by 19 % and the GHG emissions of the G7 nations by up to 25 % alone; points to the fact that 12 out of the 17 SDGs are dependent on the sustainable use of natural resources; highlights the importance of sustainable consumption and production by increasing efficiency and by reducing pollution, resource demand and waste; stresses the need to decouple growth, resource use and environmental impacts; calls on the Commission to draft a regular report on the state of the Circular economy that details its state and trends and enables existing policies to be modified on the basis of objective, reliable and comparable information; calls on the Commission, furthermore, to ensure that the circular economy delivers a significant drop in the use of virgin materials, a reduction in materials waste, longer lasting products, and the use of manufacturing by-products and excess materials previously considered waste streams; calls on the Commission to come up with an ambitious and comprehensive strategy on plastics while also adhering to the 2020 target for the environmentally sound management of chemicals, taking into account the objective on non-toxic materials cycles as laid down in the 7th EAP; considers that coordinated action at European level against food waste is crucial to SDG 2; underlines the EU target of reducing food waste by 50 % by 2030;

24. Stresses that Decision No 1386/2013/EU indicates that the current systems of production and consumption in the global economy generate a large amount of waste which, combined with a growing demand for goods and services to the point of resource exhaustion, are contributing to the rise in price of essential raw materials, minerals and energy, while generating even more pollution and waste, increasing global greenhouse gas emissions, and accelerating soil degradation and deforestation; consequently, efforts need to be made on the part of the EU and its Member States to ensure the life-cycle assessment (LCA) of products and services so as to evaluate their real impact with regard to sustainability;

25. Recalls that decoupling economic growth from resource consumption is essential for limiting environmental impacts and for improving Europe's competitiveness and reducing its resource dependency;

26. Stresses that in order for the EU to meet the goals of the 2030 Agenda it is essential that these are comprehensively reflected in the European Semester, including by addressing green jobs, resource efficiency, and sustainable investments and innovation; notes that a resource-efficient economy has great potential for job creation and economic growth, as by 2050 it would add an extra USD 2 trillion to the global economy and generate an extra USD 600 billion in the GDP of G7 countries;

27. Calls on the Commission to emphasise to all stakeholders, including investors, trade unions and citizens, the benefits of transforming unsustainable productions into activities that make it possible to implement the sustainable development goals and the benefits of permanent retraining of the workforce with a view to green, clean, high-quality employment;

28. Stresses the importance of meeting SDG 2 on sustainable agriculture and the SDGs on preventing pollution and the overuse of water (6.3 & 6.4), on improving soil quality (2.4 & 15.3), and on halting biodiversity loss (15) at EU level;

29. Calls on the Commission and the Member States to address the significant delays in achieving good water status under the Water Framework Directive, and to ensure the attainment of SDG 6; notes the EEA's assessment that more than half of the river and lake water bodies in Europe have an ecological status that is classified as less than good and that water ecosystems are still experiencing the most significant deterioration and biodiversity decline; calls on the Commission to support innovative approaches to sustainable water management, including by unlocking the full potential of waste water, and applying the principles of circular economy in water management, by implementing measures to promote the safe

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reuse of waste water in agriculture and in the industrial and municipal sectors; emphasises that around 70 million Europeans experience water stress during the summer months; recalls, moreover, that approximately 2 % of the total population of the EU does not have full access to drinking water, which disproportionately affects vulnerable, marginalised groups; recalls, furthermore, that there are 10 deaths a day in Europe as a result of unsafe water and poor sanitation and hygiene;

30. Welcomes the Commission's joint communication for the future of our oceans, which proposes 50 actions for safe, secure, clean and sustainably managed oceans in Europe and around the world in order to meet SDG 14 — an urgent goal given the need for rapid recovery of European seas and global oceans;

31. Stresses the environmental significance and socio-economic benefits of biodiversity and notes that according to the latest 'Planetary boundaries' report, current values of biodiversity loss have crossed the planetary boundary, while biosphere integrity is considered a core boundary which when significantly altered brings the earth system into a new state; notes with concern that the targets of the EU 2020 Biodiversity Strategy and of the Convention on Biological Diversity will not be met without substantial additional efforts; recalls that around 60 % of animal species and 77 % of protected habitats are in less than optimal conditions⁽¹⁾; calls on the Commission and the Member States to step up their efforts in order to achieve these targets, by, *inter alia*, fully implementing the Nature Directives and recognising the added value of the ecosystems and biodiversity of the European environment by allocating sufficient resources, including in future budgets for biodiversity conservation, in particular to the Natura 2000 network and the LIFE programme; reiterates the necessity for a common tracking methodology that takes into account all direct and indirect spending on biodiversity and the efficiency of that spending, while stressing that overall EU spending must have no negative impact on biodiversity and should support the achievement of Europe's biodiversity targets;

32. Stresses that the full implementation, enforcement and adequate financing of the Nature Directives is a vital prerequisite for ensuring the success of the biodiversity strategy as a whole and meeting its headline target; welcomes the Commission's decision not to revise the Nature Directives;

33. Urges the Commission and the Member States to quickly complete and bolster the Natura 2000 ecological network, while stepping up efforts to ensure that a sufficient number of special areas of conservation (SACs) are designated as such in accordance with the Habitats Directive and that a designation of that kind is combined with effective measures to protect biodiversity in Europe;

34. Notes that research shows that unsustainable agriculture is a key driver of loss of soil organic carbon and soil biodiversity; calls on the EU to promote methods that build soil quality, such as rotations including legumes and livestock, thereby enabling the EU to meet SDGs 2.4 and 15.3;

35. Considers that the EU must do much more to achieve SDG 15; urges the Commission, in particular, to prioritise the topic of environmental decontamination by proposing harmonised standards against the use and degradation of soil and by presenting as soon as possible the action plan against deforestation and forest degradation that has been announced several times and the time schedule for its implementation;

36. Recognises that changes in soil biodiversity and soil organic carbon are mostly driven by land management practices and land use change as well as climate change, which has a severe, negative impact on entire ecosystems and society; calls on the Commission, therefore, to devote particular attention to soil-related issues in the forthcoming 8th EAP;

37. Stresses that EU imports of soybean meal for animal nutrition contribute to deforestation in South America, thereby undermining the SDGs on deforestation, climate change and biodiversity;

⁽¹⁾ EEA Report No 30/2016, Environmental indicator report 2016 — In support to the monitoring of the 7th Environment Action Programme: <https://www.eea.europa.eu/publications/environmental-indicator-report-2016>.

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38. Calls on the Commission to step up efforts as a global player in protecting the important ecology and environment of the Arctic; strongly urges the Commission not to allow any policies which incentivise the exploitation of the Arctic for fossil fuels;

39. Welcomes the focus on biodiversity, natural resources and ecosystems, and the acknowledged link between these elements and human health and well-being; stresses the need for a 'One Health' approach encompassing human, animal and environmental health, and recalls that investment in research and innovation aimed at developing new health technologies is an essential precondition for achieving the SDGs; urges the Commission to undertake an analysis very swiftly in order to respond to the OECD EU Health at a Glance publication, which shows that life expectancy has not risen in many EU Member States; notes that equitable access to high-quality healthcare is the key to sustainable health systems as it has the potential to reduce inequalities; stresses that more efforts are needed in order to address the multi-dimensional barriers to access at individual, provider and health system levels — and to continue to invest in innovation and medical research and the European Centre for Disease Prevention and Control (ECDC) with a view to developing health solutions that are accessible, sustainable and geared towards combating the global scourge of HIV/AIDS, tuberculosis meningitis, Hepatitis C and other neglected infectious diseases, which are often tied to poverty; points out that investing in global medical research and development is crucial for addressing emerging health challenges such as epidemics and resistance to antibiotics;

40. Underlines the fact that the oceans economy, or 'blue economy', offers important opportunities for the sustainable use and conservation of marine resources, and that suitable capacity-building support for developing and implementing planning tools and management systems can enable developing countries to seize these opportunities; underlines the major role that the European Union must play in this regard;

41. Recognises the nexus between the extraction of fisheries resources and conservation and trade; recognises, furthermore, that the opportunity cost of not acting to address harmful fishing subsidies is extremely high, as without action resources will be depleted, food insecurity will result and those sources of employment that were sought to be preserved will be destroyed;

42. Recalls that the EU and its Member States are all signatories to the Paris Agreement, and are therefore committed to its objectives, which require global action; underlines the need to integrate the long-term decarbonisation objective to limit global warming to well below 2 °C, and to pursue efforts to further limit this increase to 1,5 °C;

43. Recalls that the Commission proposal for the 2030 climate and energy framework sets three key targets for 2030: a reduction in GHG emissions of at least 40 %, at least 27 % of EU energy demand to be met with renewables and an improvement in energy efficiency of at least 30 %; recalls the positions taken by Parliament on these targets; underlines the need to keep these targets under review and to prepare a mid-century zero emissions strategy for the EU, providing a cost-efficient pathway, by taking into account the regional and national specificities within the EU, towards reaching the net zero emissions goals of the Paris Agreement;

44. Calls for the EU and the Member States to effectively mainstream climate change mitigation and adaptation in development policies; highlights the need to encourage technology transfers for energy efficiency and clean technologies, and to support investments in small-scale, off-grid and decentralised renewable energy projects; calls for the EU to scale up its assistance to sustainable agriculture in order to cope with climate change, by means of targeted support for small-scale farmers, crop diversification, agro-forestry and agro-ecological practices;

45. Notes that environmental degradation and climate change pose significant risks to establishing and maintaining peace and justice; recognises the need for a higher profile of the part that climate change and environmental degradation are playing in driving global migration, as well as poverty and hunger; calls for the EU and the Member States to maintain climate change as a strategic priority in diplomatic dialogues at global level, including in high-level bilateral and bi-regional dialogues with the G7, the G20, at the UN and with partner countries such as China in order to continue a positive and active dialogue that speeds up the global clean energy transition and avoids dangerous climate change;

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46. Recognises the work of the US-based Center for Climate and Security in identifying flashpoints between climate change and international security, which refers to climate change as a 'threat multiplier' which could demand greater humanitarian or military intervention and lead to more severe storms that threaten cities and military bases;

47. Underlines the fact that energy poverty, which is often defined as a situation whereby individuals or households are not able to adequately heat or provide other required energy services in their homes at an affordable cost, is a problem across many Member States; stresses that energy poverty is due to rising energy prices, the recessionary impact on national and regional economies and poor energy efficient homes; recalls that according to the EU Statistics on Income and Living Conditions (EU-SILC), it is estimated that 54 million European citizens (10,8 % of the EU's population) were unable to keep their home adequately warm in 2012, with similar numbers being reported with regard to the late payment of utility bills or presence of poor housing conditions; calls on the Member States to recognise and address this problem, as guaranteeing basic energy services is critical for ensuring that communities do not suffer negative health impacts, do not become further entrenched in poverty and can maintain a good quality of life, as well as for ensuring the financial outlay to assist households that require support does not become too burdensome; stresses that modern energy services are crucial to human well-being and to a country's economic development; and yet globally 1,2 billion people are without access to electricity and more than 2,7 billion people are without clean cooking facilities; recalls, furthermore, that more than 95 % of these people live either in sub-Saharan African or developing Asia, and around 80 % live in rural areas; stresses that energy is central to nearly every major challenge and opportunity the world faces today; stresses that, be it for jobs, security, climate change, food production or increasing incomes, access to energy for all is essential, and that sustainable energy represents opportunity — it transforms lives, economies and the planet;

48. Recommends a full integration of climate action across the EU budget (climate action mainstreaming), ensuring that measures to reduce greenhouse gas emissions are integrated into all investment decisions in Europe;

49. Calls on the Commission to produce a report every five years, starting within six months of the 2018 facilitative dialogue under the UNFCCC, on the EU's climate legislation, including the Effort Sharing Regulation and the ETS Directive, in order to ascertain that this legislation is effective in making the expected contribution to EU GHG reduction efforts and to establish whether the current trajectory for reductions will be enough to meet the SDGs and the goals of the Paris Agreement; further requests that the Commission revise and scale up the 2030 climate and energy framework and the EU's nationally determined contribution by 2020 at the latest, so that they are sufficiently aligned with the long-term objectives of the Paris Agreement and the SDGs; calls for the Commission to incentivise the potential for GHG absorption by encouraging the development of policies that support afforestation with proper forest management practices, in view of the fact that the EU has, under the 2030 Agenda, committed to promoting the implementation of sustainable forest management, to halting deforestation, restoring degraded forests and increasing afforestation and reforestation globally by 2020;

50. Underlines the fact that efforts to mitigate global warming are not an obstacle to economic growth and employment and that, on the contrary, the decarbonisation of the economy should be seen as a key source for new and sustainable economic growth and employment; acknowledges, nevertheless, that in moving towards any new economic and social model, communities centred around traditional industries are likely to face challenges; underlines the importance of support in this transition and calls on the Commission and Member States to stream funding from sources such as the EU Emissions Trading Scheme (ETS) in order to finance modernisation and a just transition to help such communities and to promote the adoption of the best technology and production practices to ensure the best environmental standards and safe, stable and sustainable work;

51. Notes that continuous biodiversity loss, the negative effects of deforestation and climate change can lead to growing competition for resources such as food and energy, to increased poverty, global political instability, and population displacements and new global migration patterns; insists that the Commission, the European External Action Service (EEAS) and the Member States should consider these in all aspects of external relations and international diplomacy while ensuring a substantial increase in Official Development Assistance (ODA) financing; asks that the Commission, the EEAS and the

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Member States pursue, in all actions and interactions with third countries, efforts to reduce emissions by promoting renewable energy sources, resource efficiency biodiversity and forest protection, and by promoting climate change mitigation and adaptation;

52. Calls on the Commission to ensure that EU external policies are compatible with the SDGs, and to identify areas where further action or implementation is needed to ensure that EU external policies support effective implementation of the SDGs and do not conflict with SDGs and their implementation in other regions, especially developing countries; calls on the Commission, to this end, to set in motion a reliable process starting with a foresight/early warning method for new initiatives and proposals, including the revision of existing legislation, and to come forward with a proposal for an overarching external Sustainable Development Strategy; emphasises the available tools and forums such as the European Fund for Sustainable Development (EFSD), the UNECE Regional Forum on Sustainable Development (RFSD) the High-Level Political Forum, and the UN central platform; calls for a voluntary review at the High-Level Political Forum in line with the 2030 Agenda, which encourages Member States to 'conduct regular and inclusive reviews of progress'; emphasises the role of regular and adequate ex-ante impact assessments in this regard; recalls the Treaty obligation to take into account the objectives of development cooperation in all policies which are likely to affect developing countries;

53. Underlines the importance of ODA as a key instrument for achieving the 2030 Agenda, for eradicating poverty in all its forms and fighting inequalities, while reiterating that development aid alone is not sufficient to lift developing countries out of poverty; stresses the need to promote instruments which encourage greater accountability, such as budget support; calls for the EU and its Member States to reconfirm their commitment without delay to the 0,7 % of the gross national income target and to submit detailed timeline proposals for gradually increasing ODA in order to achieve it; recalls the EU's commitment to allocate at least 20 % of its ODA to human development and social inclusion and asks for a renewed commitment to this end; calls on the Commission to achieve the OECD Development Assistance Committee's (DAC) recommendation of reaching an annual average grant element of total ODA commitments of 86 %; calls for ODA to be protected from diversion and for the internationally agreed development effectiveness principles to be respected, by retaining the fundamental ODA objective of poverty eradication, with a particular focus on least developed countries (LDCs) and fragile contexts; recalls the need to go beyond the donor/beneficiary relationship in a broader development agenda;

54. Stresses that ensuring tax justice and transparency, fighting tax dodging, eradicating illicit financial flows and tax havens, together with improved public finance management, sustainable economic growth and increasing Domestic Resources Mobilisation, is crucial for financing the 2030 Agenda; calls for the EU to create a funding programme (DEVETAX2030) to specifically assist the establishment of tax structures in emerging market economies and to help developing countries to create new regional tax authority offices; reiterates its calls for a global financial transaction tax in order to tackle the global challenges of poverty, for an investigation into the spill-over impact on developing countries of all national and EU tax policies, and for the principle of PCD to be upheld when legislating in this field;

55. Calls on the Commission and the Member States to re-adjust their approach to migration with a view to developing a migration policy in line with SDG 10 and a fact-based perception of migrants and asylum-seekers and with countering xenophobia and discrimination against migrants, as well as with a view to investing in key drivers for human development; reiterates its concerns that the new policies and financial instruments to address the root causes of irregular and forced migration may be implemented to the detriment of development objectives, and asks for the European Parliament to be given a stronger scrutinising role in this regard so as to ensure that the new funding tools are compatible with the legal basis, principles and commitments of the EU, especially the 2030 Agenda; recalls that the primary objective of development cooperation is the eradication of poverty and economic and social long-term development;

56. Welcomes the emphasis placed on investing in young people as the main implementers of the SDGs; stresses the need to harness the demographic dividend of developing countries by means of appropriate public policies and investment in youth education and health, including sexual and reproductive health and education; stresses the opportunity to finally

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advance gender equality and women's empowerment as an essential element of PCD and urges the EU to mainstream these across all external action areas; recognises that these key enablers for human development and human capital need to be prioritised in order to guarantee sustainable development;

57. Calls for the EU and its Member States to commit the necessary resources and political focus to ensure that the principle of gender equality and women's and girls' empowerment is at the core of the implementation of the 2030 Agenda;

58. Presses the Commission and the Member States to ensure that public budgets do not conflict with the SDGs; considers that significant acceleration of green investment, innovation and growth in the EU is needed for the timely and successful implementation of the 2030 Agenda and recognises that new financing tools and different approaches to current investment policy, such as the phasing out of environmentally harmful subsidies and high-emission projects, are necessary; calls for a strategy for the integration of environmental, social and governance (ESG) factors by multinationals and businesses in their corporate business models and by institutional investors in their investment strategies in order to shift funds to sustainable finance and divest from fossil fuels;

59. Calls for the post-2020 MFF to reorient the Union's budget towards the implementation of the 2030 Agenda for Sustainable Development, ensuring that sufficient funding is allocated to effectively achieving the SDGs; calls for enhanced mainstreaming of sustainable development in all funding mechanisms and budgetary lines, reiterating that long-term policy coherence plays an important role in cost minimisation; highlights the significance of cohesion policy as the main investment policy of the EU, and recalls that a horizontal application of sustainability criteria and performance-based objectives for all EU structural and investment funds, including the European Fund for Strategic Investments, is needed in order to achieve a comprehensive transition to sustainable and inclusive economic growth;

60. Calls on the European Investment Bank (EIB) to ensure that it lives up to the values of Europe in implementing strong sustainability criteria in its lending, and in particular that lending to the energy and transport sectors is targeted at low-carbon and sustainable projects;

61. Calls on the EIB to commit 40 % of its lending portfolio to low-carbon and climate-resilient growth by 2030;

62. Asks the EIB to allocate more funds to the ELENA initiative to provide grants for technical assistance focused on the implementation of energy efficiency, distributed renewable energy and urban transport projects and programmes;

63. Recognises that resilient and sustainable infrastructure is a key principle of achieving a low-carbon sustainable future and brings a number of co-benefits such as durability and improved protection from fire and flooding; considers that a transition to a sustainable society can be achieved by adhering to the principle of 'energy efficiency first' and continuing to improve the efficiency of appliances, power grids and buildings while developing storage systems; recognises that the greatest potential for energy efficiency lies in buildings and asks the EU to commit to a 2050 goal of an entirely sustainable, decarbonised, energy-efficient building stock that has nearly zero energy demand and where any residual demand is supplied from a wide range of renewable sources; calls for an accelerated increase in the share of renewable energy in the EU energy mix; warns against the lock-in of unsustainable infrastructure and calls on the Commission to propose measures for an orderly transition to a sustainable low-carbon economy and a fundamental reorientation of infrastructure development in order to mitigate the systemic economic risks associated with high-carbon financial assets;

64. Calls on the Commission and its Member States to prioritise sustainable mobility by improving local public transport systems in line with the specific characteristics of every country and on the basis of the real needs of its citizens; considers that EU financial support for the development of the transport sector and infrastructures should pursue objectives that bring real added value to the Member States;

65. Underlines that corruption has a serious impact on the environment, and that trafficking in endangered species of wildlife, minerals and precious stones, as well as forest products such as timber, are also inextricably linked to corruption; underlines further that trafficking in wildlife can further threaten endangered species, while illegal logging can lead to a loss of biodiversity and increase carbon emissions, which contribute to climate change; stresses that for organised criminal groups the profits are good and come with little risk, as forest crimes are rarely prosecuted and the sanctions often do not

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match the gravity of the crime; recalls that the United Nations Convention against Corruption, with its comprehensive focus on corruption prevention, effective law enforcement, international cooperation and asset recovery, can be an effective tool for combating corruption in the environmental sector; calls on the Member States to integrate anti-corruption strategies such as transparency and accountability into environmental legislation and policies and to enhance democracy and good governance; stresses that tackling corruption in the environmental sector will help create equitable access to essential resources such as water and a clean environment and is essential for protecting our environment and ensuring sustainable development;

66. Recognises the importance of culture and cultural participation to delivering on the SDG agenda, as well as the role played by culture in external relations and development policy; calls for proper support for cultural institutions and organisations in delivering on the SDG agenda as well as further deepening links between research, science, innovation and the arts;

67. Recalls that cultural participation improves physical and mental health and well-being, positively impacts school and professional performance, helps people most at risk of social exclusion to enter the labour market, and thus contributes greatly to the achievement of many SDGs;

68. Is deeply concerned at the differences in the performance of education systems in Member States, as shown by the latest PISA reports; stresses that properly resourced public education and training systems, accessible to all, are essential for equality and social inclusion and for meeting the targets set by SDG 4, and that quality education has the ability to empower vulnerable people, minorities, people with special needs and women and girls; regrets the persistent problem of high youth unemployment; notes that education is key to developing self-sustaining societies; calls for the EU to link quality education, technical and vocational training and cooperation with industry as an essential precondition for youth employability and access to qualified jobs;

69. Calls for the EU and its Member States to protect regional, minority and lesser-used languages and linguistic diversity and to ensure that linguistic discrimination is not tolerated when integrating the SDGs into the European policy framework and current and future Commission priorities;

70. Believes that cultural diversity and the protection of natural heritage should be promoted across the European policy framework, including through education;

71. Calls on the Member States to prioritise the environmental and economic reconversion of industrial sites that in many areas of Europe cause high levels of pollution in environmental media and expose locals to serious health risks;

72. Underlines the role that the EU Urban Agenda will play in implementing the global 'New Urban Agenda', and welcomes policy developments that empower cities and regions to make synergistic green investments; welcomes also initiatives such as the Green Leaf Award and the Global Covenant of Mayors for Climate and Energy, and further emphasises the indispensable importance that cities and regions have in delivering on the SDGs, as sustainability requires collaborative and long-term approaches from all levels of governance and all sectors;

73. Recalls that the 2030 Agenda recognises that we can no longer look at food, livelihoods and the management of natural resources separately; underlines that a focus on rural development and investment in agriculture — crops, livestock, forestry, fisheries and aquaculture — are powerful tools for ending poverty and hunger, and bringing about sustainable development; notes that agriculture has a major role to play in combating climate change; stresses that the great ambition of the SDGs can only be achieved through cooperation — North-South, South-South and triangular — and global partnerships between multiple actors and across a broad range of areas;

74. Welcomes the intention to mainstream trade and investment policy which integrates sustainable development, and calls for the impacts of sourcing commodities and natural resources within and outside the EU to be better addressed in EU policy-making, within and beyond the EU's borders; calls for a rethink of the investment policy and for the broad use of innovative financing tools for the achievement of the SDGs; calls on the Commission to ensure that sustainable development checks on future trade agreements are transparent;

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75. Calls on the Commission to design, with the involvement of relevant stakeholders, and provide, specific, tailored support for marginalised, low-income households and groups such as Roma people to ensure healthy lives and access to basic services and safe, clean natural resources such as air, water, affordable and modern energy and healthy nutrition, which would also contribute to attaining SDGs 1, 10 and 15 on ending poverty, reducing inequality and promoting peaceful and inclusive societies;

76. Acknowledges, as in the 2030 Agenda for Sustainable Development, that persons with disabilities are at very high risk of living in poverty, with inadequate access to basic rights such as education, health and employment;

77. Considers that EU initiatives geared towards creating a sustainable future cannot disregard the wider debate on the role of animals as sentient beings and their well-being, which is often neglected in the prevailing production and consumption systems; stresses that the EU needs to overcome the current political and legislative shortcomings with regard to animal welfare, as demanded by an increasing number of European citizens;

78. Calls on the Commission to scale up efforts and funding for awareness raising, targeted education campaigns and enhancing citizens' commitments and action for sustainable development;

79. Calls on the Commission and the Member States to end by 2020 incentives for palm-oil- and soy-based biofuels that lead to deforestation and peatland damage; calls furthermore for the introduction of a single certification scheme for palm oil entering the EU market that certifies the socially responsible origin of the product;

80. Strongly urges the Commission to continue stepping up action on effective measures to tackle poor air quality, which is responsible for over 430 000 premature deaths in the EU every year; urges the Commission to ensure that new and existing legislation is enforced to speed up legal actions against Member States failing to comply with air pollution laws, and to propose new, effective legislation, including sector-specific legislation, to tackle poor ambient air quality and the various sources of pollution while also addressing methane emissions; underlines the fact that the EU is still far from achieving the air quality levels set for the EU, which are much less stringent than those recommended by the WHO;

81. Notes that the Commission has addressed the problem of poor air quality by launching a number of infringement procedures, in particular against those continuously exceeding the NO₂ limit values laid down in Directive 2008/50/EC;

82. Points out that a reduction in noise pollution is one of the quality parameters that will not be achieved by 2020; stresses that, in the EU, exposure to noise contributes to at least 10 000 premature deaths per year related to coronary heart disease and stroke, and that in 2012 approximately a quarter of the EU population was exposed to noise louder than the limit values; calls on the Member States to prioritise monitoring noise levels and to ensure that the limit values for external and internal environments are respected; calls furthermore for measures to address noise pollution;

83. Stresses that Commission data shows that over 50 % of EU cereals are used to feed animals; notes that the UN Food and Agriculture Organisation has warned that further use of cereals as animal feed could threaten food security by reducing the grain available for human consumption;

84. Stresses the contribution that the livestock sector makes to the EU economy and to sustainable agriculture, particularly when integrated into arable production systems; draws attention to the potential of active nutrient cycle management in the livestock sector to reduce the environmental impact of CO₂, ammonia and nitrate emissions; draws attention, furthermore, to the potential of integrated farming to contribute to a better functioning agricultural ecosystem and a climate-friendly farming sector;

85. Notes that women working in farming in developing countries could increase farm yields by 20-30 % if they had the same access to resources as men; stresses that this level of yield could reduce the number of people who go hungry around the world by 12-17 %;

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86. Stresses, in particular, the fundamental role of women as members of family farms, which constitute the main socioeconomic cell of rural areas, in caring for food production, preservation of traditional knowledge and skills, cultural identity and protection of the environment, bearing in mind that women in rural areas are also affected by wage and pension gaps;

87. Recalls that, under the 7th Environment Action Programme, the Commission is required to assess the environmental impact, in a global context, of Union consumption; stresses the positive impact that sustainable lifestyles can have on human health and reducing greenhouse gas emissions; reminds the Commission that SDG 12.8 requires that the public have information and awareness regarding sustainable development and lifestyles; accordingly, urges the Commission and the Member States to develop programmes to increase public awareness of the implications of different types of consumption for human health, the environment, food security and climate change; calls on the Commission to publish the communication on a sustainable European food system without delay;

88. Notes that SDG 12.8 requires governments to ensure that people everywhere have the relevant information and awareness as regards sustainable development and lifestyle in harmony with nature; urges the Commission and the Member States, accordingly, to develop programmes to increase public awareness of the implications of consumption levels for human health, the environment, food security and climate change;

89. Calls on the Commission and the Member States to develop a comprehensive EU Policy Framework addressing global health challenges such as HIV/AIDS, Tuberculosis, Hepatitis C and antimicrobial resistance, bearing in mind the different situations and specific challenges of EU Member States and their neighbouring countries where the burden of HIV and MDR-TB is highest; calls on the Commission and the Council to play a strong political role in the dialogue with high-disease burden countries, including neighbouring countries in Africa, Eastern Europe and Central Asia, ensuring that plans for sustainable transition to domestic funding are in place, so that HIV and TB programmes will be effective, continued and scaled up after the withdrawal of international donors' support and to continue to work closely with those countries in ensuring they take the responsibility and ownership of HIV and TB responses;

90. Recognises the effectiveness in making available 'PREP' medication for preventing HIV/AIDS; further calls on the Commission and the European Centre for Disease Prevention and Control (ECDC) to recognise that for HIV/AIDS treatment is also preventative;

91. Recognises that sexual reproductive health and rights (SRHR) are a key driver with transformative potential for multi-dimensional poverty eradication, and should be always recognised as a pre-condition for both healthy lives and gender equality; stresses, in this context, that greater attention must be paid to SRHR, which are unfortunately still treated as a niche issue, despite being of utmost importance for gender equality, youth empowerment and human development, and ultimately poverty eradication; underlines that this represents little progress from previous EU approaches, and that the recognition of SRHR as key drivers for sustainable development is still missing; notes that the EU position has been incoherent on this front, as shown in this package: the Commission recognises EU action in this domain only under 'health' in its communication on the 2030 Agenda, but only under 'gender equality' in the communication on the Consensus; calls on the Commission and the Member States therefore to continue to request that the United States rethink its stance on the so-called 'global gag rule';

92. Stresses the need to continue promoting health research to develop new and improved accessible, affordable and suitable medical solutions to HIV/AIDS, TB and other poverty-related and neglected diseases, emerging epidemics and antimicrobial resistance;

93. Points out that the EU farming sector is already making a contribution to sustainability; notes, however, that the common agricultural policy (CAP) must be enabled to better respond to current and future challenges; calls on the Commission to examine how the CAP and sustainable farming systems can best contribute to the SDGs in order to guarantee stable, safe and nutritious food as well as protecting and enhancing natural resources while tackling climate change; asks the Commission, in the framework of the upcoming communication on the post-2020 CAP, to come forward with proposals to further improve the efficiency of greening measures and to ensure the attainment of SDGs 2, 3, 6, 12, 13, 14 & 15; calls on the Commission also to promote locally and ecologically produced food with a low carbon, land and water footprint; highlights the importance of agro-ecosystems and sustainable forest management and of providing

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incentives for the sustainable restoration of disused agricultural areas; underlines the need to ensure that all EU policies effectively achieve the set objectives through strict compliance and through greater coherence across policy areas; stresses that this is of particular relevance with regard to the sustainable management of natural resources and the instruments dedicated to this under the CAP;

94. Calls on the Commission and the Member States to promote this agro-ecological transition, while minimising the use of pesticides that are detrimental to health and the environment and developing measures to protect and support organic and biodynamic agriculture within the scope of the CAP;

95. Calls on the Commission and the Member States to reform the EU rules on the approval of pesticides as soon as possible, and to establish binding objectives to reduce their use;

96. Points out that the EU farming sector provides jobs for millions of people in rural areas in agriculture and in other sectors, guaranteeing food supplies and food security and attracting people to rural areas as a place in which to live, work and relax; points out, furthermore, that landscapes with a high biodiversity and high nature value attract people to the countryside, bringing added value to rural areas; notes the great value of rural development policy in building viable, robust and vibrant rural communities and economies; points out that better access for farmers to resources is essential in order to achieve this;

97. Calls for farming to be developed by focusing on family holdings, with the aid of a better use of European funds such as the European Fund for Strategic Investments (EFSI), and by paying special attention to small- and medium-sized holdings, by sharing and transferring expertise and by exploiting the advantages of local and regional value and production chains and regional employment, with greater emphasis on peri-urban links and direct sales, which have been a successful model in many parts of the EU; takes the view that the ability of farmers to generate fair remuneration from their labour is a prerequisite for the sustainability of European agriculture and a guarantee of farmers' welfare;

98. Recalls that it is important to guarantee proper public services, notably care for children and the elderly, given that such services are particularly important for women, since they have traditionally played a major role in looking after young and elderly family members;

99. Points out the important role of traditional knowledge and foodstuffs, especially in outermost regions, mountain areas and disadvantaged areas of the EU, as well as the economic contribution that European quality schemes such as Protected Geographical Indication (PGI) bring to local areas; recalls Parliament's unanimous support for extending such protection to a wider range of regionally produced goods; stresses, in this connection moreover, the role of EU quality schemes (PDO/PGI/TSG) in offering and maintaining livelihoods in those areas; recognises that these schemes are more widely known only in some Member States and calls for awareness to be raised across the Union on their advantages;

100. Stresses the contribution of the Mediterranean forest and the dehesa agroforestry system — which seamlessly combines sustained, extensive livestock farming with farming and forestry activities — to the objectives of conserving and ensuring the sustainability of biodiversity, for the purposes of recognition and support under the CAP;

101. Stresses the importance of bioenergy to farms and the bioeconomy, and of installations, for the generation, storage, distribution and on-farm use of renewable energy, as they help to secure farmers' incomes by offering them an additional product to sell, and both create and preserve high-quality jobs in rural areas; stresses that the development of bioenergy must be pursued sustainably and must not hamper the production of food and feed; stresses that energy needs should instead be met by encouraging the use of waste and by-products that are not useful in any other process;

102. Notes that growing leguminous crops in arable rotation can deliver a win-win situation for farmers, animals, biodiversity and climate needs; calls on the Commission to come forward with a protein plan that includes leguminous crops in rotation;

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103. Regards further progress in precision farming, digitalisation, the rational use of energy, plant and animal breeding and the mainstreaming of integrated pest management as necessary, because increased efficiency based on SDGs and biodiversity will help to reduce both the land requirement and the environmental impact of farming; considers that getting biodiversity to work for farmers could help to improve income, soil health and performance, and help with pest control and improving pollination; highlights, therefore, the importance of an improved regulatory framework so as to ensure timely, efficient and effective decision-making procedures; highlights that these 'smart' solutions should incentivise and support initiatives tailored to the needs of smallholdings without economies of scale to benefit from new technologies;

104. Considers it essential to maintain and develop the performance of traditional and local breeds, given their ability to adapt to the characteristics of their native environment, and for the right of farmers to breed plants autonomously and to store and exchange seeds of different species and varieties to be respected, in order to ensure the genetic diversity of agriculture; rejects attempts of any kind to patent life, plants and animals, genetic material, or essential biological processes, especially where native strains, varieties and characteristics are concerned;

105. Calls on the Commission to come forward with an action plan and to set up an expert group in order to work towards a more sustainable integrated plant protection management system; highlights the need for a pest management system that improves the interaction between plant breeding efforts, natural combat systems and pesticide use;

106. Believes it necessary to promote broadband availability and improve transport services in rural areas, so as to contribute not only to the achievement of environmental sustainability objectives but also to the promotion of growth in rural areas that is fully sustainable in environmental, economic and social terms;

107. Stresses that it is necessary to make culture an integral part of the Commission's action for sustainability, clearly highlighting the role it plays in economic development, job creation, promoting democracy, social justice and solidarity, fostering cohesion, fighting social exclusion, poverty and generational and demographic disparities; calls on the Commission to mainstream culture in the objectives, definitions, tools and evaluation criteria of its strategy for the SDGs;

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

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P8_TA(2017)0316

Promoting cohesion and development in the outermost regions of the EU

European Parliament resolution of 6 July 2017 on promoting cohesion and development in the outermost regions of the EU: implementation of Article 349 of the TFEU (2016/2250(INI))

(2018/C 334/19)

The European Parliament,

- having regard to Article 52 of the Treaty on European Union (TEU), the first paragraph of which stipulates that the Treaties apply to the Member States, and the second paragraph of which stipulates that the territorial scope of the Treaties is specified in Article 355 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 355(1) of the TFEU, as amended by the decisions of the European Council of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy (2010/718/EU) and of 11 July 2012 amending the status of Mayotte with regard to the European Union (2012/419/EU), which stipulates that the provisions of the Treaties shall apply to the ORs in accordance with Article 349 of the TFEU,
- having regard to Article 349 of the TFEU, which confers special status on the ORs, provides for the adoption of 'specific measures aimed, in particular, at laying down the conditions of application of the Treaties to those regions, including common policies', and stipulates that these shall concern in particular, but not exclusively, 'customs and trade policies, fiscal policy, free zones, agriculture and fisheries policies, conditions for supply of raw materials and essential consumer goods, State aids and conditions of access to structural funds and to horizontal Union programmes',
- having regard to Article 107(3)(a) of the TFEU, which states that aid to promote the economic development of the ORs may be compatible with the internal market,
- having regard to Title XVIII of the TFEU, which establishes the objective of economic, social and territorial cohesion and specifies the structural financial instruments to achieve this,
- having regard to Article 7 of the TFEU, which stipulates that the Union shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferral of powers,
- having regard to all the communications from the Commission on the ORs,
- having regard to all its resolutions on the ORs, and in particular its resolution of 18 April 2012 on the role of cohesion policy in the ORs of the EU in the context of the Europe 2020 Strategy ⁽¹⁾, and its resolution of 26 February 2014 entitled 'Optimise the potential of outermost regions by creating synergies between the EU structural funds and other European Union programmes' ⁽²⁾,
- having regard to the judgment of the Court of Justice of the European Union of 15 December 2015 ⁽³⁾,
- having regard to the Commission's report of 15 December 2016 on the implementation of the scheme of specific measures for agriculture in favour of the outermost regions of the Union (POSEI) (COM(2016)0797),
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU State Aid Modernisation (COM(2012)0209),

⁽¹⁾ OJ C 258 E, 7.9.2013, p. 1

⁽²⁾ Texts adopted, P7_TA(2014)0133.

⁽³⁾ Judgment of the Court of Justice of 15 December 2015, Parliament and Commission v the Council, C-132/14 to C-136/14, ECLI: EU:C:2015:813.

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- having regard to the memorandum signed in Cayenne by the ORs (5 March 1999), complemented by the joint memorandum of Spain, France, Portugal and the ORs signed in May 2010, which stipulates that the EU should promote the sustainable development of the ORs by building on the numerous natural and cultural assets of the ORs while promoting the principles of equal opportunities, partnership, proportionality and coherence of the EU policies,
 - having regard to the final declaration of the 21st conference of 22 and 23 September 2016 by the Conference of Presidents of the ORs and the Joint Memorandum signed at the Fourth Forum of the ORs of the European Union of 30 and 31 March 2017 in Brussels,
 - having regard to Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty ⁽¹⁾,
 - 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 Regional Development and the opinion of the Committee on Agriculture and Rural Development (A8-0226/2017),
- A. whereas Article 349 of the TFEU recognises the special economic and social situation of the ORs, which is compounded by factors (remoteness, insularity, small size, difficult topography and climate, dependence on a few products, etc.) the permanence and combination of which severely restrain their development;
- B. whereas, in its landmark judgment of 15 December 2015, the Grand Chamber of the Court of Justice gave a thorough interpretation of Article 349 of the TFEU;
- C. whereas in that judgment, the Court confirms, above all, that legal acts with the aim of introducing specific measures for the ORs may be adopted on the legal basis of Article 349, that this legal basis makes it possible to derogate both from primary and from secondary law, and that the list of areas covered in the wording of Article 349 is not exhaustive, as ‘the authors of the FEU Treaty did not intend to lay down an exhaustive list of the types of measures that may be adopted on the basis of that article’,
- D. whereas, for the purpose of the application of the European Treaties to the ORs, Article 52 TEU and Articles 349 and 355 of the TFEU are linked, whereas under Article 355, first paragraph, (1) of the TFEU, the provisions of the Treaties apply to the ORs in accordance with Article 349 of the TFEU and whereas this reference to ‘the Treaties’ includes secondary legislation;
- E. whereas Article 349 of the TFEU must be read in conjunction with other articles of the Treaty, particularly Article 7, which stipulates that ‘the Union shall ensure consistency between its policies and activities, taking all of its objectives into account’;
- F. whereas the principles of equality and non-discrimination justify a difference in treatment in the case of distinct situations, in the interests, in the end, of equality in the application of European law,
- G. whereas the purpose of Article 349 of the TFEU is to ensure the development of the ORs, and their treatment both as part of European territory and as part of their own geographical regions, allowing them to benefit of European policies and where appropriate of specific measures adapted to their realities and needs;
- H. whereas the ORs have great geostrategic importance, and are crucial for purposes of research into climate change and biodiversity;

⁽¹⁾ OJ L 187, 26.6.2014, p. 1.

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I. whereas, according to the European Commission's estimates, the EU's blue economy represents around 5,4 million jobs and a gross value added of around EUR 500 billion per year;

1. Recalls that Article 7 TEU confers on the Commission the role of guardian of the Treaties; emphasises that the outermost regions are fully integrated into the European Union and assimilated to its legal order, with their specific situation acknowledged by the Treaties, particularly Article 349 of the TFEU that establishes a principle and a right of adaptation, addressed at the level of different Union policies;

2. Stresses that while facing a significant disadvantage due to the geographical distance to the Union, the ORs benefit also from several important assets such as the potential of growing tourism related activities, blue growth, of exploiting significant renewable energy resources, of developing a circular economy, as well as building on their rich natural heritage and huge biodiversity;

3. Takes the view that that Article 349 of the TFEU could be interpreted also in a more innovative and positive manner, particularly with a view to establishing ad hoc programmes and specific new policies, making use of the strong points of the ORs and giving them the means to make the most of them, particularly in areas such as renewable energies, blue growth, research and development, sustainable tourism, biodiversity protection and climate change adaptation; recalls in this context the role the Union is assuming with a view to enable the ORs to overcome their challenges and build on their assets, but stresses at the same time the necessity that the respective Member States assume more responsibility as regards the use of available EU instruments that can support them in ensuring a sustainable development of their ORs;

State of play concerning the application of Article 349 of the TFEU

4. Expresses concern that the articles of the Treaties concerning the ORs have not so far been implemented to the fullest extent possible, limiting their capacity of taking full advantage of their belonging to the Union and increasing their competitiveness in their particular geographic areas;

5. Considers that a broader implementation of Article 349 TFEU would help the ORs integrate more closely into the EU and develop and realise their potential in a way that takes full account of their specific characteristics and structural constraints but also of their assets;

6. Recalls the political will of the legislators at the time of the drafting of Article 299, second paragraph, and then Article 349 TFEU of establishing an overall strategy accompanied by specific measures under different policies and instruments;

7. Recalls that POSEI is a programme which takes full account of the special characteristics of the outermost regions, through a regulation of its own based both on Article 349 of the TFEU and on Articles 42(1) and 43(2), and recognises the dual principles of the ORs' belonging to the Union and the full adaptation of a common European policy to the realities of the outermost regions; it is, therefore, crucial for such a programme to come to fruition and new POSEI programmes relating to other EU policies should be planned;

8. Considers that the success of POSEI justifies retaining provisions specifically pertaining to the ORs rather than diluting them by spreading them across several cross-cutting programmes;

9. Notes that several communications on the ORs have been adopted by the Commission; deplores the fact that the various European strategies for the outermost regions have so far been only partially implemented and fleshed out;

10. Calls now on the Commission to put forward an action plan accompanied, if necessary, by legislative initiatives making it possible to implement a consistent and effective strategy with regard to the outermost regions, a plan which takes full advantage of the possibilities offered by Article 349 TFEU, particularly for the creation of specific programmes and policies –especially on innovation and long-term investment – appropriate to their sustainable development needs; emphasises the need to work in close cooperation with the regional authorities of the ORs and the stakeholders; calls, therefore, on the EU institutions, in concert with the regional authorities in the ORs, to open a new chapter in relations between the EU and the ORs

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11. Welcomes the work of the Commission on a renewed strategy on ORs which will be adopted latest end of 2017; calls on the Commission's strategy to comprise a detailed approach to the ORs, detailed, targeted policy frameworks on investment needs and specific, achievable and measurable objectives; encourages France, Spain and Portugal to lend greater support to their ORs;
12. Recalls that Article 349 of the TFEU enables the outermost regions to be given operating aid that is not limited in time and not progressively reduced, on the basis of flexible procedures, intended to offset the additional costs that they have to handle; recalls that those exemptions relate both to the EU's financial instruments and to State aid;
13. Stresses the need to ensure that the instruments, provisions and derogations adopted for the purpose of maintaining the stability conducive to the structural development of the outermost regions remain in force for a long time, paying due account to the assessments already conducted;
14. Calls on the Commission to compile a precise overview of the approach to the outermost regions and to examine the economic and social situation of each OR so as to help realise EU regional development policy objectives, particularly making up for delays and achieving sustainable development, with a view to enabling the outermost regions to approach the average levels of development which exist in Europe;
15. Calls on the Commission to step up coordination between its directorates-general in the areas concerning the ORs with a view to having an appropriate approach to outermost area issues in European policies and strategies; on that point, emphasises the crucial role of the Secretariat-General in ensuring that Article 349 of the TFEU is applied soundly, given the fact that adjusting EU policies to the special characteristics of the ORs entails decisions being taken at the highest political level;

Agricultural policy

16. Welcomes the recent report by the Commission (COM(2016)0797), which concluded that the overall performance of the POSEI programmes (2006-2014) was positive, considers that that programme seems essential for the purpose of maintaining production by the ORs and that it accords with the new objectives of the Common Agricultural Policy (CAP), and recommends that the current basic regulation should remain in force, while bearing in mind the fact that budget adjustments might be required following the entry into force of any free trade agreements that might change or threaten to change the production of the ORs;
17. Considers that POSEI has been very successful ever since it was established;
18. supports the conclusion of the Commission's report calling for the basic features of POSEI to be consolidated, so as to avert the danger that agricultural production might be abandoned, with all the harmful consequences which that would entail for employment, the environment and the territorial dimension of the ORs;
19. Considers it necessary to provide better support for diversification of production in the ORs, and to introduce actions designed to resolve the market crises which certain sectors are facing, particularly the tomato and livestock sectors, and to facilitate the development of small-scale holdings, such as dairy product holdings;
20. Recalls that the successive reforms of the common organisations of the market (COMs) have not paid sufficient attention to the specific characteristics of the ORs and urges for them to be better taken into account in future;
21. Observes that the disappearance of quotas and guaranteed prices which began with the reform of the COM in sugar in 2005 is damaging cane sugar producers in the ORs; emphasises the need to place on a permanent footing all the specific instruments put in place within the framework of Article 349 of the TFEU in the interests of the sustainable competitiveness of this industry; calls for the establishment of a support scheme for sugar-cane growers in the event of a fall in world sugar prices;
22. Calls on the Commission to take account of the crucial importance of milk production in the Azores, to maintain support to producers and to lay down additional measures in the event of a market crisis;

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23. Recalls that banana production plays a crucial role in the socio-economic fabric of some ORs; calls, therefore, for support for producers to be maintained and, where necessary, increased;
24. Calls on the Commission to include, in its tools for managing and detecting market crises in agricultural sectors such as banana, sugar, rum, fisheries or milk, with the European Milk Market Observatory, a clear definition of a market crisis in the ORs, and to adapt its indicators to the actual situations in those regions;
25. Deplores the fact that the different schemes applicable for organic certification in third countries and in EU Member States distorts competition on that market, to the detriment both of European producers operating in the ORs and of European consumers, who are misled regarding the actual conditions under which those products are produced; calls, therefore, within the framework of the negotiations in progress on the future European standards for the production and labelling of organic products, to replace compliance with the equivalence system currently in force, in order to guarantee fair competition between ORs and third countries;
26. Considers it is necessary to adopt a legal framework, on the basis of Article 349 of the TFEU, for products under the organic label, and a legal framework concerning sanitary and phytosanitary issues that take into account the characteristics of agricultural in the ORs, in a tropical context;
27. Calls on the Commission to encourage the farmers of the ORs to promote their high-quality products by supporting the use of the ORs logo, as well as other forms of quality certification;
28. Highlights that product differentiation and specialisation can further stimulate and promote local production, the processing and marketing of foodstuffs and thereby reduce existing disparities between the ORs and other EU regions;
29. Stresses, in the name of consistency of policies, the fact that the efforts made in the outermost regions to modernise and to render their industries competitive should not be undermined by free trade agreements signed between the EU and third countries;

EU trade policy

30. Recalls that Article 207(3) of the TFEU requires agreements which are negotiated with third countries to be compatible with the Union's policies and internal rules;
31. Notes that the growing number of trade agreements with third countries, including the largest global producers of bananas and sugar, is changing the distribution of the market, creating pressure on prices and threatening the competitiveness of the EU producers of those goods;
32. Considers, therefore, that the Union's trade policy ought not to endanger the industries of the outermost regions, since they play a major role in economic, social and environmental terms;
33. Calls for the trade negotiations conducted by the Union to duly take into account the specific characteristics of ORs and products that are sensitive to them, in particular bananas, sugar, rum, tomatoes and fishery products;
34. Calls on the Commission and the Member States to be painstaking and act with due care and attention in the defence of the interests of the ORs in the negotiations on Brexit;
35. Urges the Commission, in line with the commitment made in its communication of 20 June 2012 to accompany 'proposals for trade agreements, such as the Economic Partnership Agreements, with impact analyses' which should, where relevant, 'address the OR dimension' and encompass the environmental, social, economic and territorial impact on ORs; calls for these impact analyses to measure, in addition, the cumulative effects of trade agreements on the outermost regions;

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36. Deplores the fact that to date no study has been conducted on the consequences of free trade agreements on the agricultural sectors of the ORs; deplores, too, the fact that the ORs have not been taken into account in the Commission's report of 15 December 2016 on the cumulative economic impact of trade agreements contrary to the regulatory provisions laid down by POSEI;

37. Calls for the Union's trade policies to take into account the competitive disadvantages of the ORs; urges, in the event that they are crucial for the protection of products from the ORs, for tariff and non-tariff barriers to be maintained and for safeguard clauses and stabilisation mechanisms to be activated if the products of the outermost regions being seriously affected, or are at risk of this happening;

38. Underlines the limits on the principle of equivalence, particularly for organic agriculture products, which makes it possible for products from third countries which are not in compliance with all the European requirements to enter the European Union; calls for the principle of compliance to be applied immediately and for inspection measures to be stepped up;

39. Calls for the ORs to play a more important role in shaping the foreign policy of the European Union with their neighbouring countries, in an effort to bolster its foreign policy in the areas of poverty reduction, environmental sustainability, strengthening democracy, cultural exchange and gender equality;

Sustainable maritime policy, fisheries and blue growth

40. Recalls that Article 349 of the TFEU stipulates that the Commission may propose measures specific to the ORs, also concerning fisheries policies;

41. Asks the Commission to consider setting up a support system for sustainable fisheries in the ORs based on Article 349 TFEU, in the light of what is being done in the agricultural sector under the POSEI programme;

42. Urges the Commission and the Council to implement all the measures set out in Parliament's resolution of 27 April 2017 on the management of fishing fleets in the outermost regions ⁽¹⁾,

43. Calls on the EU to join forces with the ORs to become a world maritime power;

44. Stresses that both the wealth of the oceans and the technological advances currently being made and to come in the future are able to open up unprecedented growth opportunities for the ORs; considers that sustainable 'blue growth' constitutes an opportunity to mitigate the structural inequalities between the ORs and continental Europe; considers, also, that it can help to make the ORs the focus of a future-centred European policy;

45. Recalls that, in view of their location, the ORs hold an important position with regard to maritime governance, monitoring coastal waters, combating illegal fishing and improving transport safety;

46. Encourages the Union and the Member States to further invest in the seas and oceans, especially in relation to the outermost regions, with a view to ensuring sustainable and efficient economic development of their exclusive economic zones;

47. Welcomes the study launched by the Commission concerning the potential for sustainable blue development in the outermost regions and calls for a genuine European programme for the ORs addressing the challenges on food security, sustainable agriculture, marine and maritime research and the bio-economy; stresses, however, that some activities like the extraction of oil and gas located under the sea floor and the exploration for minerals from deep sea deposits may have severe impacts on sensitive marine areas, and disturb marine species and vulnerable ecosystems;

48. Points out the importance of marine protected areas in the ORs;

⁽¹⁾ Texts adopted, P8_TA(2017)0195.

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Cohesion policy

49. Recalls that Article 349 TFEU provides for specific access to structural funds for the outermost regions and that, on that basis, all the ORs should be regarded as 'least developed regions'; welcomes the Commission's actions in favour of the Outermost regions within in a series of four Communications on the Outermost regions (2004, 2007, 2008 and 2012); stresses the importance of the EU financial support for all the outermost regions which amounts to EUR 13 billion for the 2014-2020 period;

50. Reaffirms that cohesion policy must remain one of the key instruments of European action after 2020, especially with regard to the ORs, where regional disparities are still evident;

51. calls on Member States, given the principle of subsidiarity and their responsibilities, to fully implement the pre-conditions, with regard, in particular, to investment in the areas falling within their jurisdiction, so that European funds and policies in the outermost regions perform as well as possible;

52. Considers that, for the next programming period, more flexibility could be envisaged within the thematic concentration in the case of the outermost regions as regards defining some of their priorities for the use of the structural funds to ensure sustainable development; calls for the continuation of budget allocations to the ORs, of compensation of excess costs, and of all duly justified derogations intended to compensate them for their structural disadvantages;

53. Calls, in the context of the next multiannual financial framework (MFF), for the strict application of the criteria laid down in the general regulation setting financial envelopes;

54. Recalls the shared objective of twofold integration of the ORs; calls for all schemes concerned with cross-border cooperation between the ORs, EU overseas countries and territories (OCTs) and third countries in their geographical regions to be intensified and made operational, in particular by maintaining and improving synergies between the legal and financial provisions of the EDF and EFRD regulations;

55. Stresses the importance of adjusting the European Territorial Cooperation strategies with a view to reducing the negative impact felt by the ORs as a result of their position on the EU's outermost edges and to promoting networking;

56. Recommends that more attention be paid, in the implementation of the European Fund for Strategic Investments (EFSI), to the ORs and the least developed and most isolated regions;

57. Recalls, in the light of youth unemployment in the ORs, the need to intensify EU action to support and train young people in the ORs, particularly by means of the Youth Employment Initiative;

58. Recalls that the most important fund for training and employment is the European Social Fund (ESF); calls on the Commission — in view of the structural nature and critical levels of unemployment in the ORs, and on the basis of Article 349 of the TFEU, which grants the ORs the right to specific access to the Structural Funds — to create an additional allocation within the framework of the ESF in order to support employability, mobility and training in the ORs;

59. Emphasises the importance of continuing to promote research and innovation strategies for smart specialisation (RIS3) in the ORs as a central element in the implementation of cohesion policy;

60. Recalls the importance of local development instruments such as community-led local development (CLLD) and integrated territorial investment (ITI) as a bottom-up approach to respond to local structural challenges while promoting community ownership; calls therefore on the Commission and the concerned Member States to explore ways of strengthening the use of CLLD as a flexible and innovative answer to the need for adaptation expressed by the ORs;

61. Stresses the need to take into account demographic changes in the ORs as a determining factor in the definition of policies to benefit them, particularly as regards education, training and employment policies;

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Competition policy and State aid

62. Recalls that Article 349 of the TFEU stipulates that the Commission may propose measures specific to the ORs, particularly concerning customs and trade policies, fiscal policy, free zones, conditions for supply of raw materials and essential consumer goods and State aids;

63. Recalls, furthermore, that Article 107(3) of the TFEU states that aid to promote the economic development of the ORs may be considered to be compatible with the internal market, in view of their structural, economic and social situation;

64. Calls on the Commission to rely further on Articles 107(3)(a) and 349 of the TFEU in the Regional State Aid Guidelines and the GBER (General Block Exemption Regulation) in order to contribute to the economic and social development of the ORs and pay greater attention to them;

65. Stresses that, given the remoteness and small size of their markets, strengthening the derogations to competition law obtained on the basis of Article 349 of the TFEU and Article 42 TFEU is not liable to affect trade between Member States, nor to destabilise the internal market;

66. Deplores the fact that the initial proposals for simplifying the GBERs and RSAGs did not from the outset and upstream make any provision for altering the rules for the outermost regions so as to successfully ensure the economic development of the ORs;

67. Calls on the Commission to step up its action to combat the large monopolies in the ORs, which contribute to the increase in the cost of living for local people, particularly in the sectors of imports that compete with the development of the local economy, energy, transport and telecommunications;

68. Calls on the Commission to extend the exceptional tax regimes for the outermost regions beyond 2020, based on thorough assessment of their situation, while ensuring progress towards fair and efficient tax systems and stepping up efforts to combat tax fraud in the EU and third countries;

69. Warns of trade practices such as those of clearance markets, which can destabilise the island micro-markets of local economies;

Research, the environment, education, culture, transport, energy and telecommunications

70. Recalls that Article 349 of the TFEU stipulates that the Commission may propose measures specific to the ORs, also concerning the conditions governing their access to the Union's horizontal programmes;

71. Takes the view that cross-cutting EU programmes should provide for access conditions specific to the ORs so as to ensure their effective participation and to promote their assets by means of programmes such as Horizon 2020, Creative Europe, COSME or LIFE;

72. Asks the Commission to integrate the outermost regions fully into the trans-European transport, energy and telecommunications networks;

73. Recalls the need to make the sustainable energy autonomy of the ORs a priority; underlines that the ORs benefit from numerous advantages with regards to the development of renewable energies, energy efficiency and the circular economy;

74. Points to the significant potential of developing research and innovation activities for a solid and sustainable development; calls for the ORs to be given better access to the ESI Funds and Horizon 2020, in order to better connect their universities, research centres and innovative companies, thus making them more attractive and promoting greater exchange between people and institutions, not only within the outermost regions, but also with the European continent and third countries;

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75. Points out the central role played by SMEs in the outermost regions with regard to economic and social development; calls on the Commission, therefore, to take better account of the situation of the ORs within the framework of the COSME programmes, or the EU employment and social innovation programme (EaSI);

76. Considers that exchanges and cooperation between the ORs and neighbouring third countries in the fields of research and innovation, culture and education should be further promoted so as to promote their regional integration;

77. Welcomes the fact that the new Erasmus+ programme encourages the mobility of students and youth entrepreneurs from the ORs by providing for the maximum amount of aid; calls for similar provisions to be included in the Creative Europe programme; wishes, however, for improvement in the way the common characteristics of the outermost regions are taken into account within the framework of the Erasmus programme, including through the promotion of exchanges between outermost regions; Deplores the fact that in spite of recital 37 of the Erasmus+ regulation, which states that 'the constraints imposed by the remoteness of the ORs and the OCTs should be taken into account when implementing the Programme', the amounts of the Erasmus travel allowances are often insufficient to cover the real costs of travel to the mother country for students receiving the allowance who come from the outermost regions;

78. Calls on the Commission to extend the new mobility instrument targeting young people, 'Move2Learn, Learn2Move' to European citizens living in the ORs and to adjust the amounts paid to cover the travel costs offered to them to meet the real costs involved in travelling between the ORs and continental Europe; welcomes the Commission's decision not to restrict this instrument to travel by rail only, which would marginalise young people from overseas;

79. Notes that the Natura 2000 programme is not applicable to French ORs although they enjoy extraordinary biodiversity but are hit particularly hard by the effects of climate change; calls, therefore, for specific protection mechanisms to be set up and for the BEST preliminary action to be put on a permanent footing by creating a sustainable mechanism for funding projects on biodiversity, the promotion of ecosystem services and adaptation to climate change in European overseas countries and territories;

80. Suggests that an impact study be carried out regarding the possibilities of applying the Natura 2000 programme to the French ORs, with a view to establishing the most appropriate tools for the protection of the biodiversity and environment of these regions;

81. Recalls that the mid-term review of the EU Biodiversity Strategy published by the Commission in October 2015 and mentioned by the European Court of Auditors in the Special Report No 1/2017 concluded that, although significant progress has been made since 2011 in implementing the measures under Objective 1, the most significant challenges remain the completion of the marine element of the Natura 2000 network and the guarantee of effective management of the sites and funding needed to support the Natura 2000 network, both of which are important factors for ORs;

82. Recalls that the European Court of Auditors in the Special Report No 1/2017 considered that significant progress was needed from the Member States and further efforts by the Commission to better contribute to the ambitious objectives of the EU's biodiversity strategy for 2020;

83. Recalls that the European Court of Auditors in the Special Report No 1/2017 considered that 'Further efforts are needed to implement the Natura 2000 network in order to fully exploit its potential';

84. Reiterates the role that better internet connectivity must play in territorial cohesion and in promoting equal opportunities, creating jobs and improving people's living standards in the ORs;

85. Invites the Commission to pay attention to the specific nature of the ORs when addressing matters relating to digital network coverage;

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86. Calls for the creation of a specific POSEI-type programme for transport to promote the territorial, social and economic cohesion of the regions and to reduce the isolation, or double isolation, of some ORs; stresses that this programme should provide for support for the transport of people and goods between the ORs and the continent, within the ORs themselves and between ORs that are close to each other, such as the Azores, Madeira and the Canary Isles; highlights that this programme should also promote trade between these regions;

87. Emphasises that the outermost regions are important tourist areas and that investment in a high-quality, affordable transport system is essential, particularly with regard to the internal market;

88. Calls on the European Union to commit decisively to making the ORs internationally accessible, through transport routes and infrastructure, not only to the European continent but also to neighbouring third countries and the rest of the world;

89. Calls for a genuine European industrial strategy to be deployed in the ORs, generating jobs that cannot be outsourced, and based on the capacity of businesses to consolidate their local roots;

90. Considers that the ORs could constitute prime areas for introducing pilot projects for measures to be applied horizontally across the Member States;

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91. Instructs its President to forward this resolution to the Council, the Commission, the Member States and their regions and the Committee of the Regions.

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

P8_TA(2017)0304

Recommendation to the Council on the 72nd Session of the United Nations General Assembly

European Parliament recommendation of 5 July 2017 to the Council concerning the 72nd session of the United Nations General Assembly (2017/2041(INI))

(2018/C 334/20)

The European Parliament,

- having regard to the Charter of the United Nations,
- having regard to the Universal Declaration of Human Rights and to the UN human rights conventions and the optional protocols thereto,
- having regard to the Treaty on European Union (TEU), in particular Articles 21, 34 and 36 thereof,
- having regard to the 71st session of the United Nations General Assembly,
- having regard to UN Security Council resolutions 1325 (2000), 1820 (2009), 1888 (2009), 1889 (2010), 1960 (2011), 2106 (2013), 2122 (2013) and 2242 (2015) on women, peace and security,
- having regard to its resolution of 16 March 2017 on the EU priorities for the UN Human Rights Council session in 2017 ⁽¹⁾,
- having regard to the EU Annual Report on human rights and democracy in the world in 2015 and the European Union's policy on the matter,
- having regard to its resolution of 28 April 2016 on attacks on hospitals and schools as violations of international humanitarian law ⁽²⁾,
- having regard to its recommendation to the Council of 7 July 2016 on the 71st session of the United Nations General Assembly ⁽³⁾,
- having regard to the Council conclusions of 18 July 2016 on the EU priorities for the 71st UN General Assembly,
- having regard to the revised EU Guidelines on the Promotion and Protection of the Rights of the Child,
- having regard to the resolution of the United Nations General Assembly on the participation of the European Union in the work of the United Nations, which grants the EU the right to intervene in the UN General Assembly, to present proposals and amendments orally which will be put to a vote at the request of a Member State, and to exercise the right to reply,

⁽¹⁾ Texts adopted, P8_TA(2017)0089.

⁽²⁾ Texts adopted, P8_TA(2016)0201.

⁽³⁾ Texts adopted, P8_TA(2016)0317.

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- having regard to the New York Declaration for Refugees and Migrants of 19 September 2016,
 - having regard to UN General Assembly Resolution A/71/L.48 of 21 December 2016, setting up an 'International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011',
 - having regard to its resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' ⁽¹⁾,
 - having regard to its resolution of 27 October 2016 on the situation in Northern Iraq/Mosul ⁽²⁾,
 - having regard to Rule 113 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0216/2017),
- A. whereas the EU's commitment to effective multilateralism and good global governance, with the UN at its core, is an integral part of the EU's external policy and is rooted in the conviction that a multilateral system founded on universal rules and values is best suited to addressing global crises, challenges and threats;
- B. whereas the international order based on cooperation, dialogue, free and fair trade, and human rights is being called into question by several nationalist and protectionist movements around the world;
- C. whereas the EU should play a proactive part in building a United Nations that can contribute effectively to global solutions, peace and security, human rights, development, democracy and a rule-of-law-based international order; whereas EU Member States need to make every effort to further coordinate and fuse their actions in the organs and bodies of the United Nations system in accordance with the mandate contained in Article 34(1) TEU;
- D. whereas the EU and its Member States remain collectively the single largest financial contributor to the UN system, providing almost 50 % of all contributions to the UN, with the EU Member States contributing around 40 % of the UN's regular budget; whereas EU contributions to the UN should be more visible;
- E. whereas the EU works for environmental sustainability, notably in the fight against climate change by promoting international measures and actions to preserve and improve the quality of the environment and the sustainable management of natural resources;
- F. whereas the EU is one of the most dedicated defenders and promoters of human rights, fundamental freedoms, cultural values and diversity, democracy and the rule of law;
- G. whereas the EU's security environment is increasingly unstable and volatile owing to a large number of longstanding or newly emerging challenges, including violent conflicts, terrorism, organised crime, propaganda and cyber warfare, unprecedented waves of refugees and migratory pressure and impacts on climate change, which are impossible to address at national level and require regional and global responses and active and constructive co-operation;
- H. whereas the EU and the UN should play a major role in implementing the 2030 Development Agenda with a view to eradicating poverty and generating collective prosperity, addressing inequalities, creating a safer and more just world, and combating climate change and protecting the natural environment; whereas the UN General Assembly has decided to step up the organisation's efforts to implement the new development agenda;

1. Addresses the following recommendations to the Council:

⁽¹⁾ Texts adopted, P8_TA(2016)0051.

⁽²⁾ Texts adopted, P8_TA(2016)0422.

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Peace and security

- (a) to continue to call for the full respect of the sovereignty, internationally recognised borders and the territorial integrity of Eastern European and South Caucasus countries, namely Georgia, Moldova and Ukraine, in light of the violations of international law in these areas; to support and reinvigorate diplomatic efforts for a peaceful and sustainable settlement of these ongoing and protracted conflicts as well as the conflict in the region of Nagorno-Karabakh and for the respect of human rights and territorial integrity, non-use of force, and equal rights and self-determination of the peoples on the ground; to urge the international community to implement fully the policy of non-recognition of the illegal annexation of Crimea; to actively increase pressure on Russia, as a permanent member of the UN Security Council, in order to resolve the conflict in Ukraine in line with the Minsk agreements as well as the occupation of Georgian regions of Abkhazia and South Ossetia; to find a geopolitical balance that rejects all aspirations for exclusive spheres of influence;
- (b) to maintain full support for the efforts undertaken by the UN to facilitate a comprehensive settlement to end the division of Cyprus, and underlines that a settlement of the Cyprus problem will have a positive impact on the entire region and on both Greek Cypriots and Turkish Cypriots; urges the Council to use all its resources to fully support the successful conclusion of the reunification process and to support the role of the UN;
- (c) to back the UN-led efforts to secure a solution to the name issue for the former Yugoslav Republic of Macedonia by means of an agreement between Skopje and Athens;
- (d) to urge all UN Member States to make all necessary financial and human resources available to assist local populations in armed conflicts and the refugees, and to urge all UN Member States to fulfil the financial commitments made to the UN;
- (e) to uphold the nuclear agreement between Iran and the UN Security Council members plus Germany as an important success of international and notably EU diplomacy, and to continue to put pressure on the United States to deliver on the practical implementation;
- (f) to use all instruments at its disposal to enhance compliance by state and non-state actors' actions with international humanitarian law (IHL); to support efforts led by the International Committee of the Red Cross to establish an effective mechanism for strengthening compliance with IHL;
- (g) to push for stronger multilateral commitments to find lasting sustainable political and peaceful solutions to current conflicts in the Middle East and North Africa, particularly in Syria, Iraq, Yemen and Libya; and to reinvigorate diplomatic efforts to resolve frozen conflicts around the world; to continue to support UN special envoys' work, actions and initiatives aimed at solving these conflicts; to call for continued humanitarian, financial and political assistance from the international community in order to address the humanitarian situation, and to work towards the immediate cessation of violence; to prevent any violation of IHL and International Human Rights Law, including the direct targeting of civil infrastructure and civilian population and to strongly condemn these violations in Syria; to urge all UN Member States to make all necessary financial and human resources available to assist the population in conflict areas; to support efforts deployed by the UN to find a sustainable resolution to the conflict in Syria and Iraq and to continue to back the EU's role in the humanitarian field and the EU's regional initiative; to urge the international community to do whatever is in their power in order to strongly condemn those responsible for war crimes, crimes against humanity and genocide committed during the Syrian conflict, either under their national judicial systems, international courts or ad hoc tribunals; to support the UN peace plan initiative in Yemen and to tackle the ongoing humanitarian crisis as a matter of urgency; to call on all parties to respect the human rights and freedoms of all Yemeni citizens, and to stress the importance of improving the security of all those working on peace and humanitarian missions in the country; to encourage a policy of rapprochement between Iran and Saudi Arabia as essential in defusing regional tensions, and as a path towards conflict resolution in Yemen and elsewhere; to further encourage such actions in order to address the root causes of terrorism and extremism which are a threat to international security

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and regional stability; to call for stronger support for the UN-backed government in Libya and to play a central role in the stabilisation of Libya and preservation of its unity and territorial integrity under the framework of the Libyan Political Agreement (LPA); to reiterate the urgent need to unite all armed forces under the control of the legitimate civilian authorities as set out in the LPA; to renew support for the efforts of the UN Special Coordinator for the Middle East Peace Process and the Special Representative of the UN Secretary-General (UNSG) for Western Sahara to resolve these long standing conflicts; to call for the implementation of the UN Security Council resolutions on the Middle East;

- (h) to support the Intra-Syrian Talks that are guided by UN Security Council resolution 2254 (2015); to stress that the sides should aim at a framework agreement containing a political package so that a negotiated transitional political process can be implemented in accordance with the clear sequencing and target timelines set out in resolution 2254 (2015); to underline that to achieve this goal, a clear agenda has emerged consisting of four baskets; to express its concern that the continuous fighting in Syria is undermining the ceasefire regime that came into effect on 30 December 2016, with significant negative consequences for the safety of Syrian civilians, humanitarian access and the momentum of the political process; to support the call of the Special Envoy of the UNSG for Syria on the guarantor-States of the ceasefire in Syria to undertake urgent efforts to uphold the ceasefire regime;
- (i) to act upon the ruling of the European Court of Justice on the Western Sahara;
- (j) to make certain the UN General Assembly provides, in cooperation with the EU and the US, all instruments to ensure that a two-state solution, on the basis of the 1967 borders, with Jerusalem as capital of both states, and a secure State of Israel with secure and recognised borders, and an independent, democratic, contiguous and viable State of Palestine, living side by side in peace and security, is sustainable and effective;
- (k) to call for a stronger support and for empowerment of Iraqi institutions and for the need to work towards a more inclusive society and the reintegration of all the ethnic and religious minorities that have been displaced, including in Northern Iraq and following the end of the military operation in and around Mosul where a peaceful and inclusive post-conflict solution must be found; to reiterate the critical importance of sustained protection of civilians and respect for IHL in executing military strategies in Iraq;
- (l) to keep addressing the major security threats in the Sahel, Sahara and Lake Chad, the Great Lakes, and Horn of Africa regions with a view to eradicating the terrorist threat posed by ISIL/Daesh and al-Qaeda affiliates and by Boko Haram or any other affiliated terrorist groups;
- (m) to work with the international community as a whole to solve humanitarian and security crises threatening the African continent, in particular in Somalia, South Sudan, Sudan, the Central African Republic, Mali, Nigeria, Burundi and the Great Lakes Area in general; to encourage UN Member States to step up support for increasing the role and own capacities of the African Union in mediation and crisis management, while striving for complementarities with the efforts of the UN Peace-Building Support Office; to ensure the swift adaptation of MONUSCO in line with its new mandate and, in particular, the implementation of the Agreement of 31 December 2016;
- (n) to call on the international community to join efforts to manage the current political crisis in the Democratic Republic of Congo and to prevent state collapse in the country;
- (o) to emphasise the importance of investing more in conflict prevention, taking account of factors such as political or religious radicalisation, election-related violence, population displacements or climate change;

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- (p) to draw the attention of the UN members, and in particular the members of the UN Security Council, to the increase in tensions between some countries in the Western Balkans; to urge their leaders to show restraint in their regional policies and for the EU and the UN to remain fully involved in seeking lasting solutions to bilateral differences, including by acting as mediators where necessary; to condemn Russian actions in the Western Balkans which threaten to destabilise the fragile reform process in countries in the region and undermine their EU and NATO ambitions;
- (q) to further encourage the UN's efforts to bring about peace in Afghanistan and to overcome the fragile security environment in the country;
- (r) to strongly condemn the actions of the North Korean leadership that threaten peace and security in the Korean peninsula and beyond; to encourage China, as a permanent member of the UN Security Council, to exert further pressure on the North Korean regime to de-escalate its aggressive actions which threaten regional and international security; to draw up and implement a strong response, supported by a broad and sufficiently robust international consensus, in order to deter the North Korean regime from further developing hostile nuclear capabilities and carrying out extra-territorial assassinations, attacks and kidnappings;
- (s) to urge the UN General Assembly and the UN Security Council to discuss the tensions in the South China Sea with the intention of bringing all parties concerned together to finalise the negotiation of a code of conduct;
- (t) to welcome the adoption by the UN Security Council of resolution 2307 (2016) and to congratulate the government and people of Colombia on their quest for peace;
- (u) to significantly increase Member State support for UN peacekeeping and peacebuilding operations that include a human rights component and clear exit strategies, in particular by contributing personnel and equipment, and to enhance the EU's role as a facilitator in this respect; to ensure better visibility for this support and contribution; to further develop procedures for the use of the EU common security and defence policy in support of UN operations while paying sufficient attention to the several dimensions of complex crisis management, such as human rights, sustainable development, and the root causes of mass migration; to support the UN Security Council reform of its use of veto power in cases where there is evidence of war crimes and crimes against humanity;
- (v) to support the UNSG in his efforts to increase UN involvement in peace negotiations;
- (w) to support the full implementation of the UN Security Council's resolutions on women, peace and security; to call for the promotion of women's equal and full participation as active agents; to promote an active involvement of women in conflict prevention and solution and in combating violent extremism; to recall that sexual violence such as rape is used as a tactic of war and constitutes a war crime; to ensure safe medical assistance for cases of war rape; to call for strengthening of the protection of women and girls in conflict situations especially as regards sexual violence, to support and strengthen international efforts through the UN to end the use of children in armed conflict and to ensure gender analysis as well as gender and human rights mainstreaming in all UN activities; to call for the development of indicators to measure progress on the participation of women in peace and security building;
- (x) to address as a matter of urgency all aspects of the 15 May 2015 UN Evaluation Report on Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations without delay, and to establish functioning and transparent oversight and accountability mechanisms regarding alleged abuses; to call for the investigation, prosecution and sentencing without delay of any military and civilian personnel who committed acts of sexual violence;
- (y) to further strengthen the role of R2P as an important principle in UN Member States' work on conflict resolution, human rights and development; to continue to support the efforts to further operationalise R2P and to support the UN in continuing to play a critical role in assisting countries in the implementation of R2P in order to uphold human rights, the rule of law and IHL; to promote a broad definition of the human security concept and the R2P principle;

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- (z) to encourage all UN Member States to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;
- (aa) to engage in a public and comprehensive debate with all UN General Assembly members on the importance of respecting constitutional limits in presidential mandates worldwide;

Fight against terrorism

- (ab) to reiterate its unequivocal condemnation of terrorism and its full support for actions aimed at defeating and eradicating terrorist organisations, in particular ISIL/Daesh, which pose a clear threat to regional and international security; insists that all measures taken in the fight against terrorism should be fully in line with international humanitarian and human rights law;
- (ac) to support the UN in making counter-terrorism a key element of its prevention agenda in line with the EU's engagement in preventive measures to combat terrorism and counter violent extremism; to strengthen joint EU-UN efforts in combating the root causes of extreme violence and terrorism in countering hybrid threats and developing research and capacity-building in cyber defence; to promote education as a tool for preventing violent extremism and to rely on the existing peacebuilding initiatives set up by local actors to devise, implement, and develop approaches to counter radicalisation and terrorist recruitment, while promoting international action to bring those responsible for violence to justice; to support an enhanced EU contribution to UN capacity-building initiatives concerning the fight against foreign fighters and violent extremism;
- (ad) to step up efforts to clamp down on recruitment and fight terrorist propaganda conducted not only through social media platforms but also through networks of radicalised hate preachers; to support actions strengthening the resilience of communities targeted by extremist propaganda and vulnerable to radicalisation, including by addressing the economic, social, cultural, and political causes which lead to it; to support counter-radicalisation and de-radicalisation policies in line with the UN Plan of Action to Prevent Violent Extremism; to recall that the promotion and protection for human rights and respect for the rule of law are key elements in counter-terrorism policies;
- (ae) to work with the UN General Assembly to combat the financing of terrorism and to build mechanisms to designate terrorist individuals and organisations and strengthen asset-freezing mechanisms worldwide, while upholding international standards on due process and the rule of law;
- (af) to strengthen the efficacy of international police, legal and judicial cooperation in the fight against terrorism and transnational crime; welcomes in this regard UN Security Council resolution 2322 (2016), and stresses the need to speed up the processes of international judicial cooperation, to strengthen the existing mechanisms of international police cooperation and to update the network of contacts between central and judicial authorities;

Non-proliferation and disarmament

- (ag) to support UN efforts to prevent non-state actors and terrorist groups from developing, manufacturing, acquiring or transferring weapons of mass destruction and their delivery systems; to insist on full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention and the Biological Weapons Convention and to actively take steps towards global disarmament;
- (ah) to promote the full implementation of the Arms Trade Treaty (ATT) and encourage all UN Member States to sign and ratify the ATT;
- (ai) to work towards more effective action against the diversion of, and illicit trade in, weapons and ammunitions, including small arms and light weapons, in particular by developing a weapons tracking system; to request the UN Members to actively take steps towards global disarmament;

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- (aj) to pay special attention to the technological progress in the field of weaponisation of robotics and in particular, on the armed robots and drones and their conformity with international law; to establish a legal framework on drones and armed robots in line with the existing international humanitarian law to prevent this technology from being misused in illegal activities by state and non-state actors;

Migration

- (ak) to call for a strengthening of the global response to migration, by building on the successful UN General Assembly High-Level Meeting to Address Large Movements of Refugees and Migrants of 19 September 2016 and addressing the challenges and security concerns stemming from aspects of illegal migration, such as people smuggling and human trafficking, and for efforts to be made to create legal avenues for migration; emphasizes the need for an effective and urgent commitment to address the root causes of humanitarian crisis and unprecedented migration and refugee flows;
- (al) to promote greater support for the work of UNHCR in implementing its international mandate to protect refugees including vulnerable groups such as women, children, and people with disabilities; to stress the substantial funding gap between UNHCR's budgetary needs and funds received and to demand greater global solidarity; to call for greater UN regular budget funding of the UNHCR core functions in order to safeguard its functioning; to call for political engagement, funding and concrete acts of solidarity in support of the New York Declaration for refugees and migrants;
- (am) to advocate and protect the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people; to call for the repeal of legislation in UN Member States which criminalises people on the grounds of sexuality or gender identity, and to promote international action to combat homophobic and transphobic hate crimes;
- (an) to promote and respect the principles of opinion and expression, as mentioned in Article 19 of the Universal Declaration of Human Rights, and to emphasise the importance of a free press in a healthy society and the role of every citizen therein;
- (ao) to call for a strengthening of the child protection systems and to support concrete measures in the best interests of the child refugees and migrants, based on the Convention on the Rights of the Child;
- (ap) to demand that greater efforts be made to prevent irregular migration and to fight people smuggling and human trafficking, in particular by combating criminal networks through timely and effective exchange of relevant intelligence; to improve methods to identify and protect victims and to reinforce cooperation with third countries with a view to tracking, seizing and recovering the proceeds of criminal activities in this sector; to insist at UN level on the importance of the ratification and full implementation of the UN Convention against Transnational Organised Crime and the Protocols thereto against the Smuggling of Migrants by Land, Sea and Air and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

Human rights, democracy and the rule of law

- (aq) to urge all states, including the EU Member States, to swiftly ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights establishing complaint and inquiry mechanisms;
- (ar) to call on all states, in particular the EU Member States, to participate actively in the negotiations at the UNHCR in Geneva for an international binding Treaty on transnational corporations and human rights;
- (as) to reiterate clearly and firmly that all human rights agreed under UN conventions are universal, indivisible, interdependent and interrelated and that respect for these rights must be enforced; to call for greater protection of human rights and fundamental freedoms in every dimension of their expression, including in the context of new technologies; to continue to encourage all UN Member States to sign, ratify and implement the different human rights conventions and to comply with their reporting obligations under these instruments; to call for the defence of the freedoms of opinion and expression; to emphasise the importance of a free media;

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- (at) to call for all UN Member States to implement the recommendations of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; to promote, strengthen and mainstream activities supporting equality between women and men; to call for further empowerment of women and girls, strengthening leadership and participation of women at all levels of decision making, including special attention being given to the inclusion of minority women; to call for the eradication of all violence and discrimination against women and girls, by also taking into account discrimination based on gender identity and gender expression; to promote children's rights, ensuring in particular their access to education and the rehabilitation and reintegration of children enlisted in armed groups and eliminating child labour, torture, the issue of child witchcraft, trafficking, child marriage and sexual exploitation; to actively promote the support of further actions against violation of LGBTI rights; to support close monitoring of the situation of LGBTI persons and LGBTI human rights defenders in countries with anti-LGBTI laws;
- (au) to continue to advocate freedom of religion or belief; to call for greater efforts to protect the rights of religious and other minorities; to call for greater protection of religious and ethnic minorities against persecution and violence; to call for the repeal of laws criminalising blasphemy or apostasy, which serve as a pretext for the persecution of religious minorities and non-believers; to support the work of the Special Rapporteur on freedom of religion or belief; to actively work for UN recognition of the genocide of religious, ethnic and other minorities committed by ISIL/Daesh, and for referral to the International Criminal Court (ICC) of cases of suspected crimes against humanity, war crimes and genocide; to support the work of the UN against torture and other cruel, inhumane and degrading treatment or punishment, mass executions, and executions including for drug-related offences;
- (av) to reiterate its unequivocal condemnation of any act of violence, harassment, intimidation or persecution against human rights defenders, whistle-blowers, journalists or bloggers; to advocate the appointment of a Special Representative of the UN Secretary-General for the safety of journalists;
- (aw) to recall the obligation of the UN General Assembly, when electing members to the UN Human Rights Council (UNHRC), to take into account the respect of candidates for the promotion and protection of human rights, the rule of law and democracy; to call for the establishment of clear human rights performance-based criteria for membership of the UNHRC;
- (ax) to strengthen the role of the ICC and the international criminal justice system in order to promote accountability and to end impunity; to call on all UN Member States to join the ICC by ratifying the Rome Statute and to encourage the ratification of the Kampala amendments; to provide the ICC with strong diplomatic, political and financial support;
- (ay) to recall the EU's position on zero tolerance for the death penalty; to maintain strong engagement in promoting an end to the death penalty worldwide; to call for a moratorium on the use of the death penalty and to further work towards its universal abolition; to launch an initiative to promote an international framework combating tools of torture and capital punishment drawing on the experience of Council Regulation (EC) No 1236/2005 on this issue;
- (az) to push for stronger engagement in promoting the rule of law, a cross-cutting question that links the three pillars of the UN: peace and security, human rights and development; to cooperate with the UN High Commissioner for Human Rights to urge the Venezuelan authorities to release all political prisoners and to respect the separation of powers;
- (ba) to support UN efforts to put in place an international framework on sport and human rights, which facilitates the prevention, monitoring and provision of remedies to human rights abuses connected to mega sporting events;
- (bb) to further support the work of the UN High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse in order to contribute to a fair and more effective system of domestic law remedies, in particular in cases of gross human rights abuses in the business sector; to call on all

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governments to fulfil their duties in securing respect for human rights, access to justice for victims who face both practical and legal challenges to access remedies at national and international levels, with regard to human rights violations linked to business;

Development

- (bc) to underline the leading role of the EU in the process that led to the adoption of the 2030 Agenda for Sustainable Development (Agenda 2030) and its 17 Sustainable Development Goals (SDGs) by the UN General Assembly in September 2015; to take concrete steps to ensure the efficient implementation of Agenda 2030 and the 17 SDGs as important instruments for prevention and sustainable development; to work towards improving the lives of future generations and to encourage and support countries to take ownership and establish national frameworks for the achievement of the 17 SDGs; to encourage UN Member States to meet their commitments on development aid spending and to call for the adoption of a solid framework of indicators and the use of statistical data to monitor progress and ensure accountability for evaluating the situation in developing countries, monitor progress and ensure accountability; emphasises that, above and beyond GDP, it is also necessary to focus on other indicators in order to assess the true situation in developing countries more precisely and take effective action to combat poverty and support sustainable development specially in the cases of the middle income countries; to call for cross-EU initiatives in promotion and protection of women's rights; to call for the full implementation of Beijing Platform for Action and the ICPD Programme of Action and the Policy Coherence for Sustainable Development;
- (bd) to continue its efforts to achieve policy coherence for development across all EU policies, which is crucial for achieving the SDGs, and to also push at UN level for greater policy coherence in accordance with Goal 17.14; to support the UN push for stepping up efforts to deliver integrated and coordinated policy support for the implementation of the 2030 Agenda and consequently promote a UN Development system that works in a more integrated fashion, with strengthened inter-agency work and joint implementation of projects, in particular strengthening the security-development nexus; to call on the UN to systematically integrate capacity-building and good governance into long-term development strategies in order to eradicate poverty and hunger, prevent conflict and build resilience effectively to promote ecologically, economically and socially sustainable development, to fight against social inequalities and to provide humanitarian assistance to populations; to stress that access to a safe, reliable and affordable water supply and adequate sanitation services improves living standards, expands local economies and promotes the creation of more dignified jobs;
- (be) to insist that the High-Level Political Forum on sustainable development should become the main decision-making body competent for ensuring a coherent, efficient and inclusive follow-up and review of the implementation of the SDGs; to recognise the significant role civil society organisations and local actors play in successfully implementing Agenda 2030 and achieving the SDGs; to recognise the instrumental role and impact of the SDGs on international peace and security;

Climate change

- (bf) to ensure that the EU remains at the forefront of the fight against climate change and cooperates further with the UN in this area; to call on all UN Member States to uphold the Paris Agreement and to ensure swift implementation of the decisions taken at the 2015 UN Climate Change Conference;
- (bg) to work closely with small island states and other countries facing the most serious consequences of climate change to ensure that their voice and their needs are taken into consideration in the different UN fora;

EU and reform of the UN system

- (bh) to call on EU Member States to coordinate their actions more closely in the organs and bodies of the United Nations' system and to engage further to enhance the observer status of the EU in certain UN sub-organisations; to strengthen the communication and to ensure that Member States' positions at EU level are ever more coordinated; to strive for alignment of positions with candidate countries, partner countries and other likeminded states;

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- (bi) to work towards the reinforcement of international fiscal cooperation, supporting the creation of an international tax body within the UN system; to counter tax evasion and money laundering through the worldwide automatic exchange of information on tax issues and the creation of a common global black list of tax havens;
 - (bj) to actively support a comprehensive reform of the UN Security Council on the basis of a broad consensus in order to better reflect the new world reality and to more effectively meet present and future security challenges; to support the long-term goal of the EU having a seat on a reformed UN Security Council; to urge UN Security Council members to refrain from using their right of veto in cases where crimes against humanity are being committed; to promote the revitalisation of the work of the UN General Assembly, and improved coordination and coherence of the action of all UN institutions, which should enhance the efficiency, effectiveness, legitimacy, transparency, accountability, capacity and representativeness of the system in order to respond more quickly to global challenges;
 - (bk) to strongly support the newly elected UNSG's reform agenda; to encourage the impetus for a reform of the UN peace and security architecture, the functioning and architecture of the Secretariat through simplification, decentralization and flexibility and streamlining the financial organisation; to establish an effective system of protection for UN whistle-blowers;
 - (bl) to actively support the efforts by the UNSG to appoint more women in senior management posts at the UN HQ level;
 - (bm) to foster a debate on the topic of the role of parliaments and regional assemblies in the UN system and on the topic of establishing a United Nations Parliamentary Assembly with a view to increasing the democratic profile and internal democratic process of the organisation and to allow world civil society to be directly associated in the decision-making process;
2. Instructs its President to forward this recommendation to the Council, 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 European External Action Service, the Commission and, for information, the United Nations General Assembly and the Secretary-General of the United Nations.
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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2017)0293

Consultation of confidential information (interpretation of Rules 5(5) and 210a of the Rules of Procedure)**European Parliament decision of 5 July 2017 concerning the consultation of confidential information (interpretation of Rules 5(5) and 210a of the Rules of Procedure) (2017/2095(REG))**

(2018/C 334/21)

The European Parliament,

- having regard to the letter of 23 June 2017 from the Chair of the Committee on Constitutional Affairs,
- having regard to Rule 226 of its Rules of Procedure,

1. Decides to append the following interpretation to Rule 5(5) of the Rules of Procedure:

‘Access to confidential information is subject to the rules laid down in interinstitutional agreements concluded by Parliament relating to the treatment of confidential information^(1a) and to the internal rules for their implementation adopted by Parliament’s competent bodies^(1b).

^(1a) Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy (OJ C 298, 30.11.2002, p. 1). Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission (OJ L 304, 20.11.2010, p. 47).

Interinstitutional Agreement of 12 March 2014 between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy (OJ C 95, 1.4.2014, p. 1).

^(1b) Decision of the European Parliament of 23 October 2002 on the implementation of the Interinstitutional Agreement governing European Parliament access to sensitive Council information in the sphere of security and defence policy (OJ C 298, 30.11.2002, p. 4).
Decision of the Bureau of 15 April 2013 concerning the rules governing the treatment of confidential information by the European Parliament (OJ C 96, 1.4.2014, p. 1).’

2. Decides to append the following interpretation to Rule 210a of the Rules of Procedure:

‘This Rule applies to the extent that the applicable legal framework relating to the treatment of confidential information provides for the possibility of consulting the confidential information at a meeting in camera outside the secure facilities.’

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

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P8_TA(2017)0307

Setting up a special committee on terrorism, its responsibilities, numerical strength and term of office**European Parliament decision of 6 July 2017 on setting up a special committee on terrorism, its responsibilities, numerical strength and term of office (2017/2758(RSO))**

(2018/C 334/22)

The European Parliament,

- having regard to the proposal for a decision of the Conference of Presidents,
 - having regard to Rule 197 of its Rules of Procedure,
 - A. whereas the European Union has clear competences in ensuring a high level of security under Article 67 TFEU, and the national authorities have competences in the fight against terrorism, as stated in Article 73 of the TFEU; and there are wider obligations in respect of cross border cooperation as stated in Title V of the TFEU on police and judicial cooperation related to the internal security of the European Union;
 - B. whereas the outcome of the special committee hereby set up should be to address the practical and legislative deficiencies in the fight against terrorism across the European Union and with international partners and actors, with a particular focus on cooperation and exchange of information;
 - C. whereas addressing the deficiencies and gaps in cooperation and information exchange between national law enforcement authorities, as well as the interoperability of European information sharing databases is of the utmost importance for both ensuring the good functioning of the Schengen Area and for the protection of EU's external border, and should constitute the core of the mandate of the special committee;
 - D. whereas respect for fundamental rights is an essential element in successful counter-terrorism policies;
1. Decides to set up a special committee on terrorism, vested with the following strictly defined responsibilities:
 - (a) to examine, analyse and evaluate with impartiality facts provided by law enforcement authorities of the Member States, competent EU agencies and recognised experts and the extent of the terrorist threat on European soil and to propose appropriate measures to enable the European Union and its Member States to help prevent, investigate and prosecute crimes related to terrorism;
 - (b) to identify and analyse, with impartiality and according to an evidence based approach, the potential faults and malfunctions that have allowed recent terrorist attacks in different Member States to occur, in particular by collecting, compiling and analysing all information available to Member States' intelligence services or law enforcement and judicial authorities about perpetrators prior to their terrorist offence;
 - (c) to examine and assess the implementation of existing measures and instruments in the fields of external border management, including the malfunction of external border checks that have allowed individuals to enter Europe with false documents, and to assess the causes for the failure by some Member States to fully implement their obligations as set out in Regulation (EC) No 1987/2006 of the European Parliament and of the Council ⁽¹⁾ (the Schengen Information System Regulation); to collect and analyse information on possible Member States and Commission shortcoming in ensuring the full implementation of the related provisions of Regulation (EU) 2016/399 of the European Parliament and of the Council ⁽²⁾ (the Schengen Borders Code) and to propose appropriate measures to close the identified gaps;

⁽¹⁾ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

⁽²⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

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(d) to identify deficiencies in the sharing of judicial, law enforcement and intelligence information among Member States; to investigate in particular alleged widespread failures in the collection, analysis and communication of information that could help prevent attacks, in particular by:

- analysing and evaluating the performance of EU databases such as the Schengen Information System (SIS), Visa Information System (VIS) and common European Information Exchange Model (EIXM), and Member States possible failures in the implementation of existing legal instruments such as Council Decision 2008/615/JHA ⁽¹⁾ or Council Framework Decision 2006/960/JHA ⁽²⁾; analysing in particular the causes of some Member States' failure to contribute to feeding information to these databases, notably with regard to their obligations as set out in the Schengen Information System Regulation and Council Decision 2007/533/JHA ⁽³⁾;
- analysing the alleged failure of Member States to comply with the obligation imposed by Article 2(3) of Council Decision 2005/671/JHA ⁽⁴⁾ ensuring that at least the information referred to in paragraphs 4 and 5 of that Article gathered by the relevant authority is transmitted to Europol and Eurojust;
- collecting information on, and analysing Member States' authorities compliance with, obligation imposed by Article 3 and 7 of Framework Decision 2006/960/JHA, in particular ensuring that competent law enforcement authorities provide, to the competent law enforcement authorities of other Member States concerned, information and intelligence in cases where there are factual reasons to believe that the information and intelligence could assist in the detection, prevention or investigation of offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA ⁽⁵⁾;
- examining whether Europol has fully complied with its duty to notify, imposed by Article 17 of Council Decision 2009/371/JHA ⁽⁶⁾, repealed by Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽⁷⁾;
- examining whether Member States' national units have fully complied with the obligation imposed by Article 8(4)(a) of Decision 2009/371/JHA, repealed by Regulation (EU) 2016/794, supplying Europol on their own initiative with the information and intelligence necessary for it to carry out its tasks;
- investigating possible deficiencies in exchange of information between EU agencies, as well as legal means and need for these agencies to access the Schengen Information System and other relevant EU information systems;
- evaluating existing informal cooperation among Member States' intelligence services and assessing the level of effectiveness in terms of information exchange and practical cooperation;

⁽¹⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽²⁾ Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p. 89).

⁽³⁾ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

⁽⁴⁾ Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29.9.2005, p. 22).

⁽⁵⁾ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

⁽⁶⁾ Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37).

⁽⁷⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

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- examining the relationship of the European Union with third countries and international agencies in the fight against terrorism, including existing international cooperation and instruments in the fight against terrorism, including the exchange of best practice, and the effectiveness of the current level of exchange of information;
- (e) to assess the impact of the EU anti-terrorism legislation and its implementation on fundamental rights;
- (f) to assess the availability and the effectiveness of all resources allocated to competent authorities involved in the fight against terrorism (police, army, justice, budget, intelligence, surveillance, information, IT, etc.) in the Member States and at EU level; to analyse possible deficiencies in police cooperation and obstacles to practical cross-border law enforcement cooperation in investigations related to the fight against terrorism, identifying technical, structural and legal limitations to investigation capacities;
- (g) to investigate the deficiencies in the judiciary systems and judicial cooperation at EU level, as well as cooperation on cross border investigations, notably through Eurojust, the European Judicial Network, Joint investigation teams, and the European Arrest Warrant (EAW), and the European Investigation Order; to identify technical, structural and legal limitations to investigation and prosecution capacities;
- (h) to examine the current exchange of best practice and collaboration between national authorities and relevant EU bodies with regard to the protection of soft targets, including areas of transit, such as airports and train stations, as well as the protection of critical infrastructures as provided for in Council Directive 2008/114/EC ⁽¹⁾;
- (i) to investigate the current mechanisms available for victims of terrorism, particularly Directive 2012/29/EU of the European Parliament and of the Council ⁽²⁾, identifying existing good practices to be exchanged;
- (j) to collect information and to analyse the process of radicalisation, and the effectiveness of the de-radicalisation programmes set in a limited number of Member States; to identify existing good practices to be exchanged and to ascertain whether the Member States have taken the appropriate measures in that regard;
- (k) to assess the efficiency of cooperation between Member States, as well as the efficiency of cooperation between competent authorities, obliged entities and law enforcement authorities, in fighting money laundering and terrorism financing under Directive 2005/60/EC of the European Parliament and of the Council ⁽³⁾, and to exchange views with the relevant actors in the banking sector and fraud investigation and law enforcement authorities in order to identify the new forms of financing of terrorism, including its links with organised crime;
- (l) to make any recommendations that it deems to be necessary in all the above-mentioned matters and, to those ends, to establish the necessary contacts, make visits and hold hearings with the EU institutions and relevant agencies and with the international and national institutions, the national parliaments and governments of the Member States and of third countries, and with officials involved in the daily fight against terrorism such as law enforcement agencies, police authorities, intelligence services, judges and magistrates and representatives of the scientific community, business and civil society, including victims' organisations;

⁽¹⁾ Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75).

⁽²⁾ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

⁽³⁾ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

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2. Stresses that any recommendation of the special committee shall be followed-up by the competent standing committees;
 3. Decides that the powers, staff and available resources of Parliament's standing committees with responsibility for matters concerning the adoption, monitoring and implementation of EU legislation relating to the area of responsibility of the special committee shall remain unchanged;
 4. Decides that, whenever the special committee work includes the hearing of evidence of a classified nature, testimonies comprising personal data or secrets, or includes the exchange of views or hearings with authorities and bodies on secret, confidential, classified or sensitive information for national security or public security purposes, the meetings should be held *in camera*; decides that witnesses and experts shall have the right to make a statement or to provide testimony *in camera*;
 5. Decides that secret or confidential documents which have been received by the special committee shall be examined under the procedure set out in Rule 210a of its Rules of Procedure to ensure that only the Chair, rapporteur, shadow rapporteurs, coordinators and designated officials have personal access to them, and that such information shall be used exclusively for the purposes of drawing up the mid-term and final reports of the special committee; decides that meetings shall be held on premises equipped in such a way as to make it impossible for any non-authorised persons to listen to the proceedings;
 6. Decides that, prior to accessing the classified information, or hearing evidence that risks damaging national security or public security, all Members and officials shall receive security clearance in accordance with the existing internal rules and procedures;
 7. Decides that the information obtained by the special committee shall be used solely for the performance of its duties and shall not be disclosed to third parties; decides that such information shall not be made public if it contains material of a secret or confidential nature or names persons;
 8. Decides that the special committee shall have 30 members;
 9. Decides that the term of office of the special committee shall be 12 months, except where Parliament extends that period before its expiry, and that its term of office shall start running from the date of its constituent meeting; decides that the special committee shall present to Parliament a mid-term report and a final report containing factual findings and recommendations concerning the measures and initiatives to be taken.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2017)0275

Appointment of a Member of the European Commission**European Parliament decision of 4 July 2017 approving the appointment of Mariya Gabriel as a Member of the Commission (C8-0166/2017 — 2017/0805(NLE))**

(2018/C 334/23)

The European Parliament,

- having regard to the second paragraph of Article 246 of the Treaty on the Functioning of the European Union,
 - having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
 - having regard to point 6 of the Framework Agreement on relations between the European Parliament and the European Commission ⁽¹⁾,
 - having regard to the resignation of Kristalina Georgieva as a Member of the Commission,
 - having regard to the Council's letter of 29 May 2017, whereby the Council consulted Parliament on a decision, to be taken by common accord with the President of the Commission, on the appointment of Mariya Gabriel as a Member of the Commission (C8-0166/2017),
 - having regard to the hearing of Mariya Gabriel on 20 June 2017, led by the Committee on Industry, Research and Energy and the Committee on Culture and Education, with the association of the Committee on the Internal Market and Consumer Protection, the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs, and to the statement of evaluation drawn up following that hearing;
 - having regard to Rule 118 of, and Annex VI to, its Rules of Procedure,
1. Approves the appointment of Mariya Gabriel as a Member of the Commission for the remainder of the Commission's term of office until 31 October 2019;
 2. Instructs its President to forward this decision to the Council, the Commission and the governments of the Member States.

⁽¹⁾ OJ L 304, 20.11.2010, p. 47.

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P8_TA(2017)0276

EU-Kosovo Framework Agreement on the general principles for the participation of Kosovo in Union programmes ***

European Parliament legislative resolution of 4 July 2017 on the draft Council decision on the conclusion of a Framework Agreement between the European Union and Kosovo (*) on the general principles for the participation of Kosovo in Union programmes (13391/2016 — C8-0491/2016 — 2013/0115(NLE))

(Consent)

(2018/C 334/24)

The European Parliament,

- having regard to the draft Council decision (13391/2016),
 - having regard to the draft Framework Agreement between the European Union and Kosovo (*) on the general principles for the participation of Kosovo in Union programmes (13393/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 212 and Article 218(6), second subparagraph, point (a), and Article 218(7) of the Treaty on the Functioning of the European Union (C8-0491/2016),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A8-0207/2017),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Kosovo.

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

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P8_TA(2017)0277

Mobilisation of the European Globalisation Adjustment Fund: application EGF/2017/001 ES/Castilla y León mining

European Parliament resolution of 4 July 2017 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund (application from Spain EGF/2017/001 ES/Castilla y León mining) (COM(2017)0266 — C8-0174/2017 — 2017/2079(BUD))

(2018/C 334/25)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2017)0266 — C8-0174/2017),
 - having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ⁽¹⁾ (EGF Regulation),
 - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ⁽²⁾, and in particular Article 12 thereof,
 - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽³⁾ (IIA of 2 December 2013), and in particular point 13 thereof,
 - having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the letter of the Committee on Regional Development,
 - having regard to the report of the Committee on Budgets (A8-0248/2017),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns or of the global financial and economic crisis and to assist their reintegration into the labour market;
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard to the IIA of 2 December 2013 in respect of the adoption of decisions to mobilise the European Globalisation Adjustment Fund (EGF);
- C. whereas the adoption of the EGF Regulation reflects the agreement reached between the Parliament and the Council to reintroduce the crisis mobilisation criterion, to set the Union financial contribution to 60 % of the total estimated cost of proposed measures, to increase efficiency for the treatment of EGF applications in the Commission and by the Parliament and the Council by shortening the time for assessment and approval, to widen eligible actions and beneficiaries by introducing self-employed persons and young people and to finance incentives for setting up own businesses;

⁽¹⁾ OJ L 347, 20.12.2013, p. 855.

⁽²⁾ OJ L 347, 20.12.2013, p. 884.

⁽³⁾ OJ C 373, 20.12.2013, p. 1.

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- D. whereas Spain submitted application EGF/2017/001 ES/Castilla y León for a financial contribution from the EGF, following redundancies in the economic sector classified under the NACE Revision 2 Division 5 (Mining of coal and lignite) in the NUTS level 2 region of Castilla y León (ES41), and whereas 339 redundant workers, as well as up to 125 young people not in employment, education or training (NEETs) under the age of 30, are expected to participate in the measures; whereas the redundancies were made by Hullera Vasco Leonesa SA, Centro de Investigación y Desarrollo SA, Hijos de Baldomero García SA, Minas del Bierzo Alto SL and Unión Minera del Norte SA;
- E. whereas the application was submitted under the intervention criteria set out in Article 4(2) of the EGF Regulation, derogating from the eligibility criteria set out in Article 4(1)(b), which requires that at least 500 workers are made redundant over a reference period of nine months in enterprises operating in the same economic sector defined at NACE Revision 2 Division level and located in one region or two contiguous regions defined at NUTS 2 level;
1. Agrees with the Commission that the conditions set out in Article 4(2) of the EGF Regulation are met and that, therefore, Spain is entitled to a financial contribution of EUR 1 002 264 under that Regulation, which represents 60 % of the total cost of EUR 1 670 440;
 2. Notes that the Spanish authorities submitted the application for a financial contribution from the EGF on 20 January 2017, and that its assessment was finalised by the Commission on 2 June 2017 and notified to Parliament the same day;
 3. Recalls that over the last 10 years coal production in the Union and the global price of coal have fallen sharply, resulting in an increasing volume of coal imports from non-EU countries and many Union coal mines becoming unprofitable and being forced to close down; points out that those trends have been even more pronounced in Spain, leading to a reorganisation and reconversion of the coal mining sector; stresses that employment in the region of Castilla y León has been seriously affected by the impact of the crisis in the mining sector and points out that ten coal mining enterprises had to close in Castilla y León alone over the period 2010 to 2016;
 4. Notes that Spain requested that a derogation from Article 4(1)(b) be made on the grounds that the territory affected by the redundancies consists of a number of small, isolated towns in the remote, sparsely populated Cantabrian mountain valley, which are, for the most part, highly dependent on coal mining and which suffer from limited connectivity, and can thus be considered a small labour market under Article 4(2);
 5. Highlights, in particular, the very low population density, the problems associated with mountainous terrain and the difficult employment situation in the North of the provinces of León and Palencia; expresses concern about the sharp decline in population, which has been proportionally greatest amongst those under 25;
 6. Points out that the financial contribution will target 339 workers made redundant, 97 % of whom are men;
 7. Welcomes Spain's decision to provide up to 125 NEETs under the age of 30 with personalised services co-financed by the EGF; understands that those services will include support to those interested in creating their own business;
 8. Notes that the measures will be guided by a study to be carried out on job creation and productive activities in the region of Castilla y León, in order to better define the initiatives referred to in the package;
 9. Notes that Spain is planning six types of measures for the redundant workers and NEETs covered by this application: (i) welcome and information sessions, (ii) occupational guidance and counselling, (iii) intensive job-search assistance, (iv) training in cross-sector skills and competences, and vocational training, (v) promotion of entrepreneurship, and (vi) support for business start-ups, as well as a programme of incentives;
 10. Notes that the incentives will correspond to 19,53 % of the overall package of personalised measures, well below the maximum 35 % set out in the EGF Regulation; and that those actions are conditional on the active participation of the targeted beneficiaries in job-search or training activities;

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11. Notes that the training courses provided will include workshops on job-search techniques, training in personal and social skills, in information and communication technologies (ICT), and in foreign languages while vocational training will focus on either enhancing mining-related skills that may be relevant to other economic sectors or developing skills for sectors such as: tourism and hospitality in rural areas; environmental restoration of mining basins; reforestation and landscaping;
 12. Welcomes the fact that consultations with stakeholders, including trade unions, business associations, the regional agency for economic development, innovation, financing and business internationalisation and a public foundation attached to the regional public employment service, took place at the regional level to draw up the co-ordinated package of personalised services, and that the policy of equality between women and men, as well as the principle of non-discrimination will be applied in order to access the measures funded by the EGF and during its implementation;
 13. Recalls that, in line with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy;
 14. Welcomes the inclusion of contributions to the expenses for carers of dependent persons amongst the available incentives in view of the likely positive impact on gender balance; calls on the Commission to present detailed information on the use that is made of this possibility;
 15. Recalls the need for the swift transformation of Union economies and the fostering of relevant jobs in the light of the Paris COP 21 agreement;
 16. Notes the importance of launching an information campaign in order to reach the NEETs who could be eligible under these measures, ensuring gender balance wherever possible;
 17. Calls on the Commission to provide more details, in future proposals, on the sectors which have growth prospects and are therefore likely to hire people, as well as to gather substantiated data on the impact of the EGF funding, including on the quality of jobs and the reintegration rate achieved through the EGF;
 18. Notes that the Spanish authorities have confirmed that the eligible actions do not receive assistance from other Union financial instruments, and that any double financing will be prevented and that eligible actions will be complementary to actions funded by the structural funds;
 19. Reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements nor measures for restructuring companies or sectors;
 20. Welcomes the fact that the intervention plan will include a monitoring initiative in which the social actors should be able to participate, the purpose of which is to guarantee that the proposal is implemented in accordance with the recommendations of a study, to be carried out as part of the actions included in the initiative, concerning vocational training demands and activity opportunities, as well as to guarantee the sound management of the budget provided for;
 21. Recalls its appeal to the Commission to assure public access to all the documents related to EGF cases;
 22. Approves the decision annexed to this resolution;
 23. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 24. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.
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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the mobilisation of the European Globalisation Adjustment Fund following an application from Spain — EGF/
2017/001 ES/Castilla y León mining**

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/1372.)

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P8_TA(2017)0283

Macro-financial assistance to the Republic of Moldova *I**

European Parliament legislative resolution of 4 July 2017 on the proposal for a decision of the European Parliament and of the Council providing macro-financial assistance to the Republic of Moldova (COM(2017)0014 — C8-0016/2017 — 2017/0007(COD))

(Ordinary legislative procedure: first reading)

(2018/C 334/26)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0014),
 - having regard to Article 294(2) and Article 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0016/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Joint Declaration of the European Parliament and of the Council adopted together with Decision No 778/2013/EU of the European Parliament and of the Council of 12 August 2013 providing further macro-financial assistance to Georgia ⁽¹⁾,
 - 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 15 June 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 International Trade and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0185/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0007

Position of the European Parliament adopted at first reading on 4 July 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council on providing macro-financial assistance to the Republic of Moldova

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2017/1565.)

⁽¹⁾ OJ L 218, 14.8.2013, p. 15

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ANNEX TO THE LEGISLATIVE RESOLUTION

JOINT STATEMENT by the European Parliament, the Council and the Commission

In light of the initiatives related to the changes of the electoral system in the Republic of Moldova, the European Parliament, the Council and the Commission underline that a pre-condition for granting macro-financial assistance is that the beneficiary country respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law and guarantees respect for human rights. The Commission and the European External Action Service shall monitor the fulfilment of this pre-condition throughout the lifecycle of the macro-financial assistance and will thereby pay utmost attention to the consideration by the authorities of the Republic of Moldova of the recommendations of relevant international partners (especially the Venice Commission and the OSCE/ODIHR).

Tuesday 4 July 2017

P8_TA(2017)0284

Disclosure of income tax information by certain undertakings and branches *I**

Amendments adopted by the European Parliament on 4 July 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches (COM(2016)0198 — C8-0146/2016 — 2016/0107(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 334/27)

Amendment 1**Proposal for a directive****Recital - 1 (new)**

Text proposed by the Commission

Amendment

- (-1) *Equality of tax treatment for all, and in particular for all undertakings, is a sine qua non for the single market. A coordinated and harmonised approach to the implementation of national tax systems is vital for the proper functioning of the single market, and would contribute to preventing tax avoidance and profit shifting.*

Amendment 2**Proposal for a directive****Recital - 1 a (new)**

Text proposed by the Commission

Amendment

- (-1a) *Tax avoidance and tax evasion, along with profit-shifting schemes, have deprived governments and populations of the resources necessary to, among other things, ensure that there is universal free access to public education and health services and state social services, and have deprived states of the possibility of ensuring a supply of affordable housing and public transport, and of building infrastructure that is essential in order to achieve social development and economic growth. In short, such schemes have been a factor of injustice, inequality and economic, social and territorial divergences.*

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committees responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0227/2017).

Tuesday 4 July 2017

Amendment 3
Proposal for a directive
Recital - 1 b (new)

Text proposed by the Commission

Amendment

- (-1b) ***A fair and effective corporate tax system should respond to the urgent need for a progressive and fair global tax policy, promote the redistribution of wealth and combat inequalities.***

Amendment 4
Proposal for a directive
Recital 1

Text proposed by the Commission

Amendment

- (1) In recent years, the challenge posed by corporate income tax avoidance has increased considerably and has become a major focus of concern within the Union and globally. The European Council in its conclusions of 18 December 2014 acknowledged the urgent need to advance efforts in the fight against tax avoidance both at global and Union level. The Commission in its communications entitled 'Commission Work Programme 2016 — No time for business as usual' ⁽¹⁶⁾ and 'Commission Work Programme 2015 — A New Start' ⁽¹⁷⁾ identified as a priority the need to move to a system whereby the country in which profits are generated is also the country of taxation. The Commission also identified as a priority the need to respond to ***our societies'*** call for ***fairness and tax*** transparency.

⁽¹⁶⁾ COM(2015)0610 final of 27 October 2015.

⁽¹⁷⁾ COM(2014)0910 final of 16 December 2014.

- (1) ***Transparency is essential for the smooth functioning of the Single Market.*** In recent years, the challenge posed by corporate income tax avoidance has increased considerably and has become a major focus of concern within the Union and globally. The European Council in its conclusions of 18 December 2014 acknowledged the urgent need to advance efforts in the fight against tax avoidance both at global and Union level. The Commission in its communications entitled 'Commission Work Programme 2016 — No time for business as usual' ⁽¹⁶⁾ and 'Commission Work Programme 2015 — A New Start' ⁽¹⁷⁾ identified as a priority the need to move to a system whereby the country in which profits are generated is also the country of taxation. The Commission also identified as a priority the need to respond to ***European citizens'*** call for transparency ***and the need to act as a reference model for other countries. It is essential that transparency takes into account reciprocity between competitors.***

⁽¹⁶⁾ COM(2015)0610 final of 27 October 2015.

⁽¹⁷⁾ COM(2014)0910 final of 16 December 2014.

Tuesday 4 July 2017

Amendment 5
Proposal for a directive
Recital 2

Text proposed by the Commission

- (2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union⁽¹⁸⁾ acknowledged that increased transparency in the area of corporate taxation can improve tax collection, make the work of tax authorities more efficient **and** ensure increased public trust and confidence in tax systems and governments.

⁽¹⁸⁾ 2015/2010(INL).

Amendment

- (2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union⁽¹⁸⁾ acknowledged that increased transparency, **cooperation and convergence** in the area of corporate taxation **policy in the Union** can improve tax collection, make the work of tax authorities more efficient, **support policy-makers in assessing the current taxation system to develop future legislation**, ensure increased public trust and confidence in tax systems and governments **and improve investment decision-making based on more accurate risk profiles of companies**.

⁽¹⁸⁾ 2015/2010(INL).

Amendment 6
Proposal for a directive
Recital 2 a (new)

*Text proposed by the Commission**Amendment*

- (2a) **Public country-by-country reporting is an efficient and appropriate tool to increase transparency in relation to the activities of multinational enterprises, and to enable the public to assess the impact of those activities on the real economy. It will also improve shareholders' ability to properly evaluate the risks taken by companies, lead to investment strategies based on accurate information and enhance the ability of decision-makers to assess the efficiency and the impact of national legislations.**

Tuesday 4 July 2017

Amendment 7
Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission

Amendment

- (2b) ***Country-by-country reporting will also have a positive impact on employees' rights to information and consultation as provided for in Directive 2002/14/EC and, by increasing knowledge on companies' activities, on the quality of engaged dialogue within companies.***

Amendment 8
Proposal for a directive
Recital 4

Text proposed by the Commission

Amendment

- (4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations of no or low taxation, where no real value creation may take place. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. On 27 January 2016, the Commission adopted the 'Anti-Tax Avoidance Package'. One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU ⁽²⁰⁾.

⁽²⁰⁾ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

- (4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations of no or low taxation, where no real value creation may take place. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. On 27 January 2016, the Commission adopted the 'Anti-Tax Avoidance Package'. One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU ⁽²⁰⁾. ***However, taxing profits where the value is created requires a more comprehensive approach to country-by-country reporting that is based on public reporting.***

⁽²⁰⁾ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

Tuesday 4 July 2017

Amendment 9
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) *The International Accounting Standards Board (IASB) should upgrade the relevant International Financial Reporting Standards (IFRS) and the International Accounting Standards (IAS) to ease the introduction of public country-by-country reporting requirements.*

Amendment 10
Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) *Public country-by-country reporting has already been established in the Union for the banking sector by Directive 2013/36/EU as well as for the extractive and logging industry by Directive 2013/34/EU.*

Amendment 11
Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

- (4c) *The Union has demonstrated by an unprecedented introduction of public country-by-country reporting that it has become a global leader in the fight against tax avoidance.*

Tuesday 4 July 2017

Amendment 12
Proposal for a directive
Recital 4 d (new)

Text proposed by the Commission

Amendment

- (4d) *Since the fight against tax evasion, tax avoidance and aggressive tax planning can only be successful with joint action on international level, it is imperative that the Union, while continuing to be a global leader in this struggle, coordinate its actions with international actors, for instance within the OECD framework. Unilateral actions, even if very ambitious, do not have a real chance of being successful, and, in addition, such actions put at risk the competitiveness of European companies and harm the Union's investment climate.*

Amendment 13
Proposal for a directive
Recital 4 e (new)

Text proposed by the Commission

Amendment

- (4e) *More transparency in financial disclosure results in a win-win situation as tax administrations will be more efficient, civil society more involved, employees better informed, and investors less risk-averse. In addition, undertakings will benefit from better relations with stakeholders, resulting in more stability, along with easier access to finance due to a clearer risk profile and an enhanced reputation.*

Tuesday 4 July 2017

Amendment 14
Proposal for a directive
Recital 5

Text proposed by the Commission

- (5) **Enhanced** public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

- (5) **In addition to the increased transparency created by country-by-country reporting to national tax authorities, enhanced** public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element **to promote corporate accountability, and** to further foster corporate **social** responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate, and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established. **Public scrutiny, however, has to be conducted without harming the investment climate in the Union or the competitiveness of Union companies, especially SMEs as defined in this Directive and mid-cap companies as defined in Regulation (EU) 2015/1017 ^(1a), which should be excluded from the reporting obligation established under this Directive.**

- ^(1a) 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 (OJ L 169, 1.7.2015, p. 1).

Amendment 15
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **The Commission has defined corporate social responsibility (CSR) as the responsibility of enterprises for their impact on society. CSR should be company led. Public authorities can play a supporting role through a smart mix of voluntary policy measures and, where necessary, complementary regulation. Companies can become socially responsible either by following the law or by integrating social, environmental, ethical, consumer or human rights concerns into their business strategy and operations, or both.**

Tuesday 4 July 2017

Amendment 16
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within the Union. **For groups which carry out activities within the Union only through subsidiary undertakings or branches, subsidiaries and branches should publish and make accessible the report of the ultimate parent undertaking. However for reasons of proportionality and effectiveness, the obligation to publish and make accessible the report should be limited to medium-sized or large subsidiaries established in the Union, or branches of a comparable size opened in a Member State. The scope of Directive 2013/34/EU should therefore be extended accordingly to branches opened in a Member State by an undertaking which is established outside the Union.**

Amendment

- (6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within **and outside** the Union. **Groups with establishments within the Union should comply with the Union principles of tax good governance. Multinational undertakings are operating worldwide and their corporate behaviour has a substantial impact on developing countries. Providing their citizens access to corporate country-by-country information would allow them and tax administrations in their countries to monitor, assess and hold those companies to account. By making the information public for each tax jurisdiction where the multinational undertaking is operating, the Union would increase its policy coherence for development and limit potential tax avoidance schemes in countries where domestic resources mobilization has been identified as a key component of the Union development policy.**

Amendment 17
Proposal for a directive
Recital 8

Text proposed by the Commission

- (8) The report on income tax information should provide information concerning all the activities of an undertaking or of all the affiliated undertakings of a group controlled by an ultimate parent undertaking. The information should **be based on** the reporting specifications of BEPS' Action 13 and should be limited to what is necessary to enable effective public scrutiny, in order to ensure that disclosure does not give rise to disproportionate risks or disadvantages. The report should also include a brief description of the nature of the activities. Such description might be based on the categorisation provided for in table 2 of the Annex III of Chapter V of the OECD 'Transfer Pricing Guidelines on Documentation'. The report should include an overall narrative providing explanations in case of material discrepancies at group level between the amounts of taxes accrued and the amounts of taxes paid, taking into account corresponding amounts concerning previous financial years.

Amendment

- (8) The report on income tax information should provide information concerning all the activities of an undertaking or of all the affiliated undertakings of a group controlled by an ultimate parent undertaking. The information should **take into account** the reporting specifications of BEPS' Action 13 and should be limited to what is necessary to enable effective public scrutiny, in order to ensure that disclosure does not give rise to disproportionate risks or disadvantages, **in terms of competitiveness or misinterpretation for the undertakings concerned.** The report should also include a brief description of the nature of the activities. Such description might be based on the categorisation provided for in table 2 of the Annex III of Chapter V of the OECD 'Transfer Pricing Guidelines on Documentation'. The report should include an overall narrative providing explanations, **including** in case of material discrepancies at group level between the amounts of taxes accrued and the amounts of taxes paid, taking into account corresponding amounts concerning previous financial years.

Tuesday 4 July 2017

Amendment 18
Proposal for a directive
Recital 9

Text proposed by the Commission

- (9) In order to ensure a level of detail that enables citizens to better assess the contribution of multinational undertakings to welfare in each **Member State**, the information should be broken down by **Member State**. **Moreover, information concerning the operations of multinational enterprises should also be shown with a high level of detail as regards certain tax jurisdictions which pose particular challenges. For all other third country operations, the information should be given in an aggregate number.**

Amendment

- (9) In order to ensure a level of detail that enables citizens to better assess the contribution of multinational undertakings to welfare in each **jurisdiction in which they operate, both within and outside the Union, without harming the undertakings' competitiveness**, the information should be broken down by **jurisdiction**. **Reports on income tax information can only be meaningfully understood and used if information is presented in a disaggregated fashion for each tax jurisdiction.**

Amendment 82
Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) **When the information to be disclosed could be considered commercially sensitive information by the undertaking, the latter should be able to request authorisation from the competent authority where it is established not to disclose the full extent of information. In cases in which the national competent authority is not a tax authority, the competent tax authority should be involved in the decision.**

Amendment 19
Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

- (11) To ensure that cases of non-compliance are disclosed to the public, statutory auditor(s) or audit firm(s) should check whether the report on income tax information has been submitted and presented in accordance with the requirements of this Directive and made accessible on the relevant undertaking's website or on the website of an affiliated undertaking.

- (11) To ensure that cases of non-compliance are disclosed to the public, statutory auditor(s) or audit firm(s) should check whether the report on income tax information has been submitted and presented in accordance with the requirements of this Directive and made accessible on the relevant undertaking's website or on the website of an affiliated undertaking, **and that publicly-disclosed information is in line with the audited financial information for the undertaking within the time limits provided for in this Directive.**

Tuesday 4 July 2017

Amendment 20
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

- (11a) *Cases of infringements by undertakings and branches of the requirements on reporting on income tax information, giving rise to penalties by Member States, under Directive 2013/34/EU, should be reported in a public registry managed by the Commission. Those penalties could include, inter alia, administrative fines or exclusions from public calls for tenders and from the awarding of funding from the Union's structural funds.*

Amendment 21
Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

- (13) *In order to determine certain tax jurisdictions for which a high level of detail should be shown, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of drawing up a common Union list of these tax jurisdictions. This list should be drawn up on the basis of certain criteria, identified on the basis of Annex 1 of the Communication from the Commission to the European Parliament and Council on an External Strategy for Effective Taxation (COM(2016) 24 final). It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making as approved by the European Parliament, the Council and the Commission and pending formal signature. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

deleted

Tuesday 4 July 2017

Amendment 22
Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) ***In order to ensure uniform conditions for the implementation of Article 48b(1), (3), (4) and (6) and Article 48c(5) of Directive 2013/34/EU, implementing powers should also 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 ^(1a).***

^(1a) ***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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).***

Amendment 23
Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(14) Since the objective of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of its effect, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(14) Since the objective of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of its effect, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. ***Union action is thus justified in order to address the cross-border dimension where there is aggressive tax planning or transfer pricing arrangements. This initiative responds to the concerns expressed by the interested parties about the need to tackle distortions in the single market without compromising Union competitiveness. It should not cause undue administrative burden on companies, generate further tax conflicts or pose the risk of double taxation.*** In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective, ***at least with regard to greater transparency.***

Tuesday 4 July 2017

Amendment 24
Proposal for a directive
Recital 15

Text proposed by the Commission

- (15) This Directive **respects** the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

Amendment

- (15) **Overall, within the framework of this Directive, the extent of the information disclosed is proportionate to the objectives of increasing public transparency and public scrutiny.** This Directive **is therefore considered to respect** the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

Amendment 25
Proposal for a directive
Recital 16

Text proposed by the Commission

- (16) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽²⁴⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

⁽²⁴⁾ OJ C 369, 17.12.2011, p. 14.

Amendment

- (16) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽²⁴⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments, **for example in the form of a comparative chart.** With regard to this Directive, the legislator considers the transmission of such documents to be justified **to achieve the objective of this Directive and to avoid potential omissions and inconsistencies regarding implementation by the Member States under their national legislation.**

⁽²⁴⁾ OJ C 369, 17.12.2011, p. 14.

Tuesday 4 July 2017

Amendment 26**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 1 — subparagraph 1

Text proposed by the Commission

Member States shall require ultimate parent undertakings governed by their national laws and having a consolidated net turnover exceeding EUR 750 000 000 as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR 750 000 000 to draw up and **publish** a report on income tax information on an annual basis.

Amendment

Member States shall require ultimate parent undertakings governed by their national laws and having a consolidated turnover **of or** exceeding EUR 750 000 000 as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover **of or** exceeding EUR 750 000 000 to draw up and **make publicly available free of charge** a report on income tax information on an annual basis.

Amendment 27**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 1 — subparagraph 2

Text proposed by the Commission

The report on income tax information shall be made accessible to the public on the website of the undertaking on the date of its publication.

Amendment

The report on income tax information shall be **published in a common template available free of charge in an open data format and** made accessible to the public on the website of the undertaking on the date of its publication **in at least one of the official languages of the Union. On the same date, the undertaking shall also file the report in a public registry managed by the Commission.**

Member States shall not apply the rules set out in this paragraph where such undertakings are established only within the territory of a single Member State and in no other tax jurisdiction.

Tuesday 4 July 2017

Amendment 28**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 3 — subparagraph 1

Text proposed by the Commission

Member States shall require **the medium-sized and large** subsidiary undertakings **referred to in Article 3(3) and (4)** which are governed by their national laws and controlled by an ultimate parent undertaking which has a consolidated net turnover exceeding EUR 750 000 000 and which is not governed by the law of a Member State, to publish the report on income tax information of that ultimate parent undertaking on an annual basis.

Amendment

Member States shall require subsidiary undertakings which are governed by their national laws and controlled by an ultimate parent undertaking which **on its balance sheet in a financial year** has a consolidated net turnover **of or** exceeding EUR 750 000 000 and which is not governed by the law of a Member State, to publish the report on income tax information of that ultimate parent undertaking on an annual basis.

Amendment 29**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 3 — subparagraph 2

Text proposed by the Commission

The report on income tax information shall be made accessible to the public on the date of its publication on the website of the subsidiary undertaking or on the website of an affiliated undertaking.

Amendment

The report on income tax information shall be **published in a common template available free of charge in an open data format and** made accessible to the public on the date of its publication on the website of the subsidiary undertaking or on the website of an affiliated undertaking **in at least one of the official languages of the Union. On the same date, the undertaking shall also file the report in a public registry managed by the Commission.**

Amendment 30**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 4 — subparagraph 1

Text proposed by the Commission

Member States shall require branches which are opened in their territories by an undertaking which is not governed by the law of a Member State to publish on an annual basis the report on income tax information of the ultimate parent undertaking referred to in point (a) of paragraph 5 of this Article.

Amendment

Member States shall require branches which are opened in their territories by an undertaking which is not governed by the law of a Member State to publish **and make publicly available free of charge** on an annual basis the report on income tax information of the ultimate parent undertaking referred to in point (a) of paragraph 5 of this Article.

Tuesday 4 July 2017

Amendment 31**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 4 — subparagraph 2

Text proposed by the Commission

The report on income tax information shall be made accessible to the public on the date of its publication on the website of the branch or on the website of an affiliated undertaking.

Amendment

The report on income tax information shall be **published in a common template available in an open data format and** made accessible to the public on the date of its publication on the website of the branch or on the website of an affiliated undertaking **in at least one of the official languages of the Union. On the same date, the undertaking shall also file the report in a public registry managed by the Commission.**

Amendment 32**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 5 — point a

Text proposed by the Commission

(a) the undertaking which opened the branch is either an affiliated undertaking of a group which is controlled by an ultimate parent undertaking not governed by the law of a Member State and which has a consolidated net turnover exceeding EUR 750 000 000 or an undertaking that is not an affiliated and which has a net turnover exceeding EUR 750 000 000;

Amendment

(a) the undertaking which opened the branch is either an affiliated undertaking of a group which is controlled by an ultimate parent undertaking not governed by the law of a Member State and which **on its balance sheet** has a consolidated net turnover **of or** exceeding EUR 750 000 000, or an undertaking that is not an affiliated and which has a net turnover **of or** exceeding EUR 750 000 000;

Amendment 33**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 5 — point b

Text proposed by the Commission

(b) the ultimate parent undertaking referred to in point (a) does not have a medium-sized or large subsidiary undertaking as referred to in paragraph 3.

Amendment

(b) the ultimate parent undertaking referred to in point (a) does not have a medium-sized or large subsidiary undertaking as referred to in paragraph 3 **already subject to the reporting obligations.**

Tuesday 4 July 2017

Amendment 34**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48b — paragraph 7 a (new)

*Text proposed by the Commission**Amendment*

7a. For Member States which have not adopted the euro, the amount in national currency equivalent to the amount set out in paragraphs 1, 3 and 5 shall be obtained by applying the exchange rate published in the Official Journal of the European Union and that is effective as of the date of the entry into force of this Chapter.

Amendment 35**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — introductory part

*Text proposed by the Commission**Amendment*

2. The information referred to in paragraph 1 shall comprise the following:

2. The information referred to in paragraph 1 shall **be presented in a common template and** shall comprise the following, **broken down by tax jurisdiction:**

Amendment 36**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point a

*Text proposed by the Commission**Amendment*

(a) a brief description of the nature of **the** activities;

(a) **the name of the ultimate undertaking and, where applicable, the list of all its subsidiaries,** a brief description of the nature of **their** activities **and their respective geographical location;**

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Amendment 37**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point b

Text proposed by the Commission

(b) the number of employees;

Amendment(b) the number of employees **on a full-time equivalent basis**;**Amendment 38****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point b a (new)

Text proposed by the Commission

Amendment
(ba) **fixed assets other than cash or cash equivalents**;**Amendment 39****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point c

Text proposed by the Commission(c) the amount of the net turnover, **which includes** the turnover made with related parties;

Amendment(c) the amount of the net turnover, **including a distinction between** the turnover made with related parties **and the turnover made with unrelated parties**;**Amendment 40****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point g a (new)

Text proposed by the Commission

Amendment
(ga) **stated capital**;

Tuesday 4 July 2017

Amendment 65**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point g b (new)

Text proposed by the Commission

Amendment

(gb) details of public subsidies received and any donations made to politicians, political organisations or political foundations;

Amendment 41**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 2 — point g c (new)

Text proposed by the Commission

Amendment

(gc) whether undertakings, subsidiaries or branches benefit from preferential tax treatment, from a patent box or equivalent regimes.

Amendment 42**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 1

Text proposed by the Commission

Amendment

The report shall present the information referred to in paragraph 2 separately for each Member State. Where a Member State comprises several tax jurisdictions, the information shall be **combined at Member State level**.

The report shall present the information referred to in paragraph 2 separately for each Member State. Where a Member State comprises several tax jurisdictions, the information shall be **presented separately for each tax jurisdiction**.

Tuesday 4 July 2017

Amendment 43**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 2

Text proposed by the Commission

The report shall also present the information referred to in paragraph 2 of this Article separately for each tax jurisdiction ***which, at the end of the previous financial year, is listed in the common Union list of certain tax jurisdictions drawn up pursuant to Article 48 g, unless the report explicitly confirms, subject to the responsibility referred to in Article 48e below, that the affiliated undertakings of a group governed by the laws of such tax jurisdiction do not engage directly in transactions with any affiliated undertaking of the same group governed by the laws of any Member State.***

Amendment

The report shall also present the information referred to in paragraph 2 of this Article separately for each tax jurisdiction ***outside the*** Union.

Amendment 44**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3

Text proposed by the Commission

The report shall present the information referred to in paragraph 2 on an aggregated basis for other tax jurisdictions.

Amendment

deleted

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Amendment 83**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3 a (new)

Text proposed by the Commission

Amendment

In order to protect commercially sensitive information and to ensure fair competition, Member States may allow one or more specific items of information listed in this Article to be temporarily omitted from the report as regards activities in one or more specific tax jurisdictions when they are of a nature such that their disclosure would be seriously prejudicial to the commercial position of the undertakings referred to in Article 48b(1) and Article 48b(3) to which it relates. The omission shall not prevent a fair and balanced understanding of the tax position of the undertaking. The omission shall be indicated in the report together with a duly justified explanation for each tax jurisdiction as to why this is the case and with a reference to the tax jurisdiction or tax jurisdictions concerned.

Amendment 69/rev**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3 b (new)

Text proposed by the Commission

Amendment

Member States shall make such omissions subject to prior authorisation of the national competent authority. The undertaking shall seek each year a new authorisation from the competent authority, which will take a decision on the basis of a new assessment of the situation. Where the information omitted no longer complies with the requirement laid down in subparagraph 3a, it shall immediately be made publicly available. As from the end of the non-disclosure period, the undertaking shall also retroactively disclose, in the form of an arithmetic average, the information required under this Article for the preceding years covered by the non-disclosure period.

Tuesday 4 July 2017

Amendment 47**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3 c (new)

Text proposed by the Commission

Amendment

Members States shall notify the Commission of the granting of such a temporary derogation and shall transmit to it, in a confidential manner, the omitted information together with a detailed explanation for the derogation granted. Every year, the Commission shall publish on its website the notifications received from Member States and the explanations provided in accordance with subparagraph 3a.

Amendment 48**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3 d (new)

Text proposed by the Commission

Amendment

The Commission shall verify that the requirement laid down in subparagraph 3a is duly respected, and shall monitor the use of such a temporary derogation authorised by national authorities.

Amendment 70/rev**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3 e (new)

Text proposed by the Commission

Amendment

If the Commission concludes, after having carried out its assessment of the information received pursuant to subparagraph 3c, that the requirement laid down in subparagraph 3a is not fulfilled, the undertaking concerned shall immediately make the information publicly available. As from the end of the non-disclosure period, the undertaking shall also retroactively disclose, in the form of an arithmetic average, the information required under this Article for the preceding years covered by the non-disclosure period.

Tuesday 4 July 2017

Amendment 50

Proposal for a directive

Article 1 — paragraph 1 — point 2

Directive 2013/34/EU

Article 48c — paragraph 3 — subparagraph 3 f (new)

Text proposed by the Commission

Amendment

The Commission shall, by means of a delegated act, adopt guidelines to assist Member States defining cases where the publication of information shall be considered seriously prejudicial to the commercial position of the undertakings to which it relates.

Amendment 51

Proposal for a directive

Article 1 — paragraph 1 — point 2

Directive 2013/34/EU

Article 48c — paragraph 5

Text proposed by the Commission

Amendment

5. The report on income tax information shall be published and made accessible on the website in at least one of the official languages of the Union.

5. The report on income tax information shall be published ***in a common template available free of charge in an open data format*** and made accessible ***to the public on the date of its publication*** on the website ***of the subsidiary undertaking or on the website of an affiliated undertaking*** in at least one of the official languages of the Union. ***On the same date, the undertaking shall also file the report in a public registry managed by the Commission.***

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Amendment 52**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48e — paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the members of the administrative, management and supervisory bodies of the ultimate parent undertaking referred to in Article 48b(1), acting within the competences assigned to them under national law, have collective responsibility for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Amendment

1. ***To strengthen accountability towards third parties and ensure appropriate governance***, Member States shall ensure that the members of the administrative, management and supervisory bodies of the ultimate parent undertaking referred to in Article 48b(1), acting within the competences assigned to them under national law, have collective responsibility for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Amendment 53**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48 g

*Text proposed by the Commission***Article 48 g***Amendment***deleted*****Common Union list of certain tax jurisdictions***

The Commission shall be empowered to adopt delegated acts in accordance with Article 49 in relation to drawing up a common Union list of certain tax jurisdictions. That list shall be based on the assessment of the tax jurisdictions, which do not comply with the following criteria:

(1) ***Transparency and exchange of information, including information exchange on request and Automatic Exchange of Information of financial account information;***

(2) ***Fair tax competition;***

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Text proposed by the Commission

Amendment

(3) *Standards set up by the G20 and/or the OECD;*(4) *Other relevant standards, including international standards set up by the Financial Action Task Force.**The Commission shall regularly review the list and, where appropriate, amend it to take account of new circumstances.***Amendment 54****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2013/34/EU

Article 48i — paragraph 1

Text proposed by the Commission

The Commission shall report on the compliance with and the impact of the reporting obligations set out in Articles 48a to 48f. The report shall include an evaluation of whether the report on income tax information delivers appropriate and proportionate results, taking into account the need to ensure a sufficient level of transparency and the need **for** a competitive environment for undertakings.

Amendment

The Commission shall report on the compliance with and the impact of the reporting obligations set out in Articles 48a to 48f. The report shall include an evaluation of whether the report on income tax information delivers appropriate and proportionate results, **and shall assess the costs and benefits of lowering the consolidated net turnover threshold beyond which undertakings and branches are required to report on income tax information. The report shall, in addition, evaluate any necessity to take further complementary measures,** taking into account the need to ensure a sufficient level of transparency and the need **to preserve and ensure** a competitive environment for undertakings **and private investment.**

Amendment 55**Proposal for a directive****Article 1 — paragraph 1 — point 2 a (new)**

Directive 2013/34/EU

Article 48i a (new)

Text proposed by the Commission

Amendment

(2a) the following article is inserted:**‘Article 48ia**

No later than 4 years after the adoption of this Directive and taking into account the situation at OECD level, the Commission shall review, assess and report on the provisions of this Chapter, in particular as regards:

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Text proposed by the Commission

Amendment

- *undertakings and branches required to report on income tax information, particularly whether it would be appropriate to enlarge the scope of this Chapter to include large undertakings as defined in Article 3(4) and large groups as defined in Article 3(7) of this Directive;*
- *the content of the report on income tax information as provided for in Article 48c;*
- *the temporary derogation provided for in subparagraphs 3a to 3f of Article 48c(3).*

The Commission shall submit the report to the European Parliament and to the Council, together with a legislative proposal, if appropriate.'

Amendment 56

Proposal for a directive

Article 1 — paragraph 1 — point 2 b (new)

Directive 2013/34/EU

Article 48i b (new)

Text proposed by the Commission

Amendment

(2b) the following article is inserted:

'Article 48ib

Common template for the report

The Commission shall, by means of implementing acts, lay down the common template to which Article 48b(1), (3), (4) and (6) and Article 48c(5) refer. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(2).'

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Amendment 57

Proposal for a directive

Article 1 — paragraph 1 — point 3 — point b

Directive 2013/34/EU

Article 49 — paragraph 3 a

Text proposed by the Commission

(3a) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of [date].'

Amendment

(3a) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making (*), **taking particular account of the provisions of the Treaties and the Charter of Fundamental Rights of the European Union.**

(*) OJ L 123, 12.5.2016, p. 1.'

Amendment 58

Proposal for a directive

Article 1 — paragraph 1 — point 3 a (new)

Directive 2013/34/EU

Article 51 — paragraph 1

Present text

'Member States shall **provide for** penalties applicable to infringements of the national provisions adopted in accordance with this Directive and shall take all the measures necessary to ensure that **those penalties are enforced**. The penalties provided for shall be effective, proportionate and dissuasive.'

Amendment

(3a) in Article 51, paragraph 1 is replaced by the following:

'Member States shall **lay down rules on** penalties applicable to infringements of the national provisions adopted in accordance with this Directive and shall take all the measures necessary to ensure that **they are implemented**. The penalties provided for shall be effective, proportionate and dissuasive.'

Member States shall at least provide for administrative measures and penalties for the infringement by undertakings of national provisions adopted in accordance with this Directive.

Member States shall notify the Commission of those provisions at the latest by ... [please insert the date of one year after entry into force] and shall notify it without delay of any subsequent amendment affecting the provisions.

By ... [three years after the entry into force of this Directive] the Commission shall compile a list of the measures and penalties laid down by each Member State in accordance with this Directive.'

Tuesday 4 July 2017

P8_TA(2017)0285

Introduction of temporary autonomous trade measures for Ukraine *I**

European Parliament legislative resolution of 4 July 2017 on the proposal for a regulation of the European Parliament and of the Council on the introduction of temporary autonomous trade measures for Ukraine supplementing the trade concessions available under the Association Agreement (COM(2016)0631 — C8-0392/2016 — 2016/0308(COD))

(Ordinary legislative procedure: first reading)

(2018/C 334/28)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0631),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0392/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 29 June 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 International Trade and the opinion of the Committee on Agriculture and Rural Development (A8-0193/2017),
1. Adopts its position at first reading hereinafter set out ⁽¹⁾;
 2. Takes note of the statement by the Commission annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0308

Position of the European Parliament adopted at first reading on 4 July 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council on the introduction of temporary autonomous trade measures for Ukraine supplementing the trade concessions available under the Association Agreement

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1566.)

⁽¹⁾ This position replaces the amendments adopted on 1 June 2017 (Texts adopted P8_TA(2017)0236).

Tuesday 4 July 2017

ANNEX TO THE LEGISLATIVE RESOLUTION

Commission Statement related to Article 3 of the Regulation on the temporary autonomous trade measures (ATMs) for Ukraine

The Commission notes that should it be impossible to implement the suspension of preferential arrangements before full utilisation of the annual zero-tariff rate quotas for agricultural products, the Commission shall endeavour proposing a reduction or suspension of these concessions in the following years.

Tuesday 4 July 2017

P8_TA(2017)0286

Draft amending budget n° 2 to the General budget 2017 entering the surplus of the financial year 2016**European Parliament resolution of 4 July 2017 on the Council position on Draft amending budget No 2/2017 of the European Union for the financial year 2017: Entering the surplus of the financial year 2016 (09437/2017 — C8-0190/2017 — 2017/2061(BUD))**

(2018/C 334/29)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
 - having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾, and in particular Article 41 thereof,
 - having regard to the general budget of the European Union for the financial year 2017, as definitively adopted on 1 December 2016 ⁽²⁾,
 - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ⁽³⁾,
 - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁴⁾,
 - having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ⁽⁵⁾,
 - having regard to Draft amending budget No 2/2017, which the Commission adopted on 12 April 2017 (COM(2017)0188),
 - having regard to the position on Draft amending budget No 2/2017 which the Council adopted on 8 June 2017 and forwarded to Parliament on 9 June 2017 (09437/2017 — C8-0190/2017),
 - having regard to Rules 88 and 91 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A8-0229/2017),
- A. whereas Draft amending budget No 2/2017 aims to enter in the 2017 budget the surplus from the 2016 financial year, amounting to EUR 6 405 million;
- B. whereas the main components of that surplus are a positive outturn on income of EUR 1 688 million, an under-spending in expenditure of EUR 4 889 million, and exchange rate differences amounting to EUR — 173 million;
- C. whereas on the income side, the two main components are interest on late payments and fines (EUR 3 052 million) and a negative outturn on own resources (EUR 1 511 million);

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.⁽²⁾ OJ L 51, 28.2.2017, p. 1.⁽³⁾ OJ L 347, 20.12.2013, p. 884.⁽⁴⁾ OJ C 373, 20.12.2013, p. 1.⁽⁵⁾ OJ L 168, 7.6.2014, p. 105.

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D. whereas on the expenditure side, under-implementation reaches EUR 4 825 million for 2016 and EUR 28 million for 2015 carryovers under Section III (Commission), and EUR 35 million for other institutions;

1. Takes note of Draft amending budget No 2/2017, as submitted by the Commission, which is devoted solely to the budgeting of the 2016 surplus of EUR 6 405 million, in accordance with Article 18 of the Financial Regulation, and of the Council's position thereon;

2. Notes with considerable concern the significant under-implementation of EUR 4 889 million in 2016, despite the fact that Amending budget No 4/2016 had already reduced the level of payment appropriations by EUR 7 284,3 million; points out that the very low implementation of payment appropriations in the area of cohesion (Heading 1b) is partially due to inaccurate forecasts by Member States and to delays in the designation of managing and certifying authorities at national level;

3. Draws attention to the negative impact of the depreciation of the British Pound against the Euro, which is the main cause of the shortfall in revenues of EUR 1 511 million under own resources; notes that that shortfall could have created severe problems for the financing of the Union budget; remarks that that shortfall in revenues is due to the unilateral British decision to leave the Union, but that the correction has to be borne by the Union as a whole; insists that those costs should be considered when negotiating the settlement of financial obligations between the UK and the Union;

4. Notes in particular the relatively high level of fines in 2016, which totalled EUR 4 159 million, of which EUR 2 861 million are counted in the 2016 surplus;

5. Insists that, instead of adjusting the GNI contribution, the Union budget should be enabled to reuse any surplus resulting from under-implementation of appropriations or from fines imposed on companies for breaching Union competition law in order to deal with the financing needs of the Union;

6. Observes that the adoption of Draft amending budget No 2/2017 will reduce the share of GNI contributions from Member States to the Union budget in 2017 by EUR 6 405 million; once more, urges Member States to use the opportunity of such a reflow to honour their pledges in relation to the refugee crisis and to match the Union contribution to Union trust funds and to the new European Fund for Sustainable Development ⁽¹⁾;

7. Calls on Union institutions to swiftly process the pending and upcoming draft amending budgets for the Youth Employment Initiative and for the European Fund for Sustainable Development, in line with the commitments taken as part of the outcome of the conciliation on the 2017 budget;

8. Regrets in the context of this Draft amending budget that the adoption of the mid-term revision of the Multiannual Financial Framework (MFF) was blocked in the Council for several months; is relieved that the British government kept its word and lifted its blockade on the MFF revision swiftly after the General elections in the UK; hopes that the reflow of financial resources to Member States will ease the upcoming negotiations on the settlement of financial obligations between the UK and the Union;

9. Approves the Council position on Draft amending budget No 2/2017;

10. Instructs its President to declare that Amending budget No 2/2017 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;

11. Instructs its President to forward this resolution to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

⁽¹⁾ Proposal for a regulation of the European Parliament and of the Council on the European Fund for Sustainable Development and establishing the EFSD Guarantee and the EFSD Guarantee Fund (COM(2016)0586 final).

Wednesday 5 July 2017

P8_TA(2017)0291

Non-objection to a delegated act: European order for payment procedure

European Parliament decision to raise no objections to the Commission delegated regulation of 19 June 2017 replacing Annex I to Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure (C(2017)03984 — 2017/2747(DEA))

(2018/C 334/30)

The European Parliament,

- having regard to the Commission delegated regulation (C(2017)03984),
 - having regard to the Commission's letter of 19 June 2017 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Legal Affairs to the Chair of the Conference of Committee Chairs of 22 June 2017,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure⁽¹⁾, as amended by Regulation (EU) 2015/2421 of the European Parliament and of the Council⁽²⁾, and in particular Articles 30 and 31(5) thereof,
 - having regard to the recommendation for a decision of the Committee on Legal Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 4 July 2017,
- A. whereas the annexes to Regulation (EC) No 1896/2006 set out the forms to be used to facilitate its application;
- B. whereas Regulation (EC) No 1896/2006 was amended by Regulation (EU) 2015/2421, which will apply from 14 July 2017; whereas the changes made to the European order for payment procedure should be reflected in Annex I to Regulation (EC) No 1896/2006;
- C. whereas it is necessary to replace Annex I to Regulation (EC) No 1896/2006 and whereas the new Annex I should apply at the same time as Regulation (EU) 2015/2421;
- D. whereas the amendments to Regulation (EC) No 1896/2006 will start to apply on 14 July 2017, and the delegated regulation should therefore enter into force on 14 July 2017;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 399, 30.12.2006, p. 1.

⁽²⁾ OJ L 341, 24.12.2015, p. 1.

Wednesday 5 July 2017

P8_TA(2017)0292

Non-objection to a delegated act: European Small Claims Procedure

European Parliament decision to raise no objections to the Commission delegated regulation of 19 June 2017 replacing Annexes I, II, III and IV to Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure (C(2017)03982 — 2017/2748(DEA))

(2018/C 334/31)

The European Parliament,

- having regard to the Commission delegated regulation (C(2017)03982),
 - having regard to the Commission's letter of 19 June 2017 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Legal Affairs to the Chair of the Conference of Committee Chairs of 22 June 2017,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure⁽¹⁾, as amended by Regulation (EU) 2015/2421 of the European Parliament and of the Council⁽²⁾, and in particular Articles 26 and 27(5) thereof,
 - having regard to the recommendation for a decision of the Committee on Legal Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 4 July 2017,
- A. whereas the annexes to Regulation (EC) No 861/2007 set out the forms to be used to facilitate its application;
- B. whereas Regulation (EC) No 861/2007 was amended by Regulation (EU) 2015/2421, which will apply from 14 July 2017; whereas the changes made to the European Small Claims Procedure should be reflected in the above-mentioned forms in the annexes;
- C. whereas it is necessary to replace Annexes I to IV to Regulation (EC) No 861/2007 and whereas the new Annexes I to IV should apply at the same time as Regulation (EU) 2015/2421;
- D. whereas the amendments to Regulation (EC) No 861/2007 will start to apply on 14 July 2017, and the delegated regulation should therefore enter into force on 14 July 2017;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 199, 31.7.2007, p. 1.

⁽²⁾ OJ L 341, 24.12.2015, p. 1.

Wednesday 5 July 2017

P8_TA(2017)0294

Agreement to amend the Montreal Protocol on substances that deplete the ozone layer, adopted in Kigali ***

European Parliament legislative resolution of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer (07725/2017 — C8-0157/2017 — 2017/0016(NLE))

(Consent)

(2018/C 334/32)

The European Parliament,

- having regard to the draft Council decision (07725/2017),
 - having regard to the Kigali amendment to the Montreal Protocol, adopted at the twenty-eighth meeting of the Parties to the Montreal Protocol, held in Kigali, Rwanda in October 2016,
 - having regard to the request for consent submitted by the Council in accordance with Article 192(1) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C8-0157/2017),
 - having regard to Rule 99(1) and (4), and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on the Environment, Public Health and Food Safety (A8-0237/2017),
1. Gives its consent to conclusion of the amendment;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.
-

Wednesday 5 July 2017

P8_TA(2017)0295

Convention on long range transboundary air pollution to abate acidification, eutrophication and ground-level ozone.***

European Parliament legislative resolution of 5 July 2017 on the draft Council decision on the acceptance on behalf of the European Union of an Amendment to the 1999 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone (07524/2017 — C8-0143/2017 — 2013/0448(NLE))

(Consent)

(2018/C 334/33)

The European Parliament,

- having regard to the draft Council decision (07524/2017),
 - having regard to the Amendment of the text of and Annexes II to IX to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone and the addition of new Annexes X and XI (07524/2017),
 - having regard to the request for consent submitted by the Council in accordance with Article 192(1) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0143/2017),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on the Environment, Public Health and Food Safety (A8-0241/2017),
1. Gives its consent to the acceptance of an amendment of the protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.
-

Wednesday 5 July 2017

P8_TA(2017)0296

Conclusion of the EU-Cuba Political Dialogue and Cooperation Agreement (Consent) ***

European Parliament legislative resolution of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the Union, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part (12502/2016 — C8-0517/2016 — 2016/0298(NLE))

(Consent)

(2018/C 334/34)

The European Parliament,

- having regard to the draft Council decision (12502/2016),
 - having regard to the draft Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part (12504/2016),
 - having regard to the request for consent submitted by the Council in accordance with Articles 207 and 209 and Article 218(6), second subparagraph, point (a), and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (C8-0517/2016),
 - having regard to its non-legislative resolution of 5 July 2017. ⁽¹⁾ on the draft Council decision,
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on International Trade (A8-0232/2017),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Cuba.

⁽¹⁾ Texts adopted of that date, P8_TA(2017)0297.

Wednesday 5 July 2017

P8_TA(2017)0298

Memorandum of Understanding between the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice and Eurojust *

European Parliament legislative resolution of 5 July 2017 on the draft Council implementing decision approving the conclusion by Eurojust of the Memorandum of Understanding between the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice and Eurojust (07536/2017 — C8-0136/2017 — 2017/0804(CNS))

(Consultation)

(2018/C 334/35)

The European Parliament,

- having regard to the Council draft (07536/2017),
 - having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0136/2017),
 - having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime ⁽¹⁾, and in particular Article 26(2) thereof,
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0215/2017),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ L 63, 6.3.2002, p. 1.

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P8_TA(2017)0299

Fight against fraud to the Union's financial interests by means of criminal law *II**

European Parliament legislative resolution of 5 July 2017 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law (06182/1/2017 — C8-0150/2017 — 2012/0193(COD))

(Ordinary legislative procedure: second reading)

(2018/C 334/36)

The European Parliament,

- having regard to the Council position at first reading (06182/1/2017 — C8-0150/2017),
 - having regard to its position at first reading⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2012)0363),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 67a of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs under Rule 55 of the Rules of Procedure
 - having regard to the recommendation for second reading of the Committee on Budgetary Control and Committee on Civil Liberties, Justice and Home Affairs (A8-0230/2017),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and national parliaments.

⁽¹⁾ Texts adopted of 16.4.2014, P7_TA(2014)0427.

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P8_TA(2017)0300

Union legal framework for customs infringements and sanctions *I**

European Parliament legislative resolution of 5 July 2017 on the proposal for a directive of the European Parliament and of the Council on the Union legal framework for customs infringements and sanctions (COM(2013)0884 — C8-0033/2014 — 2013/0432(COD))

(Ordinary legislative procedure: first reading)

(2018/C 334/37)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0884),
 - having regard to Article 294(2) and Article 33 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0033/2014),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Articles 33 and 114 of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 21 September 2016 ⁽¹⁾,
 - having regard to Rules 59 and 39 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on International Trade (A8-0239/2016),
1. Adopts as its position at first reading the text adopted on 25 October 2016 ⁽²⁾;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2013)0432

Position of the European Parliament adopted at first reading on 5 July 2017 with a view to the adoption of Directive (EU) 2017/... of the European Parliament and of the Council on the Union legal framework for customs infringements and sanctions

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular ~~Article~~ **Articles 33 and 114** thereof, [**Am. 1**]

⁽¹⁾ OJ C 487, 28.12.2016, p. 57.

⁽²⁾ Texts adopted, P8_TA(2016)0400.

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Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Provisions in the field of the customs union are harmonised by Union law. However, their enforcement lies within the scope of Member States' national law.
- (1a) ***This Directive should comply with Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽³⁾ ('the Code'). [Am. 2]***
- (2) ~~Consequently,~~ Customs infringements and sanctions follow 28 different sets of legal rules. As a result of that, a breach of Union customs legislation is not treated the same way throughout the Union and the sanctions that may be imposed in each case differ in nature and severity depending on the Member State that is imposing the sanction, ***leading to possible losses of revenue for the Member States and to trade distortions.*** [Am. 3]
- (3) That disparity of Member States' legal systems ***not only adversely*** affects ~~not only~~ the optimal management of the customs union ***and the transparency necessary to ensure the proper functioning of the internal market as regards ways in which infringements are handled by the different customs authorities,*** but also prevents ~~that the achievement of~~ a level playing field ~~is achieved~~ for economic operators in the customs union, ***who are already subject to different sets of rules across the Union,*** because it has an impact on their access to customs simplifications and facilitations. [Am. 4]
- (4) The Code has been conceived for a multinational electronic environment where there is real time communication between customs authorities and where a decision taken by a Member State is applied in all the other Member States. That legal framework therefore requires a harmonised enforcement. The Code also includes a provision requiring Member States to provide for effective, dissuasive and proportionate sanctions.
- (5) The legal framework for the enforcement of Union customs legislation provided for in this Directive is consistent with the legislation in force regarding the safeguarding of the financial interests of the Union, and in particular Directive (EU) 2017/... of the European Parliament and of the Council ⁽⁴⁾. The customs infringements covered by the framework established by this Directive include customs infringements that have an impact on those financial interests while not falling under the scope of the legislation safeguarding them by means of criminal law, and customs infringements that do not have an impact on the financial interests of the Union at all.
- (6) A list of behaviour which should be considered as infringing Union customs legislation and give rise to sanctions should be established ***by this Directive.*** Those customs infringements should be fully based on the obligations stemming from the customs legislation with direct references to the Code. This Directive ~~does not determine whether~~ should ***provide that*** Member States are to apply ~~administrative or criminal law~~ ***non-criminal*** sanctions in respect of those customs infringements. ***It should also be possible for Member States to provide for the imposition of criminal sanctions, in accordance with national laws and Union law, instead of non-criminal sanctions where the nature and gravity of the infringement in question so requires in order for the sanction imposed to be dissuasive, effective and proportionate.*** [Am. 5]

⁽¹⁾ OJ C 487, 28.12.2016, p. 57.

⁽²⁾ Position of the European Parliament of 5 July 2017.

⁽³⁾ ***Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).***

⁽⁴⁾ Directive (EU) 2017/... of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L ...).

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- (7) ~~The first category of behaviour should include customs infringements based on strict liability, which does not require any element of fault, considering the objective nature of the obligations involved and the fact that the persons responsible to fulfil them cannot ignore their existence and binding character.~~ [Am. 6]
- (8) ~~The second and third category of behaviour should include customs infringements committed by negligence or intentionally, respectively, where that subjective element has to be established for liability to arise.~~ [Am. 7]
- (9) Inciting or aiding and abetting a behaviour being a customs infringement committed intentionally, and attempts to commit certain customs infringements intentionally, should be considered customs infringements.
- (10) In order to ensure legal certainty, it should be provided that any act or omission resulting from an error on the part of the customs authorities **as referred to in the Code** should not be considered **to constitute** a customs infringement. [Am. 8]
- (11) Member States should ensure that liability can arise for legal persons as well as natural persons for the same customs infringement where the customs infringement has been committed for the benefit of a legal person.
- (12) In order to approximate the national sanctions systems of the Member States, scales of sanctions should be established reflecting the ~~different categories of the customs infringements and their seriousness~~ **of the customs infringements**. For the purpose of imposing effective, proportionate and dissuasive sanctions, Member States should also ensure that their competent authorities take into account specific aggravating or mitigating circumstances when determining the type and level of sanctions to be applied. [Am. 9]
- (12a) **Only in cases where serious infringements are linked not to the duties evaded but to the value of the goods concerned, for instance in the case of infringements relating to intellectual property rights or prohibited or restricted goods, should customs authorities base the sanction imposed on the value of the goods.** [Am. 10]
- (13) The limitation period for proceedings concerning a customs infringement should be fixed at four years from the day on which the customs infringement was committed or, in **the** case of continuous or repeated infringements, ~~where~~ **when** the behaviour constituting that infringement ceases. Member States should ensure that the limitation period is interrupted by an act relating to investigations or legal proceedings concerning the **same** customs infringement, **or by an act on the part of the person responsible for the infringement. It should be possible for** Member States ~~may~~ **to** lay down cases ~~where in which~~ that period is suspended. ~~The initiation or continuation of these proceedings should be precluded~~ **Any proceedings should be time-barred, irrespective of any interruption of the limitation period,** after ~~an~~ **the** expiry of a period of eight years, while the limitation period for the enforcement of a sanction should be ~~of~~ three years. [Am. 11]
- (14) A suspension of administrative proceedings concerning customs infringements should be provided for where criminal proceedings have been initiated against the same person in connection with the same facts. The continuation of the administrative proceedings after the completion of the criminal proceedings should be possible only in strict conformity with the *ne bis in idem* principle, **meaning that the same offence must not be penalised twice.** [Am. 12]
- (15) In order to avoid positive conflicts of jurisdiction, rules should be laid down to determine which of the Member States with jurisdiction should examine the case.
- (15a) **The overall objective of this Directive is to ensure the effective enforcement of Union customs legislation. However, the legal framework provided for by this Directive does not allow for an integrated approach to enforcement, including supervision, control, and investigation. The Commission should therefore submit to the European Parliament and to the Council a report on those aspects, including on the implementation of the common risk management framework, in order to assess whether further legislation is needed.** [Am. 13]

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- (16) This Directive should provide for the cooperation between Member States and the Commission to ensure effective action against customs infringements.
- (17) In order to facilitate the investigation of customs infringements, the competent authorities should be allowed to temporarily seize any goods, means of transport or any other instrument used in committing the infringement.
- (18) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽¹⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (18a) This Directive is intended to strengthen customs cooperation by approximating national laws on customs sanctions. Given that, at present, the legal traditions of Member States differ greatly, total harmonisation in this area is impossible. [Am. 14]**
- (19) Since this Directive aims to provide for a list of customs infringements common to all Member States and for the basis for effective, dissuasive and proportionate sanctions to be imposed by Member States in the area of the customs union, which is fully harmonised, those objectives cannot be sufficiently achieved by the Member States based on their different legal traditions, but can rather, by reason of the scale and effect, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

1. This Directive ~~establishes a~~ **seeks to contribute to the proper functioning of the internal market and to lay down the framework concerning the infringements of Union customs legislation, and provides for the imposition of non-criminal sanctions for those infringements by approximating the provisions laid down by law, regulation or administrative action in the Member States. [Am. 15]**
2. This Directive applies to the violation of the obligations laid down in Regulation (EU) No 952/2013 ('the Code') and of identical obligations laid down in other parts of the Union customs legislation as defined in Article 5(2) of the Code.
- 2a. This Directive covers the obligations of the Member States towards the trading partners of the European Union, as well as the World Trade Organization (WTO) and the World Customs Organization, with a view to establishing a homogeneous and effective internal market, while facilitating trade and providing certainty. [Am. 16]**

Article 2

~~Customs infringements and sanctions~~ **General principles**

1. Member States shall lay down rules on sanctions in respect of the customs infringements set out in Articles 3 ~~to~~ **and 6, in strict conformity with the ne bis in idem principle.**

Member States shall ensure that the acts or omissions set out in Articles 3 and 6 constitute customs infringements whether they are committed by negligence or intentionally.

Member States may, in accordance with national laws and Union law, provide for the imposition of criminal sanctions instead of non-criminal sanctions where the nature and gravity of the infringement in question so requires in order for the sanction imposed to be dissuasive, effective and proportionate.

⁽¹⁾ OJ C 369, 17.12.2011, p. 14.

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2. For the purposes of this Directive:

- (a) customs authorities shall determine whether the infringement was committed by negligence, meaning that the person responsible failed to exercise reasonable care with respect to the control of his or her operations, or that that person took measures which are manifestly insufficient, to avoid the occurrence of circumstances giving rise to the infringement, where the risk of its occurrence was reasonably foreseeable;
- (b) customs authorities shall determine whether the infringement was committed intentionally, meaning that the person responsible acted or failed to act in the knowledge that the act or omission constituted an infringement, or with the wilful and conscious aim of contravening customs legislation;
- (c) clerical errors or mistakes shall not constitute a customs infringement unless it is clear from all the circumstances that they were committed intentionally or as a result of negligence. [Am. 17]

Article 2a

Trade facilitation

In order to comply with the Union's obligations under the WTO Trade Facilitation Agreement, Member States shall work together to set up a cooperation system including all Member States. That system shall aim to coordinate key performance indicators regarding customs sanctions (analysis of the number of appeals, rate of recidivism, etc.); to disseminate best practice among customs services (efficiency of controls and sanctions, reduction of administrative costs, etc.); to pass on the experiences of economic operators and to create links between them; to monitor the way in which customs services perform their activities; and to perform statistical work on infringements committed by companies from third countries. Within the cooperation system, all Member States shall be notified without delay of investigations into customs infringements and of established infringements in such a way as to facilitate trade, prevent illegal goods from entering the internal market and improve the effectiveness of checks. [Am. 18]

Article 3

~~Strict liability~~ Customs infringements

Member States shall ensure that the following acts or omissions constitute customs infringements ~~irrespective of any element of fault:~~

- (a) failure of the person lodging a customs declaration, temporary storage declaration, entry summary declaration, exit summary declaration, re-export declaration or re-export notification to ensure the accuracy and completeness of the information given in the declaration, notification or application in accordance with **point (a) of** Article 15(2)(a) of the Code;
- (b) failure of the person lodging a customs declaration, temporary storage declaration, entry summary declaration, exit summary declaration, re-export declaration or re-export notification to ensure the authenticity, accuracy and validity of any supporting document in accordance with **point (b) of** Article 15(2)(b) of the Code;
- (c) failure of ~~the a~~ person to lodge an entry summary declaration in accordance with Article 127 of the Code, a notification of arrival of a ~~sea-going~~ **seagoing** vessel or of an aircraft in accordance with Article 133 of the Code, a temporary storage declaration in accordance with Article 145 of the Code, a customs declaration in accordance with Article 158 of the Code, a notification of activities in free zones in accordance with Article 244(2) of the Code, a pre-departure declaration in accordance with Article 263 of the Code, a re-export declaration in accordance with Article 270 of the Code, an exit summary declaration in accordance with Article 271 of the Code or a re-export notification in accordance with Article 274 of the Code;
- (d) failure of an economic operator to keep the documents and information related to the accomplishment of customs formalities by any accessible means for the period of time required by customs legislation in accordance with Article 51 of the Code;
- (e) removal of goods brought into the customs territory of the Union from customs supervision without the permission of the customs authorities, contrary to the first and second sub-paragraphs of Article 134(1) of the Code;
- (f) removal of goods from customs supervision, contrary to the fourth sub-paragraph of Article 134(1) and Articles 158 (3) and 242 of the Code;

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- (g) failure of a person bringing goods into the customs territory of the Union to comply with the obligations relating to the conveyance of the goods in the appropriate place in accordance with Article 135(1) of the Code, or to inform customs authorities **without delay** when the obligations cannot be complied with in accordance with Article 137(1) and (2) of the Code **and of the whereabouts of the goods**;
- (h) failure of a person bringing goods into a free zone, where the free zone adjoins the land frontier between a Member State and a third country, to bring those goods directly into that free zone without passing through another part of the customs territory of the Union in accordance with Article 135(2) of the Code;
- (i) failure of the declarant for temporary storage or for a customs procedure to provide documents to the customs authorities where Union legislation so requires or where necessary for customs controls in accordance with Article 145(2) and Article 163(2) of the Code;
- (j) failure of the ~~economic operator~~ **declarant for temporary storage, or of the person storing the goods in cases where they are stored in other places designated or approved by the customs authorities**, responsible for non-Union goods which are in temporary storage, to place those goods under a customs procedure or to re-export them within the time limit in accordance with Article 149 of the Code;
- (k) failure of the declarant for a customs procedure to have in ~~their~~ **his or her** possession and at the disposal of the customs authorities, at the time when the customs declaration or a supplementary declaration is lodged, the supporting documents required for the application of the procedure in question in accordance with Article 163(1) and the second subparagraph of Article 167(1) of the Code;
- (l) failure of the declarant for a customs procedure, in the case of a simplified declaration pursuant to Article 166 of the Code or of an entry into the declarant's records pursuant to Article 182 of the Code, to lodge a supplementary declaration at the competent customs office and within the specific time-limit in accordance with Article 167(1) of the Code;
- (m) removal or destruction of means of identification affixed by customs authorities in goods, packaging or means of transport without prior authorisation granted by the customs authorities in accordance with Article 192(2) of the Code;
- (n) failure of the holder of the inward processing procedure to discharge a customs procedure within the time limit specified in accordance with Article 257 of the Code;
- (o) failure of the holder of the outward processing procedure to export the defective goods within the time limit in accordance with Article 262 of the Code;
- (p) construction of a building in a free zone without the **prior** approval of the customs authorities in accordance with Article 244(1) of the Code;
- (q) non-payment of import or export duties by the person liable to pay within the period prescribed in accordance with Article 108 of the Code;
- (qa) **failure of an economic operator to supply, in response to a request by the customs authorities, the requisite documents and information in an appropriate form and within a reasonable time and to provide all the assistance necessary for the completion of the customs formalities or controls in accordance with Article 15(1) of the Code**;
- (qb) **failure of the holder of a decision relating to the application of customs legislation to comply with the obligations resulting from that decision in accordance with Article 23(1) of the Code**;
- (qc) **failure of the holder of a decision relating to the application of customs legislation to inform the customs authorities without delay of any factor arising after the taking of a decision by those authorities which influences its continuation or content, in accordance with Article 23(2) of the Code**;

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- (qd) failure of the holder of the Union transit procedure to present the goods intact at the customs office of destination within the prescribed time limit in accordance with point (a) of Article 233(1) of the Code;*
- (qe) unloading or trans-shipping of goods from the means of transport carrying them without authorisation granted by the customs authorities or in places not designated or approved by those authorities in accordance with Article 140 of the Code;*
- (qf) storage of goods in temporary storage facilities or customs warehouses without authorisation granted by the customs authorities in accordance with Articles 147 and 148 of the Code;*
- (qg) failure of the holder of the authorisation or the holder of the procedure to fulfil the obligations arising from the storage of goods covered by the customs warehousing procedure in accordance with points (a) and (b) of Article 242(1) of the Code;*
- (qh) providing customs authorities with false information or documents required by those authorities in accordance with Article 15 or 163 of the Code;*
- (qi) the use of inaccurate or incomplete information or inauthentic, inaccurate or invalid documents by an economic operator in order to obtain from the customs authorities an authorisation:*
 - (i) to become an authorised economic operator in accordance with Article 38 of the Code;*
 - (ii) to make use of a simplified declaration in accordance with Article 166 of the Code;*
 - (iii) to make use of other customs simplifications in accordance with Article 177, 179, 182 or 185 of the Code; or*
 - (iv) to place the goods under special procedures in accordance with Article 211 of the Code;*
- (qj) the introduction or exit of goods into or from the customs territory of the Union without presenting them to customs authorities in accordance with Articles 139, 245 or Article 267(2) of the Code;*
- (qk) processing of goods in a customs warehouse without an authorisation granted by the customs authorities in accordance with Article 241 of the Code;*
- (ql) acquiring or holding goods involved in one of the customs infringements set out in points (qd) and (qj) of this Article. [Am. 19]*

~~Article 4~~

~~Customs infringements committed by negligence~~

~~Member States shall ensure that the following acts or omissions constitute customs infringements where committed by negligence:~~

- ~~(a) failure of the economic operator responsible for non-Union goods which are in temporary storage to place those goods under a customs procedure or to re-export them within the time limit in accordance with Article 149 of the Code;~~
- ~~(b) failure of the economic operator to provide customs authorities with all the assistance necessary for the completion of the customs formalities or controls in accordance with Article 15(1) of the Code;~~
- ~~(c) failure of the holder of a decision relating to the application of customs legislation to comply with the obligations resulting from that decision in accordance with Article 23(1) of the Code;~~
- ~~(d) failure of the holder of a decision relating to the application of customs legislation to inform the customs authorities without delay of any factor arising after the decision was taken by those authorities which influences its continuation or content in accordance with Article 23(2) of the Code;~~
- ~~(e) failure of the economic operator to present the goods brought into the customs territory of the Union to the customs authorities in accordance with Article 139 of the Code;~~

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- ~~(f) failure of the holder of the Union transit procedure to present the goods intact at the customs office of destination within the prescribed time limit in accordance with Article 233(1)(a) of the Code;~~
- ~~(g) failure of the economic operator to present the goods brought into a free zone to customs in accordance with Article 245 of the Code;~~
- ~~(h) failure of the economic operator to present the goods to be taken out of the customs territory of the Union to customs on exit in accordance with Article 267(2) of the Code;~~
- ~~(i) unloading or trans shipping of goods from the means of transport carrying them without authorisation granted by the customs authorities or in places not designated or approved by those authorities in accordance with Article 140 of the Code;~~
- ~~(j) storage of goods in temporary storage facilities or customs warehouses without authorisation granted by the customs authorities in accordance with Articles 147 and 148;~~
- ~~(k) failure of the holder of the authorisation or the holder of the procedure to fulfil the obligations arising from the storage of goods covered by the customs warehousing procedure in accordance with points (a) and (b) of Article 242(1) of the Code. [Am. 20]~~

Article 5

Customs infringements committed intentionally

~~Member States shall ensure that the following acts or omissions constitute customs infringements where committed intentionally:~~

- ~~(a) providing customs authorities with false information or documents required by those authorities in accordance with Articles 15 or 163 of the Code;~~
- ~~(b) the use of false statements or any other irregular means by an economic operator in order to obtain an authorisation from the customs authorities:
 - ~~(i) to become an authorised economic operator in accordance with Article 38 of the Code;~~
 - ~~(ii) to make use of a simplified declaration in accordance with Article 166 of the Code;~~
 - ~~(iii) to make use of other customs simplifications in accordance with Articles 177, 179, 182, 185 of the Code;~~
 - ~~(iv) to place the goods under special procedures in accordance with Article 211 of the Code;~~~~
- ~~(c) introduction or exit of goods into or from the customs territory of the Union without presenting them to customs authorities in accordance with Articles 139, 245, or Article 267(2) of the Code;~~
- ~~(d) failure of the holder of a decision relating to the application of customs legislation to comply with the obligations resulting from that decision in accordance with Article 23(1) of the Code;~~
- ~~(e) failure of the holder of a decision relating to the application of customs legislation to inform the customs authorities without delay of any factor arising after the decision was taken by those authorities which influences its continuation or content in accordance with Article 23(2) of the Code;~~
- ~~(f) processing of goods in a customs warehouse without an authorisation granted by the customs authorities in accordance with Article 241 of the Code;~~
- ~~(g) acquiring or holding goods involved in one of the customs infringements set out in point (f) of Article 4 and point (c) of this Article. [Am. 21]~~

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Article 6

Incitement, Aiding, Abetting and Attempt

1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting an act or omission referred to in Article ~~5~~**8b(2)** *constitutes* a customs infringement.
2. Member States shall take the necessary measures to ensure that an attempt to commit an act or omission referred to in point ~~(b)(qi)~~ or ~~(e)(qj)~~ of Article ~~5~~**3** *constitutes* a customs infringement. [Am. 22]

Article 7

Error on the part of the customs authorities

The acts or omissions referred to in Articles 3 ~~and 6~~ *shall* not constitute customs infringements where they occur as a result of an error on the part of the customs authorities, *in accordance with Article 119 of the Code. The customs authorities shall be liable for damage caused as a result of such errors.* [Am. 23]

Article 8

Liability of legal persons

1. Member States shall ensure that legal persons are held liable for customs infringements *referred to in Articles 3 and 6* committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on any of the following:
 - (a) a power of representation of the legal person;
 - (b) an authority to take decisions on behalf of the legal person;
 - (c) an authority to exercise control within the legal person. [Am. 24]
 2. Member States shall also ensure that legal persons are held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of a customs infringement for the benefit of that legal person by a person under the authority of the person referred to in paragraph 1.
 3. Liability of a legal person under paragraphs 1 and 2 shall be without prejudice to the liability of natural persons who have committed the customs infringement.
- 3a. For the purposes of this Directive, 'legal person' shall mean any entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and public international organisations.** [Am. 26]

Article 8a

Factors to be taken into account in assessing whether an infringement is minor

1. *When determining whether an infringement referred to in Article 3 is minor, Member States shall ensure from the beginning of the process of determining whether a customs infringement has been committed that their competent authorities take into account all relevant circumstances that apply, including the following:*
 - (a) *the infringement was committed as a result of negligence;*
 - (b) *the goods involved are not subject to the prohibitions or restrictions referred to in the second sentence of Article 134 (1) of the Code and in point (e) of Article 267(3) of the Code;*
 - (c) *the infringement has little or no impact on the amount of customs duties to be paid;*
 - (d) *the person responsible for the infringement cooperates effectively with the competent authority in the proceedings;*
 - (e) *the person responsible for the infringement voluntarily discloses the infringement, provided that the infringement is not yet the subject of any investigation activity of which the person responsible for the infringement has knowledge;*

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- (f) *the person responsible for the infringement is able to show that he or she is making a significant effort to align with Union customs legislation by demonstrating a high level of control of his or her operations, for example by means of a compliance system;*
 - (g) *the person responsible for the infringement is a small or medium-sized enterprise, which had no prior experience in customs related matters.*
2. *Competent authorities shall consider an infringement to be minor only where there is no aggravating factor with regard to the infringement as referred to in Article 8b. [Am. 27]*

Article 8b

Factors to be taken into account in assessing whether an infringement is serious

1. *When determining whether an infringement referred to in Article 3 or 6 is serious, Member States shall ensure from the beginning of the process of determining whether a customs infringement has been committed that their competent authorities take into account any of the following circumstances that apply:*
- (a) *the infringement was committed with intent;*
 - (b) *the infringement persisted over a lengthy period of time, reflecting an intention to maintain it;*
 - (c) *a similar or linked infringement is continuing or is repeated, that is to say, committed more than once;*
 - (d) *the infringement has a significant impact on the amount of the import or export duties evaded;*
 - (e) *the goods involved are subject to the prohibitions or restrictions referred to in the second sentence of Article 134(1) of the Code and in point (e) of Article 267(3) of the Code;*
 - (f) *the person responsible for the infringement refuses to cooperate, or to cooperate fully, with the competent authority;*
 - (g) *the person responsible for the infringement has committed previous infringements.*
2. *The infringements referred to in points (f), (g), (p), (qi) and (qj) of Article 3 constitute, by their very nature, serious infringements. [Am. 28]*

Article 9

*Non-criminal sanctions for **minor** customs infringements referred to in Article 3*

1. *In addition to recovering the duties evaded, Member States shall ensure that effective, proportionate and, dissuasive and non-criminal sanctions are imposed for the those customs infringements referred to in Article 3 that are considered to be minor in accordance with Article 8a, within the following limits:*
- (a) *where the customs infringement ~~relates to specific goods~~ **is linked to the duties evaded**, a pecuniary fine ~~from 1 % up to 5 % of up to 70 % of the value of the goods~~ **of up to 70 % of the value of the goods** ~~evaded~~;*
 - (b) *where the customs infringement is not ~~related to specific goods~~, **linked to the duties evaded**, a pecuniary fine **of** up to EUR 7 500.*
2. *When determining the level of sanctions to be imposed within the limits laid down in paragraph 1 of this Article, Member States shall ensure that all relevant circumstances listed in Article 8a are taken into account. [Am. 29]*

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Article 10

~~Sanctions for customs infringements referred to in Article 4~~

~~Member States shall ensure that effective, proportionate and dissuasive sanctions are imposed for the customs infringements referred to in Article 4 within the following limits:~~

- ~~(a) where the customs infringement relates to specific goods, a pecuniary fine up to 15 % of the value of the goods;~~
- ~~(b) where the customs infringement is not related to specific goods, a pecuniary fine up to EUR 22 500. [Am. 30]~~

Article 11

Non-criminal sanctions for **serious** customs infringements referred to in Article 5 and 6

1. In addition to recovering the duties evaded, Member States shall ensure that effective, proportionate ~~and~~, dissuasive **and non-criminal** sanctions are imposed for ~~the those~~ customs infringements referred to in ~~Articles 5 and 6~~ **Articles 3 and 6 that are considered to be serious in accordance with Article 8b**, within the following limits:

- (a) where the customs infringement ~~relates to specific goods~~ **is linked to the duties evaded**, a pecuniary fine ~~up to 30 % of between 70 % and 140 % of the value of the goods~~ **between 70 % and 140 % of the value of the goods**;
- (aa) **where the customs infringement is linked not to the duties evaded but to the value of the goods, a pecuniary fine of between 15 % and 30 % of the value of the goods;**
- (b) where the customs infringement is ~~not related to specific goods~~ **linked neither to the duties evaded nor to the value of the goods**, a pecuniary fine ~~up to of between EUR 7 500 and EUR 45 000.~~

2. When determining the level of sanctions to be imposed within the limits laid down in paragraph 1 of this Article, Member States shall ensure that all relevant circumstances listed in Article 8a and Article 8b(1) are taken into account. [Am. 31]

Article 11a

Other non-criminal sanctions for serious infringements

1. In addition to the sanctions listed in Article 11, and in accordance with the Code, Member States may impose the following non-pecuniary sanctions where a serious infringement is committed:

- (a) **permanent or temporary confiscation of the goods;**
- (b) **suspension of an authorisation which has been granted.**

2. In accordance with the Code, Member States shall provide that decisions granting the status of authorised economic operator are to be revoked in the case of a serious or repeated infringement of customs legislation. [Am. 32]

Article 11b

Review

1. The amounts of the pecuniary fines applicable pursuant to Articles 9 and 11 shall be reviewed by the Commission, together with the competent authorities of the Member States, from ... [five years after the date of entry into force of this Directive]. The aim of the review procedure shall be to ensure that the amounts of pecuniary fines imposed under the Customs Union are more convergent, with a view to harmonising the operation thereof.

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2. Each year, the Commission shall publish details of the sanctions imposed by the Member States for the customs infringements referred to in Articles 3 and 6.

3. Member States shall ensure compliance with customs legislation within the meaning of point (2) of Article 5 of the Code, as well as Regulation (EU) No 978/2012 of the European Parliament and of the Council ⁽¹⁾. [Am. 33]

Article 11c

Settlement

Member States shall provide for a settlement procedure allowing the competent authorities to enter into an agreement with the person responsible for the infringement in order to settle the matter of a customs infringement as an alternative to the initiation or pursuit of judicial proceedings, in return for acceptance by that person of an immediately enforceable sanction.

However, once judicial proceedings have been instituted, the competent authorities may reach a settlement only with the agreement of the judicial authority.

The Commission shall provide guidelines on settlement procedures to ensure that a person responsible for an infringement is given the opportunity of reaching a settlement in accordance with the principle of equal treatment and in a transparent manner, and that any settlement concluded includes publication of the outcome of the procedure. [Am. 34]

Article 12

~~Effective application of sanctions and exercise of powers to impose sanctions by competent authorities~~

~~Member States shall ensure that when determining the type and the level of sanctions for the customs infringements referred to in Articles 3 to 6, the competent authorities shall take into account all relevant circumstances, including, where appropriate:~~

- ~~(a) the seriousness and the duration of the infringement;~~
- ~~(b) the fact that the person responsible for the infringement is an authorized economic operator;~~
- ~~(c) the amount of the evaded import or export duty;~~
- ~~(d) the fact that the goods involved are subject to the prohibitions or restrictions referred to in the second sentence of Article 134(1) of the Code and in Article 267(3)(e) of the Code or pose a risk to public security;~~
- ~~(e) the level of cooperation of the person responsible for the infringement with the competent authority;~~
- ~~(f) previous infringements by the person responsible for the infringement. [Am. 35]~~

Article 12a

Compliance

Member States shall ensure that guidelines and publications on how to comply and continue to comply with Union customs legislation are made available to interested parties in an easily accessible, understandable and up-to-date form. [Am. 36]

Article 13

Limitation

1. Member States shall ensure that the limitation period for **initiating** proceedings concerning a customs infringement referred to in Articles 3 ~~to~~ **and** 6 is four years and **that it** starts to run on the day on which the customs infringement was committed.

2. Member States shall ensure that, in the case of continuous or repeated customs infringements, the limitation period starts to run on the day on which the act or omission constituting the customs infringement ceases.

⁽¹⁾ Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 (OJ L 303, 31.10.2012, p. 1).

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3. Member States shall ensure that the limitation period is interrupted by any act of the competent authority, notified to the person in question, relating to an investigation or legal proceedings concerning the same customs infringement, **or by an act on the part of the person responsible for the infringement**. The limitation period shall ~~start~~ **continue** to run on the day ~~of on which~~ the interrupting act **comes to an end**.

4. **Without prejudice to Article 14(2)**, Member States shall ensure that the initiation or continuation of any proceedings concerning a customs infringement referred to in ~~Articles Article 3 to or 6 is precluded~~ **are time-barred, irrespective of any interruption of the limitation period referred to in paragraph 3 of this Article**, after the expiry of a period of eight years from the day referred to in paragraph 1 or 2 **of this Article**.

5. Member States shall ensure that the limitation period for the enforcement of a decision imposing a sanction is three years. That period shall start to run on the day on which that decision becomes final.

6. Member States shall lay down the cases where the limitation periods set out in paragraphs 1, 4 and 5 are suspended. [Am. 37]

Article 14

Suspension of the proceedings

1. Member States shall ensure that administrative proceedings concerning a customs infringement referred to in Articles 3 and 6 are suspended where criminal proceedings have been initiated against the same person in connection with the same facts.

2. Member States shall ensure that the suspended administrative proceedings concerning a customs infringement referred to in Articles 3 and 6 are discontinued where the criminal proceedings referred to in paragraph 1 of this Article have finally been disposed of. In other cases, the suspended administrative proceedings concerning a customs infringement referred to in Articles 3 and 6 may be resumed.

Article 15

Jurisdiction

1. Member States shall ensure that they exercise jurisdiction over the customs infringements referred to in Articles 3 and 6 in accordance with any of the following criteria:

(a) the customs infringement is committed in whole or in part within the territory of that Member State;

(b) the person committing the customs infringement is a national of that Member State;

(c) the goods related to the customs infringement are present in the territory of that Member State.

2. Member States shall ensure that in case more than one Member State claims jurisdiction over the same customs infringement, the Member State in which criminal proceedings are pending against the same person in connection with the same facts exercises jurisdiction. Where jurisdiction cannot be determined pursuant to paragraph 1, Member States shall ensure that the Member State whose competent authority first initiates the proceedings concerning the customs infringement against the same person in connection with the same facts exercises jurisdiction.

Article 16

Cooperation between Member States

Member States shall co-operate and exchange any information necessary for the proceedings concerning an act or omission constituting a customs infringement referred to in Articles 3 ~~to and~~ 6, in particular in **cases where** more than one Member State has started proceedings against the same person in connection with the same facts. **The objective of the cooperation between Member States shall be to increase the effectiveness of customs checks on goods and to harmonise procedures within the Union.** [Am. 38]

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The Commission shall supervise cooperation between Member States to create key performance indicators applicable to customs checks and sanctions, the dissemination of best practices and the coordination of training of customs officers. [Am. 39]

Article 17

Seizure

Member States shall ensure that the competent authorities have the possibility ~~to~~ of temporarily ~~seize~~ **seizing** any goods, means of transport ~~and any or~~ other instrument used in committing the customs infringements referred to in Articles 3 ~~to~~ **and 6. If, following the imposition of a sanction, a Member State permanently confiscates such goods, it may opt to destroy, reuse or recycle the goods, as appropriate. [Am. 40]**

Article 18

Reporting by the Commission and review

The Commission shall, by 1 May 2019, submit a report on the application of this Directive to the European Parliament and the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.

By 31 December 2017, the Commission shall submit a report on the other elements of the enforcement of Union customs legislation, such as supervision, control, and investigation, to the European Parliament and the Council, accompanied, if appropriate, by a legislative proposal to supplement this Directive. [Am. 41]

Article 18a

Reporting by Member States

Member States shall send to the Commission statistics regarding infringements and showing which sanctions were imposed as a result of those infringements, in order to enable the Commission to assess the application of this Directive. The information thus provided shall be sent annually following the entry into force of this Directive. The Commission may use those data when revising this Directive in order to better approximate national sanctioning systems. [Am. 42]

Article 19

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 May 2017 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

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Article 20

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 21

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

The President

For the Council

The President

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P8_TA(2017)0302

2018 Budget — Mandate for the trilogue**European Parliament resolution of 5 July 2017 on the mandate for the trilogue on the 2018 draft budget (2017/2043(BUD))**

(2018/C 334/38)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to the draft general budget of the European Union for the financial year 2018, which the Commission adopted on 30 May 2017 (COM(2017)0400),
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ⁽²⁾,
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽³⁾,
- having regard to its resolution of 15 March 2017 on general guidelines for the preparation of the 2018 budget, Section III — Commission ⁽⁴⁾,
- having regard to the Council conclusions of 21 February 2017 on the 2018 budget guidelines (06522/2017),
- having regard to Rule 86a of its Rules of Procedure,
- having regard to the report of the Committee on Budgets and the opinions of the other committees concerned (A8-0249/2017),

Draft budget 2018: delivering on growth, jobs and security

1. Recalls that in its resolution of 15 March 2017 Parliament confirmed that sustainable growth, decent, quality and stable jobs, socio-economic cohesion, security, migration and climate change are the core issues and main priorities for the 2018 EU budget;
2. Believes that in general terms the Commission proposal is a good starting point for this year's negotiations, considering that the 2018 EU budget must enable the EU to continue to generate sustainable growth and jobs, while ensuring the security of its citizens and addressing the migration challenges; regrets that the Commission proposal does not fully correspond to Parliament's call for action against climate change;
3. Welcomes the decision of the Commission to include in the draft budget the results of the mid-term revision of the Multiannual Financial Framework (MFF) 2014-2020 even before its formal adoption by the Council, thus sending a strong signal about the importance of this MFF revision and the need for increased flexibility in the EU budget that could enable the Union to effectively respond to new emergencies and finance its political priorities;

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 884.

⁽³⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁴⁾ Texts adopted, P8_TA(2017)0085.

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4. Reiterates its firm conviction that in order to achieve sustainable growth and the creation of stable and quality jobs in the EU, boosting investment in research, innovation, infrastructure, education and SMEs is key; welcomes in this respect the proposed reinforcements to Horizon 2020, the Connecting Europe Facility (CEF) and Erasmus+ as these programmes will contribute directly to reaching these goals; considers, however, that further reinforcements will be needed, especially given the cuts operated in these policies' financing to the benefit of EFSI financing;

5. Recalls the crucial role of SMEs in job creation and reduction of the investment gap, and underscores that their adequate funding must remain one of the top priorities of the EU budget; regrets, in this respect, that the proposed allocation for COSME is 2,9 % lower in comparison with the 2017 budget, and expresses its intention to further reinforce this programme in the 2018 budget; points to the need to further support SMEs and calls for full delivery on the programme's financial commitments in the remaining years of the current MFF; welcomes the Commission's attempt at streamlining SME financing within Horizon 2020;

6. Commends the role of the European Fund for Strategic Investments (EFSI) in bridging the investment gap across the EU and between the EU's territories and helping to implement strategic investments that provide a high level of added value to the economy, the environment and society; supports, therefore, its extension until 2020; highlights the quick uptake of funds in the SME Window of EFSI and welcomes its intended scale-up; regrets, however, the lack of a holistic approach to SME funding that would allow for a clear overview of total funds available; underlines its position in the ongoing legislative negotiations that no further cuts should be incurred in existing EU programmes in order to finance this extension; considers that EFSI, whose guarantee fund is mostly financed by the EU budget, should not support entities established or incorporated in jurisdictions listed under the relevant EU policy on non-cooperative jurisdictions, or that do not effectively comply with EU or international tax standards on transparency and exchange of information;

7. Takes positive note of the EU initiatives in the field of defence research and technology development and acquisition, which will contribute to achieving economies of scale in the sector and greater coordination among Member States, and, if developed correctly, will lead to more rational defence spending and enable savings at national level; underlines also the need to improve competitiveness and innovation in the European defence industry; recalls its earlier position that new initiatives in this area should be financed by additional funds and should not be detrimental to existing programmes, including the CEF;

8. Notes that the Commission has not followed up on Parliament's request that it put forward an assessment and relevant proposals for an '18th Birthday Interrail Pass for Europe'; believes that such proposals have the potential to boost European consciousness and identity; stresses, however, that any new projects must be financed by new financial resources and without impacting on existing programmes, and should be as socially inclusive as possible; reiterates its previous call on the Commission to put forward relevant proposals in this regard;

9. Welcomes the fact that the draft budget 2018 includes an additional allocation for the Youth Employment Initiative (YEI), thus responding to Parliament's previous calls for the continuation of this programme; notes, in parallel, the proposal for draft amending budget 3/2017 that integrates the provision of EUR 500 million in commitments for the YEI, as agreed by Parliament and the Council in the 2017 budgetary conciliation; is convinced that the proposed amounts are clearly insufficient for the YEI to reach its goals, and believes that in order to effectively tackle youth unemployment the YEI must continue to contribute to the Union's priority objective of growth and jobs; insists on the need to provide an effective response to youth unemployment across the Union, and underlines that the YEI can be further improved and be made more efficient, notably by ensuring that it brings real European added value to youth employment policies in the Member States and does not replace the financing of former national policies;

10. Recalls that cohesion policy plays a primary role for the development and growth of the EU; stresses that in 2018 cohesion policy programmes are expected to catch up and reach cruising speed; emphasises Parliament's commitment to ensuring adequate appropriations for these programmes, which represent one of the core policies of the EU; is, however, preoccupied by the unacceptable delays in the implementation of operational programmes at national level; calls on

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Member States to ensure that the designation of managing, auditing and certifying authorities is concluded and implementation is accelerated; recognises that the long negotiations over the legal bases have meant that the EU institutions involved in them have their portion of responsibility for the low implementation rate; notes the fact that some Member States consider that cohesion funds could be a tool for guaranteeing solidarity in Union policies;

11. Is particularly concerned at the possible reconstitution of a backlog of unpaid bills towards the end of the current MFF period, and recalls the unprecedented amount of EUR 24,7 billion reached at the end of 2014; welcomes the fact that the Commission, on the occasion of the MFF mid-term revision, for the first time provided a payment forecast up to 2020, but stresses that this needs to be duly updated every year, in order to allow the budgetary authority to take the necessary measures in time; warns of the detrimental effect that a new payment crisis would have especially on beneficiaries of the EU budget; is convinced that the credibility of the EU is also linked to its ability to ensure an adequate level of payment appropriations in the EU budget that will allow it to deliver on its commitments; underlines the detrimental effect that late payments have on the private sector, and notably on EU SMEs having contracts with public bodies;

12. Highlights the importance of delivering on the EU's commitment to achieving the goals set at COP21, especially in the light of the recent decision of the US Administration to withdraw from the agreement; underlines, in this respect, that there is a serious risk of falling short of meeting the objective of devoting at least 20 % of EU expenditure in the 2014-2020 MFF to climate-related actions unless more efforts are made; notes with concern the modest increase of 0,1 % for biodiversity; stresses the importance of mainstreaming biodiversity protection across the EU budget, and reiterates its previous call for a tracking methodology that takes into account all biodiversity-related spending and its efficiency; stresses also that EU-funded projects should aim not to have a negative impact on climate change mitigation or on the transition to a circular, low-carbon economy;

13. Emphasises that the unprecedented mobilisation of special instruments has shown that the EU budget was not initially designed to address issues like the current migration and refugee crisis; believes that moving to a post-crisis approach is premature; opposes, therefore, the proposed decreases in Heading 3 compared to the 2017 budget, which are not in line with the EU pledge to deal in an efficient manner with the migration and refugee crisis; stresses, however, that after a response to an urgent and unprecedented situation a more systemic and proactive approach should follow, complemented by an effective use of the EU budget; reiterates that citizens' security and safety is an EU priority;

14. Reaffirms that tackling the root causes of the migration and refugee crisis represents a long-term sustainable solution, along with stabilisation of the EU's neighbourhoods, and that investments in the countries of origin of migrants and refugees are key to achieving this objective; welcomes, in this regard, the External Investment Plan (EIP) and the agreement among the institutions on the European Fund for Sustainable Development (EFSD), and calls for the fund's rapid implementation; notes therefore with surprise the decreases in Heading 4, which cannot be fully justified in the framework of past budgetary increases or low implementation rate; reaffirms that tackling the root causes of the migration includes, but is not limited, to addressing issues such as poverty, unemployment, education and economic opportunities, as well as instability, conflict and climate change;

15. Welcomes the increase proposed for the eastern component of the European Neighbourhood Instrument, responding to Parliament's previous calls; is convinced that the EU's support, especially for the countries that have signed Association Agreements, is essential in order to further economic integration and convergence with the EU and to advance democracy, the rule of law and human rights in our Eastern Neighbourhood; stresses that such support should apply as long as the countries concerned meet the eligibility criteria, especially as regards the rule of law, the fight against corruption, and the strengthening of democratic institutions;

16. Highlights the importance of the European Union Solidarity Fund (EUSF), which was set up to respond to major natural disasters and express European solidarity to disaster-stricken regions within Europe, and takes note of the proposed increase in commitment and payment appropriations for the EUSF; calls on the Commission to assess without delay whether a further increase will be necessary, bearing in mind, in particular, the earthquakes in Italy and the fires in Spain and Portugal (with tragic loss of human lives), which have had a dramatic and substantial impact on human life, in particularly in deprived regions; calls for the rules for mobilising this fund to be adapted, allowing more flexible and timely mobilisation, covering a wider range of disasters with significant impacts and reducing the time between the disaster and the availability of funds;

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17. Notes that the draft budget 2018 leaves very limited margins or no margin under the MFF ceilings throughout Headings 1, 3 and 4; considers this to be a consequence of the significant new initiatives taken since 2014 (EFSI, migration-related proposals, and lately defence research and the European Solidarity Corps), which have been squeezed within the MFF ceilings agreed in 2013; recalls that the MFF, in particular after its mid-term revision, provides for flexibility provisions which, albeit limited, should be used to their fullest in order to maintain the level of ambition of successful programmes and tackle new and unforeseen challenges; expresses Parliament's intention to further mobilise such flexibility provisions as part of the amending process; calls, once again, for the introduction of new genuine own resources in the EU budget;

18. Notes in this respect the numerous references in the draft budget to the necessity of a letter of amendment which may partially pre-empt Parliament's position in the budgetary procedure; regrets that, instead of already including them in the draft budget, the Commission has announced that possible new initiatives in the area of security and migration and a possible extension of the Facility for Refugees in Turkey (FRT) may be proposed as part of an upcoming letter of amendment; urges the Commission to provide details as to these upcoming proposals in a timely manner so that the budgetary authority can properly examine them; stresses that these potential initiatives should not disregard, let alone replace, requests and amendments put forward by Parliament in the context of this budgetary procedure;

19. Reiterates its support for the implementation of the Commission's strategy 'Budget Focused on Results', and calls for continuous improvement of the quality and presentation of performance data, so as to provide accurate, clear and understandable information on EU programmes' performance;

Subheading 1a — Competitiveness for growth and jobs

20. Notes that in comparison with 2017, the Commission proposal for 2018 corresponds to an increase in commitments under subheading 1a of + 2,5 % to EUR 21 841,3 million; welcomes the fact that Horizon 2020, the CEF and Erasmus+ account for an important part of this increase as their commitment appropriations rise by respectively 7,3 %, 8,7 % and 9,5 %, but notes still that this is slightly below their financial programming; highlights in particular the very low success rate for applications under Horizon 2020;

21. Is surprised, however, that COSME commitment and payment appropriations have been reduced respectively by 2,9 % and 31,3 %, although support to SMEs is identified as one of the top priorities of the EU;

22. Reiterates, regarding the extension of the EFSI, that Parliament opposes any further cuts to the CEF, and takes the view that the additional EUR 1,1 billion allocated to the EU guarantee should be taken only from unallocated margins (for an amount of EUR 650 billion) and expected net positive income (for an amount of EUR 450 billion); recalls that the CEF envelope (ICT strand) also integrates the new Wifi4EU initiative; recalls that the CEF budget is subjected to systematic oversubscription due to insufficient appropriations, especially with regard to the infrastructure strand;

23. Takes note of the Commission's proposal to set up a European Solidarity Corps (ESC); notes, however, with concern that, despite Parliament's warnings, the legislative proposal adopted on 30 May 2017 envisages that three fourths of the ESC budget would be financed by redeployments from existing programmes, and mainly from Erasmus+ (EUR 197,7 million); is concerned at the risk that this situation would pose to those EU programmes, and expresses its intention to further reinforce Erasmus+ in the 2018 budget; reiterates that any new political commitments should be financed with new appropriations and not redeployments from existing programmes;

24. Welcomes the proposed scaling-up of the preparatory action on defence research and the presentation by the Commission of a legislative proposal for a defence industry development programme;

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Subheading 1b — Economic, social and territorial cohesion

25. Notes that total commitment appropriations for subheading 1b amount to EUR 55 407,9 million, representing an increase of 2,4 % compared to the 2017 budget if draft amending budget 3 is included;

26. Notes that the proposed amount of EUR 46 763,5 million in payment appropriations is 25,7 % higher than in 2017, this being largely a reflection of the drop experienced in 2017 due to the delay in effectively launching the new operational programmes; recalls that inaccurate forecasts by the Member States have led to a significant underuse of payment appropriations in subheading 1b in 2016, by more than EUR 11 billion, and notes that the proposed 2018 levels have already been revised downwards by EUR 1,6 billion since the previous forecasts;

27. Stresses the need for the implementation of the 2014-2020 programmes to reach full speed, and strongly believes that any 'abnormal' build-up of unpaid bills must be avoided in the future; calls, in this context, on the Commission and the Member States to resolve, as a matter of priority, any outstanding issues linked with the delayed designation of national managing and certifying authorities, as well as other bottlenecks for the submission of payment applications; sincerely hopes that both the national authorities and the Commission have improved their estimates of the payment needs in the 2018 budget and that the proposed level of payment appropriations will be fully executed; recognises that the lengthy negotiations between the EU institutions regarding the legal bases are among the several causes of this current low implementation rate;

28. Welcomes the Commission's proposal to fund the continuation of the YEI, and notes the proposed mobilisation of EUR 233,3 million from the global margin for commitments; calls on the Commission and the Member States to follow the indications of the recent report of the European Court of Auditors; recalls that any increase in the dedicated allocation for the YEI should be matched with the corresponding amounts from the European Social Fund (ESF); expresses its intention to explore all possibilities in order to further reinforce this programme in the 2018 budget;

29. Underlines the importance of the Fund for European Aid to the Most Deprived (FEAD) for tackling poverty and social exclusion, and asks for appropriate resources to be allocated in the 2018 budget to allow the needs of the target groups and the Fund's objectives to be adequately met;

Heading 2 — Sustainable growth: natural resources

30. Takes note of the proposed EUR 59 553,5 million in commitments (+ 1,7 % compared to 2017) and EUR 56 359,8 million in payments (+ 2,6 %) for Heading 2, leaving a margin of EUR 713,5 million under the ceiling for commitments; notes that the increased appropriations to finance the European Agricultural Guarantee Fund (EAGF) needs for 2018 (+ 2,1 %) are largely due to a significantly lower amount of assigned revenue being expected to be available in 2018;

31. Notes that the Commission has left a EUR 713,5 million margin under the ceilings of Heading 2; points to the fact that increased volatility of agricultural markets, as was the case with the dairy sector crisis in the past, might mean envisaging recourse to this margin; calls on the Commission to ensure that the margin left under the ceilings is sufficient to address any crises that may arise;

32. Highlights the prolongation of exceptional support measures for certain fruits for which the market situation is still difficult; regrets, however, that the Commission is not currently proposing support measures in the livestock sectors, and particularly in the dairy sector, related to the Russian ban on EU imports, and expects, therefore, a change of course in this regard; expects, consequently, that if the margin of Heading 2 is deployed, a part of it will be allocated to dairy farmers in countries most affected by the Russian embargo; awaits the Commission's letter of amendment, expected in October 2017, which should be based on updated information on the EAGF funding, verifying real needs in the agricultural sector and duly taking into account the impact of the Russian embargo and other market volatilities;

33. Welcomes the increase in commitments of the European Maritime and Fisheries Fund (EMFF) (+ 2,4 %) and of the LIFE+ programme (+ 5,9 %), in line with financial programming, but regrets that considerably reduced payment appropriations seem to reveal a still slow take-off of those two programmes in the 2014-2020 period;

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Heading 3 — Security and citizenship

34. Notes the proposed EUR 3 473,1 million in commitment appropriations for Heading 3; emphasises the need for joint, comprehensive and sustainable solutions to the migration and refugee situation and related challenges;

35. Welcomes the Commission's proposal for an additional EUR 800 million dedicated to tackling security issues, particularly following the series of terrorist attacks in the EU;

36. Is of the opinion that the importance and urgency of these issues is not in line with the significant decreases in commitment (- 18,9 %) and payment appropriations (- 21,7 %) proposed for Heading 3 compared with the 2017 budget, notably with regard to the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund (ISF) and the Justice programme; calls for adequate budgeting for these funds; insists that these decreases are not justifiable by the delays in implementation of the agreed measures or in adoption of the new legal proposals; calls, therefore, on the Commission to ensure that adequate budgetary resources are provided for and that any additional needs will be swiftly addressed;

37. Regrets that until now there has been no effective system for redistribution, and that this has resulted in an unequal load for some Member States, notably Italy and Greece; recalls that 361 678 refugees and migrants arrived in the EU in 2016, of which 181 405 arrived in Italy and 173 447 in Greece, and that Italy has already received 85 % of the refugees and migrants who have reached the EU so far in 2017; regrets that Italy has so far only received EUR 147,6 million from the AMIF, a sum that only covers 3 % of the country's total expenses for managing the migration crisis;

38. Furthermore believes that cooperation among Member States in security-related matters could be further enhanced through increased support from the EU budget; questions how such an objective could be reached while relevant budgetary lines of the ISF are significantly decreased compared to the 2017 Budget; stresses the need to guarantee the necessary funding to implement the proposed new information and border systems, such as the European Travel Information and Authorisation System (ETIAS) and the Entry-Exit System;

39. Considers that 2018 will be a pivotal year in the establishment of the European Agenda on Migration, with several of its key components under development; underlines the need to carefully assess the budgetary implications of a number of legislative proposals on the table, such as the reform of the Dublin common asylum system and the new Entry-Exit System and ETIAS system, including the possibility of their late adoption; stresses the importance of adequate financing to match the Union's ambition in this regard and urgently achieve the establishment of an effective European asylum and migration policy, in full respect of international law and based on solidarity among Member States;

40. Points out that the Commission's proposal, for the third year in a row, does not leave any margin under the ceiling for Heading 3, evidencing the outdated size of the smallest MFF heading, as argued by Parliament as part of the mid-term revision process; welcomes, in this context, the Commission's proposal to mobilise the Flexibility Instrument for an amount of EUR 817 million in commitment appropriations, which can only be made possible thanks to the additional flexibility obtained in the revised MFF Regulation; insists that the expenditure level is still insufficient, and regrets that the Commission has postponed any further proposal to a future letter of amendment;

41. Recalls Parliament's consistently strong support for culture and media programmes; welcomes the proposed increases for the Creative Europe Programme compared with the 2017 budget, including for the European Year for Cultural Heritage under 'Multimedia actions'; insists, furthermore, on sufficient funding for the programme 'Europe for Citizens'; calls on the Commission to review initiatives under the 'multimedia actions' budget line so as to ensure that the budget effectively supports high-quality independent coverage of EU affairs; reiterates its support for a sustainable multiannual funding arrangement for Euranet+; welcomes, finally, the increases in commitment appropriations for the Food and Feed programme and the Consumer programme compared with the 2017 budget; emphasises, finally, the importance of

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a strong Health Programme and an appropriate budget to enable European cooperation in the field of health, including new innovations in healthcare, health inequalities, the burden of chronic diseases, anti-microbial resistance, cross-border healthcare and access to care;

Heading 4 — Global Europe

42. Regrets the overall decrease of financing for Heading 4, amounting to EUR 9,6 billion (- 5,6 % compared with the 2017 budget) in commitment appropriations; notes that the decreases in the main Heading 4 instruments are largely linked to past reinforcements approved in the 2017 budget for the FRT and the New Partnership Framework under the European agenda on migration;

43. Believes that the level of cuts for the Development Cooperation Instrument (DCI) and the European Neighbourhood Instrument (ENI), especially the latter's southern component, is not justified, given the longer-term needs regarding EU action on migration going beyond the migration compacts under the Partnership Framework and its commitment to international development; calls, in this context, for an increase in the financial resources to be dedicated to the peace process and financial assistance to Palestine and UNRWA; recalls the importance of ensuring sufficient funds for the Southern Neighbourhood, since stability in the Middle East is a key element for addressing the root causes of migration;

44. Welcomes, nevertheless, the proposed increases for the eastern component of ENI, which will contribute to supporting democratic reforms and economic integration with the EU, especially in the countries that have signed Association Agreements with the Union;

45. Notes the increased support for political reforms in Turkey (IPA II), especially in the context of the country's backsliding in the fields of the rule of law, freedom of speech and fundamental rights; calls on the Commission to suspend the pre-accession funds if the accession negotiations are suspended, and, should that scenario unfold, to use those funds to directly support civil society in Turkey, and to invest more in people-to-people exchange programmes such as Erasmus+, for students, academics and journalists; expects sufficient funding for the IPA beneficiary countries in the Western Balkans, which are in urgent need of financial support for reforms;

46. Considers, given the importance of higher education for overall reforms in partner countries, that student mobility and academic cooperation between the EU and neighbourhood countries should receive continuous support; regrets, therefore, the reductions in the appropriations for technical and financial assistance under the three external instruments (IPA, ENI and DCI) aimed at promoting the international dimension of higher education for the implementation of the Erasmus+ programme;

47. Takes note of the Commission's proposal to leave a margin of EUR 232 million below the ceiling; is convinced that the challenges that the EU's external action is faced with call for sustained funding exceeding the current size of Heading 4; recalls that the contingency margin was used in the 2017 budget to allow for funding above the ceiling; maintains that new initiatives should be funded with fresh appropriations and all flexibility options to the level agreed within the MFF revision should be fully used;

48. Calls on the Commission, which makes repeated references to a possible prolongation of the FRT, to put forward a genuine proposal for its prolongation as soon as possible if that is its intention; recalls the commitment made by Parliament, the Council and the Commission to ensure that the establishment of the FRT and the trust funds is transparent and clear, and consistent with the principle of the unity of the Union budget with respect to the prerogatives of the budgetary authority, including parliamentary scrutiny; urges Member States once again to honour in timely fashion their commitments to the financing of the FRT and the trust funds;

49. Lends its full support to the pledges made by the EU at the Brussels conference on Syria, confirming the previous London pledges; agrees with the reinforcement of the ENI and of humanitarian aid by EUR 120 million each to meet this pledge;

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Heading 5 — Administration

50. Notes that Heading 5 expenditure is increased by 3,1 % compared to the 2017 budget, up to EUR 9 682,4 million (+EUR 287,9 million); notes that more than one third of this nominal increase is explained by additional appropriations needed for pensions (+EUR 108,5 million); takes note that the additional appropriations result mostly from a growing expected number of pensioners (+ 4,2 %); takes note also that the number of pensioners is expected to rise further in the coming years; takes note of the rigorous approach to administrative expenditure and the nominal freeze for all non-salary-related expenditure;

51. Notes that the effective margin is EUR 93,6 million under the ceiling after the offsetting of EUR 570 million for the use of the contingency margin for Heading 3 mobilised in 2017; underlines that Heading 5's share of the EU budget has slightly increased to 6,0 % (in commitment appropriations) due to pensions;

Pilot projects — preparatory actions

52. Stresses the importance of pilot projects (PPs) and preparatory actions (PAs) as tools for the formulation of political priorities and the introduction of new initiatives that might turn into standing EU activities and programmes; intends to proceed with the identification of a balanced package of PP-PAs; notes that in the current proposal the margin in some headings is quite limited, or even non-existent, and intends to explore ways to make room for possible PP-PAs without decreasing other political priorities; considers that in its implementation of PP-PAs the Commission should inform step by step the Members of the European Parliament at their origin, so as to ensure full respect for the spirit of their proposals;

Agencies

53. Notes the overall increase in the draft budget 2018 for decentralised agencies of + 3,1 % (not taking into account assigned revenues) and + 146 posts, but highlights wide differences between 'cruising speed' agencies (- 11,2 %) and 'new tasks' agencies (+ 10,5 %); assumes that these figures properly reflect the fact that since 2013 most agencies have completed or even exceeded the 5 % staff cuts (some are to complete them in 2018), while staff increases in the same period were confined to agencies dealing with migration and security (+183 posts), financial supervisory agencies (+28 posts) and some agencies entrusted with new tasks (ERA, EASA, GSA) (+18 posts); reiterates its call, as expressed in the 2015 discharge procedure⁽¹⁾, to safeguard resources and where necessary provide additional resources so as to ensure the proper functioning of the agencies, including the Network of EU Agencies' Permanent Secretariat (now called the Shared Support Office);

54. Reiterates its conviction that the EU agencies active in the Justice and Home Affairs field must be urgently ensured the necessary operational expenditure and staffing levels to allow them successfully to take on the additional tasks and responsibilities that they have been given in recent years; welcomes, in this regard, the staff increases proposed for the European Coast and Border Guard Agency (Frontex) and the European Asylum Support Office (EASO), which it considers to be the minimum to ensure that these agencies can effectively perform their operations; underlines that the proposed budget and staffing level for Europol is insufficient for it to fulfil its assigned tasks, as the Commission and the Member States have decided in previous years to strengthen cooperation between Member States, especially in the fields of combating terrorism, organised crime, cybercrime and human trafficking and of protection for unaccompanied children; underlines the gaps identified in the existing exchange of information architecture, and urges the Commission to provide eu-LISA with the appropriate human and financial resources for it to fulfil the additional tasks and responsibilities recently assigned to it in this respect; underlines the important role of EASO in supporting Member States in the management of asylum applications, especially when dealing with an increased number of asylum seekers; regrets the decrease in the operational funding level (- 23,6 % compared to 2017) and the staffing level (-4 %) for Eurojust, which is currently having to face an increase in its casework;

⁽¹⁾ See European Parliament resolution of 27 April 2017 on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2015: performance, financial management and control (Texts adopted, P8_TA(2017)0155).

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55. Notes with concern that the EU agencies in the area of employment and training (CEDEFOP, ETF, EU-OSHA, EUROFOUND) and in the area of environmental action (ECDC, ECHA, EEA, EFSA, EMA) are being treated as particular targets for staff cuts (-5 and - 12 posts respectively); believes this is contradictory to the overall Union policies of creating decent, quality and stable jobs and combating climate change; welcomes the increase in staff and budget for ACER and GSA, but underlines that these increases are not sufficient for the agencies to adequately fulfil their tasks;

56. Notes that the year 2018 is the third REACH registration deadline, affecting a large number of companies in Europe and the highest number of SMEs to date, and that this will consequently have a significant impact on the workload of ECHA; calls, therefore, on the Commission to refrain from the planned reduction of six temporary agent posts in 2018 and to postpone this reduction until 2019 so that ECHA can effectively implement its entire 2018 work programme; notes, in this regard, that ECHA has already implemented a 10 % staff reduction for REACH since 2012;

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57. Recalls that gender mainstreaming is a legal obligation stemming directly from the Treaties; calls for the enforcement of gender budgeting within the budgetary procedure and for budgetary expenditure to be used as an effective tool for promoting equality between women and men; recommends developing a budget plan for implementing gender mainstreaming in the EU institutions, as per the adopted pilot project, and including in the future a specific budget line for managing the coordination of gender mainstreaming throughout the institutions;

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

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ANNEX

JOINT STATEMENT ON THE DATES FOR THE BUDGETARY PROCEDURE AND MODALITIES FOR THE FUNCTIONING OF THE CONCILIATION COMMITTEE IN 2018

A. In accordance with Part A of the annex to the interinstitutional agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, the European Parliament, the Council and the Commission agree on the following key dates for the 2018 budgetary procedure:

1. A trilogue will be called on 13 July in the morning, before the adoption of the Council's position;
2. The Commission will endeavour to present the Statement of Estimates 2018 by late May;
3. The Council will endeavour to adopt its position and transmit it to the European Parliament by week 37 (third week of September), in order to facilitate a timely agreement with the European Parliament;
4. The European Parliament's Committee on Budgets will endeavour to vote on amendments to the Council's position by the end of week 41 (mid-October) at the latest;
5. A trilogue will be called on 18 October in the afternoon, before the reading of the European Parliament;
6. The European Parliament's Plenary will vote on its reading in week 43 (Plenary session of 23-26 October);
7. The Conciliation period will start on 31 October. In agreement with the provisions of point c of Article 314(4) TFEU, the time available for conciliation will expire on 20 November 2017;
8. The Conciliation Committee will meet on 6 November in the afternoon hosted by the European Parliament and on 17 November hosted by the Council and may resume as appropriate; the sessions of the Conciliation Committee will be prepared by trilogue(s). A trilogue is scheduled on 9 November in the morning. Additional trilogue(s) may be called during the 21-day conciliation period, including possibly on 13 or 14 November (Strasbourg).

B. The modalities for the functioning of the Conciliation Committee are set out in Part E of the annex to the above-mentioned interinstitutional agreement.

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P8_TA(2017)0311

European Fund for Sustainable Development (EFSD) and establishing the EFSD Guarantee and the EFSD Guarantee Fund *I**

European Parliament legislative resolution of 6 July 2017 on the proposal for a regulation of the European Parliament and of the Council on the European Fund for Sustainable Development (EFSD) and establishing the EFSD Guarantee and the EFSD Guarantee Fund (COM(2016)0586 — C8-0377/2016 — 2016/0281(COD))

(Ordinary legislative procedure: first reading)

(2018/C 334/39)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0586),
 - having regard to Article 294(2), Article 209(1) and Article 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0377/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committees responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 28 June 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 joint deliberations of the Committee on Foreign Affairs, the Committee on Development and the Committee on Budgets under Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs, the Committee on Development and the Committee on Budgets and the opinion of the Committee on Budgetary Control (A8-0170/2017),
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.

P8_TC1-COD(2016)0281

Position of the European Parliament adopted at first reading on 6 July 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council establishing the European Fund for Sustainable Development (EFSD), the EFSD Guarantee and the EFSD Guarantee Fund

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1601.)

Thursday 6 July 2017

P8_TA(2017)0312

Permitted uses of certain works and other protected subject-matter for the benefit of persons who are blind, visually impaired or otherwise print disabled *I**

European Parliament legislative resolution of 6 July 2017 on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (COM(2016)0596 — C8-0381/2016 — 2016/0278(COD))

(Ordinary legislative procedure: first reading)

(2018/C 334/40)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0596),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0381/2016),
 - 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 25 January 2017 ⁽¹⁾,
 - 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 19 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 Legal Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Petitions (A8-0097/2017),
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.

P8_TC1-COD(2016)0278

Position of the European Parliament adopted at first reading on 6 July 2017 with a view to the adoption of Directive (EU) 2017/... of the European Parliament and of the Council on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/1564.)

⁽¹⁾ OJ C 125, 21.4.2017, p. 27.

Thursday 6 July 2017

P8_TA(2017)0313

Cross-border exchange between the Union and third countries of accessible format copies of certain works and other protected subject-matter for the benefit of persons who are blind, visually impaired or otherwise print disabled *I**

European Parliament legislative resolution of 6 July 2017 on the proposal for a regulation of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled (COM(2016)0595 — C8-0380/2016 — 2016/0279(COD))

(Ordinary legislative procedure: first reading)

(2018/C 334/41)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0595),
 - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0380/2016),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Article 114 of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 5 July 2017 ⁽¹⁾,
 - 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 19 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 Rules 59 and 39 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Petitions (A8-0102/2017),
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.

P8_TC1-COD(2016)0279

Position of the European Parliament adopted at first reading on 6 July 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1563.)

⁽¹⁾ Not yet published in the Official Journal.

Thursday 6 July 2017

P8_TA(2017)0314

Double taxation dispute resolution mechanisms in the EU *

European Parliament legislative resolution of 6 July 2017 on the proposal for a Council directive on Double Taxation Dispute Resolution Mechanisms in the European Union (COM(2016)0686 — C8-0035/2017 — 2016/0338(CNS))

(Special legislative procedure — consultation)

(2018/C 334/42)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2016)0686),
 - having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0035/2017),
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to its resolutions of 25 November 2015 ⁽¹⁾ and of 6 July 2016 ⁽²⁾ on tax rulings and other measures similar in nature or effect,
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0225/2017),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Calls on the Council to consider the possibility of progressively abrogating the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises ⁽³⁾ after the adoption of the proposed Directive and thereby to strengthen a coordinated Union approach to dispute resolution through the proposed Directive;
 6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ Texts adopted, P8_TA(2015)0408.

⁽²⁾ Texts adopted, P8_TA(2016)0310.

⁽³⁾ OJ L 225, 20.8.1990, p. 10.

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Amendment 1
Proposal for a directive
Recital 1

Text proposed by the Commission

- (1) Situations, in which different Member States tax the same income or capital twice can create serious tax obstacles for businesses operating cross border. They create an excessive tax burden for businesses and are likely to cause economic distortions and inefficiencies, **as well as to** have a negative impact on cross border investment and growth.

Amendment

- (1) **On the basis of the principle of fair and effective taxation, all businesses must pay their fair share of tax where profits and gains are generated, but double taxation and double non-taxation must be avoided.** Situations in which different Member States tax the same income or capital twice can create serious tax obstacles, **mainly** for **small and medium-sized** businesses operating cross border **and thus have a negative impact on the proper functioning of the internal market.** They create an excessive tax burden, **a lack of legal certainty and unnecessary costs** for businesses and are likely to cause economic distortions and inefficiencies. **In addition, they** have a negative impact on **cross-border** investment and growth.

Amendment 2
Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1a) **On 25 November 2015, the European Parliament adopted a resolution on tax rulings and other measures similar in nature or effect, where it contested the usefulness of the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises^(1a) (the ‘Union Arbitration Convention’) and considered that that instrument should be reshaped and made more efficient, or replaced by a Union dispute resolution mechanism with more effective mutual agreement procedures. On 6 July 2016, the European Parliament adopted a resolution on tax rulings and other measures similar in nature or effect, where it stressed that the setting of a clear timeframe for dispute resolution procedures is key to enhancing the effectiveness of the systems.**

^(1a) OJ L 225, 20.8.1990, p. 10.

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Amendment 3
Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

- (1b) *On 16 December 2015, the European Parliament adopted a resolution with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union, where it called on the Commission to propose legislation to improve cross-border taxation disputes in the Union, focussing not only on cases of double taxation but also double non-taxation. It also called for clearer rules, more stringent timelines and transparency.*

Amendment 4
Proposal for a directive
Recital 1 c (new)

Text proposed by the Commission

Amendment

- (1c) *Attempts to eliminate double taxation have often led to 'double non-taxation', where, through the practice of base erosion and profit shifting, companies have managed to have their profits taxed in those Member States which have corporate taxes of close to zero. That ongoing practice distorts competition, damages domestic enterprises and undermines taxation, to the detriment of growth and jobs.*

Amendment 5
Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

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| <p>(2) For this reason, it is necessary that mechanisms available in the Union ensure the resolution of double taxation disputes and the effective elimination of the double taxation at stake.</p> | <p>(2) <i>Current dispute resolution procedures are too long, costly and often do not result in an agreement, with some cases receiving no acknowledgement at all. Some businesses currently accept double taxation rather than spending money and time on burdensome procedures to eliminate double taxation.</i> For this reason, it is essential that mechanisms available in the Union ensure an effective, rapid and enforceable resolution of double taxation disputes and the effective and timely elimination of the double taxation at stake, with regular and effective communication to the taxpayer.</p> |
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Amendment 6
Proposal for a directive
Recital 3

Text proposed by the Commission

- (3) The currently existing mechanisms provided for in bilateral **tax** treaties do not achieve the provision of a full relief from double taxation in a timely manner in all cases. The **existing Convention on the elimination of double taxation in connection with the adjustments of profits of associated enterprises (90/436/EEC)** ⁽⁷⁾ ('the Union Arbitration Convention') has a limited scope as it is only applicable to transfer pricing disputes and attribution of profits to permanent establishments. The monitoring exercise carried out as part of the implementation of the Union Arbitration Convention has revealed some important shortcomings, in particular as regards access to the procedure **and** the length and the effective conclusion of the procedure.

⁽⁷⁾ OJ L 225, 20.8.1990, p. 10.

Amendment

- (3) The currently existing mechanisms provided for in bilateral **double taxation** treaties do not achieve the provision of a full relief from double taxation in a timely manner in all cases. The **mechanisms provided for in those treaties are, in many cases lengthy, costly, difficult to access and do not always lead to agreement.** The Union Arbitration Convention has a limited scope as it is only applicable to transfer pricing disputes and attribution of profits to permanent establishments. The monitoring exercise carried out as part of the implementation of the Union Arbitration Convention has revealed some important shortcomings, in particular as regards access to the procedure, **a lack of legal remedies,** the length and the **absence of a final binding** effective conclusion of the procedure. **Those shortcomings represent an obstacle to investment and should be eliminated.**

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

Text proposed by the Commission

Amendment

- (3a) **In order to shape a fair, clear and stable tax environment and to reduce taxation disputes within the internal market, at least some minimum convergence in corporate tax policies is required. The introduction of a common consolidated corporate tax base as proposed by the Commission ^(1a) is the most effective way of eliminating the risk of double corporate taxation.**

^(1a) Proposal for a Council directive on a Common Consolidated Corporate Tax Base (CCCTB) (COM(2016)0683).

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Amendment 8
Proposal for a directive
Recital 4

Text proposed by the Commission

- (4) With a view to create a fairer tax environment, rules on transparency need to be enhanced and anti-avoidance measures need to be strengthened. At the same time in the spirit of a fair taxation system, it is necessary to ensure that taxpayers are not taxed twice on the same income and that mechanisms on dispute resolution are comprehensive, effective and sustainable. Improvements to double taxation dispute resolution mechanisms are also **necessary** to respond to a risk of increased number of double or multiple taxation disputes with potentially high amounts being at stake due to more regular and focused audit practices established by tax administrations.

Amendment

- (4) With a view to create a fairer tax environment **for enterprises active in the Union**, rules on transparency need to be enhanced and anti-avoidance **and tax evasion** measures need to be strengthened **nationally, at Union level and globally. Avoiding double non-taxation must remain a priority of the Union.** At the same time in the spirit of a fair taxation system, it is necessary to ensure that taxpayers are not taxed twice on the same income and that mechanisms on dispute resolution are comprehensive, effective and sustainable. Improvements to double taxation dispute resolution mechanisms are also **vital in order** to respond to a risk of increased number of double or multiple taxation disputes with potentially high amounts being at stake due to more regular and focused audit practices established by tax administrations.

Amendment 9
Proposal for a directive
Recital 5

Text proposed by the Commission

- (5) The introduction of an effective and efficient framework for resolution of tax disputes which ensures legal certainty and **a business friendly environment for** investments is therefore a crucial action in order to achieve a fair and efficient corporate tax system in the Union. **The double taxation dispute resolution mechanisms should also create a harmonised and transparent framework for solving double taxation issues and as such provide benefits to all taxpayers.**

Amendment

- (5) The introduction of an effective and efficient framework for resolution of tax disputes which ensures legal certainty and **supports** investments is therefore a crucial action in order to achieve a fair and efficient corporate tax system in the Union. **Member States should dedicate an adequate level of human, technical and financial resources to competent authorities for this purpose.**

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Amendment 10
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) *The Union has the potential to become a model and a global leader in tax transparency and coordination. The double taxation dispute resolution mechanisms should therefore also create a harmonised and transparent framework for solving double taxation issues and as such provide benefits to all taxpayers. Unless proven by the taxpayers concerned that some sensitive trade, industrial or professional information in the decision should not be published, all final decisions should be published in their entirety and be made available by the Commission in a common data format also on a centrally managed webpage. Publication of final decisions is in the interest of the public as it improves understanding of how the rules should be interpreted and applied. This Directive will only realise its full potential if similar rules are also implemented in third countries. Therefore, the Commission should also advocate the establishment of binding dispute resolution procedures at international level.*

Amendment 11
Proposal for a directive
Recital 5 b (new)

Text proposed by the Commission

Amendment

- (5b) *An effective and efficient framework should include the possibility for Member States to propose alternative dispute resolution mechanisms that take better account of the specific characteristics of small and medium-sized enterprises (SMEs) and can result in lower costs, less bureaucracy, more efficiency and the faster elimination of double taxation.*

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Amendment 12
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) The elimination of double taxation should be achieved through a procedure ***under which, as*** a first step, the case is submitted to the tax authorities of the Member States concerned with a view to settling the dispute by Mutual Agreement Procedure. In the absence of such agreement within a certain time frame, the case should be submitted to an Advisory Commission or Alternative Dispute Resolution Commission, consisting both of representatives of the tax authorities concerned and of independent persons of standing. The tax authorities should take a final binding decision by reference to the opinion of ***an*** Advisory Commission or Alternative Dispute Resolution Commission.

Amendment

- (6) The elimination of double taxation should be achieved through a procedure ***that is simple to use. As*** a first step, the case is submitted to the tax authorities of the Member States concerned with a view to settling the dispute by Mutual Agreement Procedure. In the absence of such agreement within a certain time frame, the case should be submitted to an Advisory Commission or ***an*** Alternative Dispute Resolution Commission, consisting both of representatives of the tax authorities concerned and of independent persons of standing ***whose names will appear in a publicly available list of independent persons of standing.*** The tax authorities should take a final binding decision by reference to the opinion of ***the*** Advisory Commission or Alternative Dispute Resolution Commission.

Amendment 13
Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) ***The procedure for the settlement of double taxation disputes provided for in this Directive consists, among other options, of dispute resolution for the taxpayer. That includes mutual agreement procedures under bilateral double tax conventions or under the Union Arbitration Convention. The dispute resolution procedure laid down in this Directive should be prioritised over the other options, as it provides for a coordinated, Union-wide approach to dispute resolution, including clear and enforceable rules, a duty to eliminate double taxation and a fixed timeframe.***

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Amendment 14
Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *At present, it is unclear how this Directive relates to existing arbitration provisions in bilateral tax agreements and the existing Union Arbitration Convention. Therefore, the Commission should clarify those relations so that taxpayers can, if applicable, choose the procedure best fit for purpose.*

Amendment 15
Proposal for a directive
Recital 7 c (new)

Text proposed by the Commission

Amendment

- (7c) *A large number of double taxation cases involve third countries. Therefore, the Commission should strive to create a global framework, preferably within the context of the OECD. Until such OECD framework has been realised, the Commission should aim for a mandatory, instead of the current voluntary, and binding agreement procedure for all cases of potential cross-border double taxation.*

Amendment 16
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

- (10a) *The scope of this Directive should be extended as soon as possible. The Directive only provides a framework for the resolution of disputes regarding the double taxation of business profits. Disputes on the double taxation of income, such as pensions and salaries, have not been brought under its scope, while the impact on individuals can be significant. A different interpretation of a tax agreement by Member States can lead to economic double taxation, for example if one Member State interprets a source of income as salary while the other Member State interprets the same source of income as profit. Therefore, differences of interpretation between Member States in relation to the taxation of income should also be brought under the scope of this Directive.*

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Amendment 17
Proposal for a directive
Recital 11

Text proposed by the Commission

- (11) The Commission should review the application of this Directive after a period of five years **and** Member States should provide the Commission with appropriate input to support this review,

Amendment

- (11) The Commission should review the application of this Directive after a period of five years, **including a determination of whether the Directive should continue to be applied or amended.** Member States should provide the Commission with appropriate input to support this review. **At the end of its review, the Commission should present a report to the European Parliament and the Council, including an assessment of the extension of the scope of this Directive to cover all cross-border double taxation situations and double non-taxation, and if appropriate, an amending legislative proposal,**

Amendment 18
Proposal for a directive
Article 1 — paragraph 4

Text proposed by the Commission

This Directive shall not preclude the application of national legislation or provisions of international agreements where it is necessary to prevent tax evasion, tax fraud or abuse.

Amendment

This Directive shall not preclude the application of national legislation or provisions of international agreements where it is necessary to prevent tax evasion **and avoidance**, tax fraud or abuse.

Amendment 19
Proposal for a directive
Article 3 — paragraph 1

Text proposed by the Commission

1. Any taxpayer subject to double taxation shall be entitled to submit a complaint requesting the resolution of the double taxation to each of the competent authorities of the Member States concerned within three years from the receipt of the first notification of the action resulting in double taxation, whether or not it uses the remedies available in the national law of any of the Member States concerned. The taxpayer shall indicate in its complaint to each respective competent authority which other Member States are concerned.

Amendment

1. Any taxpayer subject to double taxation shall be entitled to submit a complaint requesting the resolution of the double taxation to each of the competent authorities of the Member States concerned within three years from the receipt of the first notification of the action resulting in double taxation, whether or not it uses the remedies available in the national law of any of the Member States concerned. The taxpayer shall **submit the complaint to both competent authorities of the Member States concerned at the same time and** indicate in its complaint to each respective competent authority which other Member States are concerned. **The Commission shall host a central contact point in all official languages of the Union, which is easily accessible to the public with up-to-date contact information for each competent authority and a full overview of applicable Union legislation and tax treaties.**

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Amendment 20

Proposal for a directive

Article 3 — paragraph 2

Text proposed by the Commission

2. **The** competent **authorities** shall acknowledge receipt of the complaint **within one month from the receipt of the complaint. They shall also inform** the competent authorities of the other Member States concerned **on** the receipt of the complaint.

Amendment

2. **Each** competent **authority** shall acknowledge receipt of the complaint **in writing and notify** the competent authorities of the other Member States concerned **within two weeks of** receipt of the complaint.

Amendment 21

Proposal for a directive

Article 3 — paragraph 3 — point a

Text proposed by the Commission

(a) name, address, tax identification number and other information necessary for identification of the taxpayer(s) who presented the complaint to the competent authorities and of any other taxpayer directly affected;

Amendment

(a) name, address, tax identification number and other information necessary for identification of the taxpayer(s) who presented the complaint to the competent authorities and of any other taxpayer directly affected **to the best of the complainant's knowledge;**

Amendment 22

Proposal for a directive

Article 3 — paragraph 3 — point d

Text proposed by the Commission

(d) **applicable national rules and double taxation treaties;**

Amendment

deleted

Amendment 23

Proposal for a directive

Article 3 — paragraph 3 — point e — point iii

Text proposed by the Commission

(iii) a commitment by the taxpayer to respond as completely and quickly as possible to all appropriate requests made by a competent authority and provide any documentation at the request of the competent authorities;

Amendment

(iii) a commitment by the taxpayer to respond as completely and quickly as possible to all appropriate requests made by a competent authority and provide any documentation at the request of the competent authorities **with the competent authorities giving due consideration to any constraints on access to requested documents and any external time delays;**

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Amendment 24**Proposal for a directive****Article 3 — paragraph 3 — point f***Text proposed by the Commission*

(f) any specific additional information requested by the competent authorities.

Amendment

(f) any specific additional information requested by the competent authorities **relevant to the taxation dispute**.

Amendment 25**Proposal for a directive****Article 3 — paragraph 5***Text proposed by the Commission*

5. The competent authorities of the Member States concerned shall take a decision on the acceptance and admissibility of the complaint of a taxpayer within **six** months of the receipt **thereof**. **The competent authorities shall inform the taxpayers** and the competent authorities of the other Member States of their decision.

Amendment

5. The competent authorities of the Member States concerned shall take a decision on the acceptance and admissibility of the complaint of a taxpayer within **three** months of the receipt **of the complaint and** inform **that taxpayer** and the competent authorities of the other Member States **in writing** of their decision **within two weeks**.

Amendment 26**Proposal for a directive****Article 4 — paragraph 1 — subparagraph 1***Text proposed by the Commission*

Where the competent authorities of the Member States concerned decide to accept the complaint according to Article 3 (5), they shall endeavour to eliminate the double taxation by mutual agreement procedure within **two years** starting from the last notification of one of the Member States' decision on the acceptance of the complaint.

Amendment

Where the competent authorities of the Member States concerned decide to accept the complaint according to Article 3 (5), they shall endeavour to eliminate the double taxation by mutual agreement procedure within **one year** starting from the last notification of one of the Member States' decision on the acceptance of the complaint.

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Amendment 27

Proposal for a directive

Article 4 — paragraph 1 — subparagraph 2

Text proposed by the Commission

The period of **two years** referred to in the first subparagraph may be extended by up to **six** months at the request of a competent authority of a Member State concerned, if the requesting competent authority provides justification in writing. That extension shall be subject to the acceptance by taxpayers and the other competent authorities.

Amendment

The period of **one year** referred to in the first subparagraph may be extended by up to **three** months at the request of a competent authority of a Member State concerned, if the requesting competent authority provides justification in writing. That extension shall be subject to the acceptance by taxpayers and the other competent authorities.

Amendment 28

Proposal for a directive

Article 4 — paragraph 3

Text proposed by the Commission

3. Once the competent authorities of the Member States have reached an agreement to eliminate the double taxation within the period provided for in paragraph 1, each competent authority of the Member States concerned shall transmit this agreement to the taxpayer as a decision which is binding on the authority and enforceable by the taxpayer, subject to the taxpayer renouncing the right to any domestic remedy. That decision shall be implemented irrespective of any time limits prescribed by the national law of the Member States concerned.

Amendment

3. Once the competent authorities of the Member States have reached an agreement to eliminate the double taxation within the period provided for in paragraph 1, each competent authority of the Member States concerned shall **within five days** transmit this agreement to the taxpayer as a decision which is binding on the authority and enforceable by the taxpayer, subject to the taxpayer renouncing the right to any domestic remedy. That decision shall be **immediately** implemented irrespective of any time limits prescribed by the national law of the Member States concerned.

Amendment 29

Proposal for a directive

Article 4 — paragraph 4

Text proposed by the Commission

4. Where the competent authorities of the Member States concerned have not reached an agreement to eliminate the double taxation within the period provided for in paragraph 1, each competent authority of the Member States concerned shall inform the taxpayers indicating the reasons for the failure to reach agreement.

Amendment

4. Where the competent authorities of the Member States concerned have not reached an agreement to eliminate the double taxation within the period provided for in paragraph 1, each competent authority of the Member States concerned shall inform the taxpayers **within two weeks** indicating the reasons for the failure to reach agreement **and informing the taxpayers of their options for appeal, with relevant contact information for the appeal bodies.**

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Amendment 30

Proposal for a directive

Article 5 — paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States concerned may decide to reject the complaint where the complaint is inadmissible or there is no double taxation or the three-year period set forth in Article 3(1) is not respected.

Amendment

1. The competent authorities of the Member States concerned may decide to reject the complaint where the complaint is inadmissible or there is no double taxation or the three-year period set forth in Article 3(1) is not respected. ***The competent authorities shall inform the taxpayer of the reasons for the rejection of the complaint.***

Amendment 31

Proposal for a directive

Article 5 — paragraph 2

Text proposed by the Commission

2. Where the competent authorities of the Member States concerned have not taken a decision on the complaint within **six** months following receipt of a complaint by a taxpayer, the complaint shall be deemed to be rejected.

Amendment

2. Where the competent authorities of the Member States concerned have not taken a decision on the complaint within **three** months following receipt of a complaint by a taxpayer, the complaint shall be deemed to be rejected ***and the taxpayer shall be notified within one month of that three-month period.***

Amendment 32

Proposal for a directive

Article 5 — paragraph 3

Text proposed by the Commission

3. In **case** of rejection of the complaint, the taxpayer shall be entitled to appeal against the decision of the competent authorities of the Member States concerned in accordance with national rules.

Amendment

3. In **the event** of rejection of the complaint, the taxpayer shall be entitled to appeal against the decision of the competent authorities of the Member States concerned in accordance with national rules. ***The taxpayer is entitled to make an appeal to either competent authority. The competent authority to whom the appeal is made shall inform the other competent authority of the existence of the appeal and the two competent authorities shall coordinate when processing the appeal. In the case of SMEs, if the appeal is successful, the financial burden shall be borne by the competent authority that initially rejected the complaint.***

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Amendment 33

Proposal for a directive

Article 6 — paragraph 2 — subparagraph 1

Text proposed by the Commission

The Advisory Commission shall adopt a decision on the admissibility and acceptance of the complaint within **six** months from the date of notification of the last decision rejecting the complaint under Article 5(1) by the competent authorities of the Member States concerned. By default of any decision notified **in** the **six** month period, the complaint is deemed to be rejected.

Amendment

The Advisory Commission shall adopt a decision on the admissibility and acceptance of the complaint within **three** months from the date of notification of the last decision rejecting the complaint under Article 5(1) by the competent authorities of the Member States concerned. By default of any decision notified **within** the **three**-month period, the complaint is deemed to be rejected.

Amendment 34

Proposal for a directive

Article 6 — paragraph 2 — subparagraph 2

Text proposed by the Commission

Where the Advisory Commission confirms the existence of double taxation and the admissibility of the complaint, the mutual agreement procedure provided for in Article 4 shall be initiated at the request of one of the competent authorities. The competent authority concerned shall notify the Advisory Commission, the other competent authorities concerned and the taxpayers of that request. The period of **two years** provided for in Article 4(1) shall start from the date of the decision taken by the Advisory Commission on the acceptance and admissibility of the complaint.

Amendment

Where the Advisory Commission confirms the existence of double taxation and the admissibility of the complaint, the mutual agreement procedure provided for in Article 4 shall be initiated at the request of one of the competent authorities. The competent authority concerned shall notify the Advisory Commission, the other competent authorities concerned and the taxpayers of that request. The period of **one year** provided for in Article 4(1) shall start from the date of the decision taken by the Advisory Commission on the acceptance and admissibility of the complaint.

Amendment 35

Proposal for a directive

Article 6 — paragraph 3 — subparagraph 1

Text proposed by the Commission

The Advisory Commission shall be set up by competent authorities of the Member States concerned **where they** have failed to reach an agreement to eliminate the double taxation under the mutual agreement procedure within the time limit provided for in Article 4(1).

Amendment

If the competent authorities of the Member States concerned have failed to reach an agreement to eliminate the double taxation under the mutual agreement procedure within the time limit provided for in Article 4(1), **the Advisory Commission shall deliver an opinion on the elimination of double taxation pursuant to Article 13(1).**

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Amendment 36**Proposal for a directive****Article 6 — paragraph 4 — subparagraph 1***Text proposed by the Commission*

The Advisory Commission shall be set up no later than **fifty calendar days** after the end of the **six-month** period provided for in Article 3(5), if the Advisory Commission is set up in accordance with paragraph 1.

Amendment

The Advisory Commission shall be set up no later than **one month** after the end of the **three-month** period provided for in Article 3(5), if the Advisory Commission is set up in accordance with paragraph 1.

Amendment 37**Proposal for a directive****Article 6 — paragraph 4 — subparagraph 2***Text proposed by the Commission*

The Advisory Commission shall be set up no later than **fifty calendar days** after the end of the period provided for in Article 4(1) if the Advisory Commission is set up in accordance with paragraph 2.

Amendment

The Advisory Commission shall be set up no later than **one month** after the end of the period provided for in Article 4(1) if the Advisory Commission is set up in accordance with paragraph 2.

Amendment 38**Proposal for a directive****Article 7 — paragraph 1 — subparagraph 2***Text proposed by the Commission*

Where the competent authority of a Member State has failed to appoint at least one independent person of standing and its substitute, the taxpayer may request the competent court in that Member State to appoint an independent person and the substitute from the list referred to in Article 8(4).

Amendment

Where the competent authority of a Member State has failed to appoint at least one independent person of standing and its substitute, the taxpayer may request the competent court in that Member State to appoint an independent person and the substitute from the list referred to in Article 8(4) **within three months**.

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Amendment 39**Proposal for a directive****Article 7 — paragraph 1 — subparagraph 3***Text proposed by the Commission*

If the competent authorities of all Member States concerned have failed to do so, the taxpayer may request the competent courts of each Member State to appoint the two independent persons of standing in accordance with the second and third subparagraphs. The thus appointed independent persons of standing shall appoint the chair by drawing lots from the list of the independent persons who qualify as chair according to Article 8(4).

Amendment

If the competent authorities of all Member States concerned have failed to do so, the taxpayer may request the competent courts of each Member State to appoint the two independent persons of standing in accordance with the second and third subparagraphs **of Article 8(4). The Commission shall make details of the competent courts of each Member State clearly available in a central information point on its website in all official languages of the Union.** The thus appointed independent persons of standing shall appoint the chair by drawing lots from the list of the independent persons who qualify as chair according to Article 8(4).

Amendment 40**Proposal for a directive****Article 7 — paragraph 2***Text proposed by the Commission*

2. Appointment of the independent persons and their substitutes according to paragraph 1 shall be referred to a competent court of a Member State only after the end of the **fifty-day** period referred to in Article 6(4) and within two weeks after the end of that period.

Amendment

2. Appointment of the independent persons and their substitutes according to paragraph 1 shall be referred to a competent court of a Member State only after the end of the **one month** period referred to in Article 6(4) and within two weeks after the end of that period.

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Amendment 41**Proposal for a directive****Article 7 — paragraph 3***Text proposed by the Commission*

3. The competent court shall adopt a decision according to paragraph 1 and notify it to the applicant. The applicable procedure for the competent court to appoint the independent persons when the Member States fail to appoint them shall be the same as the one applicable under national rules in matters of civil and commercial arbitration when courts appoint arbitrators in cases where parties fail to agree in this respect. The competent court shall also inform the competent authorities having initially failed to set up the Advisory Commission. This Member State shall be entitled to appeal a decision of the court, provided they have the right to do so under their national law. In case of rejection, the applicant shall be entitled to appeal against the decision of the court in accordance with the national procedural rules.

Amendment

3. The competent court shall adopt a decision according to paragraph 1 and notify it to the applicant **within one month**. The applicable procedure for the competent court to appoint the independent persons when the Member States fail to appoint them shall be the same as the one applicable under national rules in matters of civil and commercial arbitration when courts appoint arbitrators in cases where parties fail to agree in this respect. The competent court shall also inform the competent authorities having initially failed to set up the Advisory Commission. This Member State shall be entitled to appeal a decision of the court, provided they have the right to do so under their national law. In case of rejection, the applicant shall be entitled to appeal against the decision of the court in accordance with the national procedural rules.

Amendment 42**Proposal for a directive****Article 8 — paragraph 1 — subparagraph 1 — point c***Text proposed by the Commission*

(c) one or two independent persons of standing who shall be appointed by each competent authority from the list of persons referred to in paragraph 4.

Amendment

(c) one or two independent persons of standing who shall be appointed by each competent authority from the list of persons referred to in paragraph 4, **excluding the persons proposed by their own Member State**.

Amendment 43**Proposal for a directive****Article 8 — paragraph 1 — subparagraph 3 a (new)***Text proposed by the Commission**Amendment*

Member States may decide to appoint the representatives referred to in point (b) of the first subparagraph on a permanent basis.

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Amendment 44

Proposal for a directive

Article 8 — paragraph 3 — point b

Text proposed by the Commission

(b) where that person has, or has had, a large holding in or is or has been an employee of or adviser to one or each of the taxpayers;

Amendment

(b) where that person **or a relative of that person** has, or has had, a large holding in or is or has been an employee of or adviser to one or each of the taxpayers;

Amendment 45

Proposal for a directive

Article 8 — paragraph 4 — subparagraph 2

Text proposed by the Commission

Independent persons of standing must be nationals of a Member State and resident within the Union. They must be competent **and** independent.

Amendment

Independent persons of standing must be nationals of a Member State and resident within the Union, **preferably officials and civil servants working in the field of tax law or members of an Administrative Court**. They must be competent, independent, **impartial and of high integrity**.

Amendment 46

Proposal for a directive

Article 8 — paragraph 4 — subparagraph 3

Text proposed by the Commission

Member States shall notify to the Commission the names of the independent persons of standing they have nominated. Member States **may** specify in the notification which of the five persons they have nominated can be appointed as a chair. They shall also provide the Commission with complete and up-to-date information regarding their professional and academic background, competence, expertise and conflicts of interest. Member States shall inform the Commission of any changes to the list of independent persons without delay.

Amendment

Member States shall notify to the Commission the names of the independent persons of standing they have nominated. Member States **shall** specify in the notification which of the five persons they have nominated can be appointed as a chair. They shall also provide the Commission with complete and up-to-date information regarding their professional and academic background, competence, expertise and conflicts of interest. **Such information shall be updated in the event of changes in the curriculum vitae of the independent persons.** Member States shall inform the Commission of any changes to the list of independent persons without delay.

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Amendment 47

Proposal for a directive

Article 8 — paragraph 4 — subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The Commission shall check the information referred to in the third subparagraph concerning the independent persons of standing nominated by Member States. Such checks shall be carried out within three months of receipt of the information from Member States. Where the Commission has doubts as to the independence of the nominated persons, it can request a Member State to provide additional information and, if doubts remain, it may ask the Member State to remove that person from the list and appoint someone else.

Amendment 48

Proposal for a directive

Article 8 — paragraph 4 — subparagraph 3 b (new)

Text proposed by the Commission

Amendment

The list of independent persons of standing shall be publicly available.

Amendment 49

Proposal for a directive

Article 9 — paragraph 1

Text proposed by the Commission

Amendment

1. The competent authorities of the Member States concerned may agree to set up an Alternative Dispute Resolution Commission instead of the Advisory Commission to deliver an opinion on the elimination of the double taxation in accordance with Article 13.

1. The competent authorities of the Member States concerned may agree to set up an Alternative Dispute Resolution Commission instead of the Advisory Commission to deliver an opinion on the elimination of the double taxation in accordance with Article 13. ***The use of the Alternative Dispute Resolution Commission shall, however, remain as exceptional as possible.***

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Amendment 50**Proposal for a directive****Article 9 — paragraph 2***Text proposed by the Commission*

2. The Alternative Dispute Resolution Commission may differ regarding its composition and form from the Advisory Commission and apply conciliation, mediation, expertise, adjudication or any other dispute resolution processes or techniques to solve the dispute.

Amendment

2. The Alternative Dispute Resolution Commission may differ regarding its composition and form from the Advisory Commission and apply conciliation, mediation, expertise, adjudication or any other **effective and recognised** dispute resolution processes or techniques to solve the dispute.

Amendment 51**Proposal for a directive****Article 9 — paragraph 4***Text proposed by the Commission*

4. Articles 11 to 15 shall apply to the Alternative Dispute Resolution Commission, except for the rules on majority set out in Article 13(3). The competent authorities of the Member States concerned can agree on different rules on majority in the Rules of Functioning of the Alternative Dispute Resolution Commission.

Amendment

4. Articles 11 to 15 shall apply to the Alternative Dispute Resolution Commission, except for the rules on majority set out in Article 13(3). The competent authorities of the Member States concerned can agree on different rules on majority in the Rules of Functioning of the Alternative Dispute Resolution Commission, **provided that the independence of the appointed persons to solve the disputes and the absence of any conflict of interests are ensured.**

Amendment 52**Proposal for a directive****Article 10 — paragraph 1 — introductory part***Text proposed by the Commission*

Member States shall provide that within the period of **fifty calendar days** as provided for in Article 6(4), each competent authority of the Member States concerned notifies the taxpayers on the following:

Amendment

Member States shall provide that within the period of **one month** as provided for in Article 6(4), each competent authority of the Member States concerned notifies the taxpayers on the following:

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Amendment 53

Proposal for a directive

Article 10 — paragraph 1 — subparagraph 2

Text proposed by the Commission

The date referred to in point (b) of the first subparagraph shall be set no later than **6** months after the setting up of the Advisory Commission or Alternative Dispute Resolution Commission.

Amendment

The date referred to in point (b) of the first subparagraph shall be set no later than **three** months after the setting up of the Advisory Commission or Alternative Dispute Resolution Commission.

Amendment 54

Proposal for a directive

Article 10 — paragraph 3

Text proposed by the Commission

3. In absence or incompleteness of notification of the Rules of Functioning to the taxpayers, the Member States shall provide that the independent persons and the chair shall complete the Rules of Functioning according to Annex II and send it to the taxpayer within two weeks from the expiry date of the **fifty calendar days** provided in Article 6(4). When the independent persons and the chair do not agree on the Rules of Functioning or do not notify them to the taxpayers, the taxpayers can refer to the competent court of their state of residence or establishment in order to draw all legal consequences and implement the Rules of Functioning.

Amendment

3. In absence or incompleteness of notification of the Rules of Functioning to the taxpayers, the Member States shall provide that the independent persons and the chair shall complete the Rules of Functioning according to Annex II and send it to the taxpayer within two weeks from the expiry date of the **one-month period** provided **for** in Article 6(4). When the independent persons and the chair do not agree on the Rules of Functioning or do not notify them to the taxpayers, the taxpayers can refer to the competent court of their state of residence or establishment in order to draw all legal consequences and implement the Rules of Functioning.

Amendment 55

Proposal for a directive

Article 12 — paragraph 1 — introductory part

Text proposed by the Commission

1. For the purposes of the procedure referred to in Article 6, the taxpayer(s) concerned **may** provide the Advisory Commission or Alternative Dispute Resolution Commission with any information, evidence or documents that may be relevant for the decision. The taxpayer(s) and the competent authorities of the Member States concerned shall provide any information, evidence or documents upon request by the Advisory Commission or Alternative Dispute Resolution Commission. However, the competent authorities of any such Member State may refuse to provide information to the Advisory Commission in any of the following cases:

Amendment

1. For the purposes of the procedure referred to in Article 6, the taxpayer(s) concerned **shall** provide the Advisory Commission or Alternative Dispute Resolution Commission with any information, evidence or documents that may be relevant for the decision. The taxpayer(s) and the competent authorities of the Member States concerned shall provide any information, evidence or documents upon request by the Advisory Commission or Alternative Dispute Resolution Commission. However, the competent authorities of any such Member State may refuse to provide information to the Advisory Commission in any of the following cases:

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Amendment 56**Proposal for a directive****Article 13 — paragraph 1***Text proposed by the Commission*

1. The Advisory Commission or Alternative Dispute Resolution Commission shall deliver its opinion no later than **six** months after the date it was set up to the competent authorities of the Member States concerned.

Amendment

1. The Advisory Commission or Alternative Dispute Resolution Commission shall deliver its opinion no later than **three** months after the date it was set up to the competent authorities of the Member States concerned.

Amendment 57**Proposal for a directive****Article 13 — paragraph 2***Text proposed by the Commission*

2. The Advisory Commission or Alternative Dispute Resolution Commission when drawing up its opinion shall take into account the applicable national rules and double taxation treaties. In the absence of a double taxation treaty or agreement between the Member States concerned, the Advisory Commission or Alternative Dispute Resolution Commission, when drawing up its opinion, may refer to international practice in matters of taxation such as the latest OECD Model Tax Convention.

Amendment

2. The Advisory Commission or Alternative Dispute Resolution Commission when drawing up its opinion shall take into account the applicable national rules and double taxation treaties. In the absence of a double taxation treaty or agreement between the Member States concerned, the Advisory Commission or Alternative Dispute Resolution Commission, when drawing up its opinion, may refer to international practice in matters of taxation such as the latest OECD Model Tax Convention **and the latest United Nations Model Double Taxation Convention**.

Amendment 58**Proposal for a directive****Article 14 — paragraph 1***Text proposed by the Commission*

1. The competent authorities shall agree within **six** months of the notification of the opinion of the Advisory Commission or Alternative Dispute Resolution Commission on the elimination of the double taxation.

Amendment

1. The competent authorities shall agree within **three** months of the notification of the opinion of the Advisory Commission or Alternative Dispute Resolution Commission on the elimination of the double taxation.

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Amendment 59
Proposal for a directive
Article 14 — paragraph 3

Text proposed by the Commission

3. Member States shall provide that the final decision eliminating double taxation is transmitted by each competent authority to the taxpayers within thirty calendar days of its adoption. When **he** is not notified **with** the decision within the thirty **calendar** day period, **the taxpayers** may appeal in its Member State of residence or establishment in accordance with national rules.

Amendment

3. Member States shall provide that the final decision eliminating double taxation is transmitted by each competent authority to the taxpayers within thirty calendar days of its adoption. When **a taxpayer** is not notified **of that** decision within the thirty-day period, **that taxpayer** may appeal in its Member State of residence or establishment in accordance with national rules.

Amendment 60
Proposal for a directive
Article 15 — paragraph 2

Text proposed by the Commission

2. The submission of the dispute to the mutual agreement procedure or to the dispute resolution procedure shall **not** prevent a Member State from initiating or continuing judicial proceedings or proceedings for administrative and criminal penalties in relation to the same matters.

Amendment

2. The submission of the dispute to the mutual agreement procedure or to the dispute resolution procedure shall prevent a Member State from initiating or continuing judicial proceedings or proceedings for administrative and criminal penalties in relation to the same matters.

Amendment 61
Proposal for a directive
Article 15 — paragraph 3 — point a

Text proposed by the Commission

(a) **six** months referred to in Article 3(5);

Amendment

(a) **three** months referred to in Article 3(5);

Amendment 62
Proposal for a directive
Article 15 — paragraph 3 — point b

Text proposed by the Commission

(b) **two years** referred to in Article 4(1).

Amendment

(b) **one year** referred to in Article 4(1).

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Amendment 63
Proposal for a directive
Article 15 — paragraph 6

Text proposed by the Commission

6. By way of derogation from Article 6, Member States concerned may deny access to the dispute resolution procedure in cases of tax fraud, wilful default and gross negligence.

Amendment

6. By way of derogation from Article 6, Member States concerned may deny access to the dispute resolution procedure in cases of tax fraud **established by a legally valid judgement in criminal or administrative proceedings**, wilful default and gross negligence **in the same matter**.

Amendment 64
Proposal for a directive
Article 16 — paragraph 2

Text proposed by the Commission

2. The competent authorities shall publish the final decision referred to in Article 14, **subject to consent of each of the taxpayers concerned**.

Amendment

2. The competent authorities shall publish the final decision referred to in Article 14 **in its entirety. However, in the event that any of the taxpayers argue that some specific points in the decision are sensitive trade, industrial or professional information, the competent authorities shall consider those arguments and shall publish as much of the decision as possible whilst deleting the sensitive parts. While protecting the constitutional rights of taxpayers, in particular as regards information, the publication of which would clearly and evidently reveal industrial and commercially sensitive information to competitors, the competent authorities shall endeavour to ensure maximum possible transparency through the publication of the final decision.**

Amendment 65
Proposal for a directive
Article 16 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Where a taxpayer concerned does not consent to publishing the final decision in its entirety, the competent authorities shall publish an abstract of the final decision with description of the issue and subject matter, date, tax periods involved, legal basis, industry sector, short description of the final outcome.

Amendment

deleted

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Amendment 67

Proposal for a directive

Article 16 — paragraph 4

Text proposed by the Commission

4. The Commission shall establish standard forms for the communication of the information referred to in **paragraphs 2 and 3** by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 18(2).

Amendment

4. The Commission shall establish standard forms for the communication of the information referred to in **paragraph 2** by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 18(2).

Amendment 68

Proposal for a directive

Article 16 — paragraph 5

Text proposed by the Commission

5. The competent authorities shall notify the information to be published in accordance with paragraph 3 to the Commission without delay.

Amendment

5. The competent authorities shall notify the information to be published in accordance with paragraph 3 to the Commission without delay. **The Commission shall make that information available in a commonly used data format on a centrally managed webpage.**

Amendment 69

Proposal for a directive

Article 17 — paragraph 1

Text proposed by the Commission

1. The Commission shall make available online and keep up to date the list of the independent persons of standing referred to in Article 8(4), indicating which of those persons can be appointed as chair. That list shall contain **only** the names of **those** persons.

Amendment

1. The Commission shall make available online **in an open data format** and keep up to date the list of the independent persons of standing referred to in Article 8(4), indicating which of those persons can be appointed as chair. That list shall contain the names, **affiliations and curriculum vitae** of **those** persons **and information relating to their qualifications and practical experience, accompanied by declarations regarding any conflicts of interest.**

Thursday 6 July 2017

Amendment 70
Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

*Amendment***Article 21a****Review**

By ... [three years after the date of entry into force of this Directive], the Commission shall, on the basis of public consultation and in the light of the discussions with competent authorities, carry out a review on the application and the scope of this Directive. The Commission shall also analyse whether an Advisory Committee of a permanent nature ('Standing Advisory Commission') would further increase the effectiveness and efficiency of the dispute resolution procedures.

The Commission shall submit a report to the European Parliament and the Council, including, if appropriate, an amending legislative proposal.

Amendment 71
Proposal for a directive
Annex I — heading 5 — line 2 a (new)

Text proposed by the Commission

*Amendment***Gewerbsteuer**

Amendment 72
Proposal for a directive
Annex I — heading 12 — line 2 a (new)

Text proposed by the Commission

*Amendment***Imposta regionale sulle attività produttive**

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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