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EUROPEAN PARLIAMENT

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Sittings of 11 to 14 September 2017

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Key to symbols used

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

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

Amendments by Parliament:

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

EUROPEAN PARLIAMENT

2017-2018 SESSION

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TEXTS ADOPTED

Tuesday 12 September 2017

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2017)0321

Implementation of the Mediation Directive

European Parliament resolution of 12 September 2017 on the implementation of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (the ‘Mediation Directive’) (2016/2066(INI))

(2018/C 337/01)

The European Parliament,

- having regard to Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters ⁽¹⁾ (the ‘Mediation Directive’),
- having regard to the Commission report to the European Parliament, the Council and the European Economic and Social Committee on the application of Directive 2008/52/EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters (COM(2016)0542),
- having regard to the compilation of in-depth analyses by its Directorate-General for Internal Policies entitled ‘The implementation of the Mediation Directive — 29 November 2016’ ⁽²⁾,
- having regard to the Commission study entitled ‘Study for an evaluation and implementation of Directive 2008/52/EC — the “Mediation Directive” of 2014’ ⁽³⁾,
- having regard to the study by its Directorate-General for Internal Policies entitled ‘Rebooting the Mediation Directive: Assessing the limited impact of its implementation and proposing measures to increase the number of mediations in the EU’ ⁽⁴⁾,
- having regard to the European Implementation Assessment on the Mediation Directive by the Ex-Post Impact Assessment Unit of the European Parliamentary Research Service (EPRS) ⁽⁵⁾,
- having regard to the study by its Directorate-General for Internal Policies entitled ‘Quantifying the cost of not using mediation — a data analysis’ ⁽⁶⁾,

⁽¹⁾ OJ L 136, 24.5.2008, p. 3.

⁽²⁾ PE 571.395.

⁽³⁾ <http://bookshop.europa.eu/en/study-for-an-evaluation-and-implementation-of-directive-2008-52-ec-the-mediation-directive-pbDS0114825/>

⁽⁴⁾ PE 493.042.

⁽⁵⁾ PE 593.789.

⁽⁶⁾ PE 453.180.

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- having regard to Articles 67 and 81(2)(g) of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Rule 52 of its Rules of Procedure as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Legal Affairs (A8-0238/2017),
- A. whereas Directive 2008/52/EC has been an important milestone with regard to the introduction and use of mediation procedures in the European Union; whereas nevertheless its implementation has differed greatly among the Member States, depending on the prior existence or not of national mediation systems, with some Member States opting for a relatively literal implementation of its provisions, others for an in-depth revision of alternative ways to resolve disputes (such as Italy, for instance, which uses mediation at a rate six times higher than the rest of Europe), and others deeming their existing laws to be already in line with the Mediation Directive;
- B. whereas most Member States have extended the scope of application of their national transposing measures to domestic cases too — with only three Member States having chosen to transpose the Directive with respect to cross-border cases only ⁽¹⁾, — which has had a decisively positive impact on the laws of the Member States and the categories of disputes concerned;
- C. whereas the difficulties which have emerged at the transposition stage of the directive largely reflect the differences in legal culture across the national legal systems; whereas priority should therefore be given to a change in the legal mind-set through the development of a mediation culture based on friendly dispute settlement — an issue that has repeatedly been raised by European networks of legal professionals since the inception of the Union directive and subsequently during its transposition by the Member States;
- D. whereas the implementation of the Mediation Directive has provided EU added value by raising awareness among national legislators of the advantages of mediation and bringing about a degree of alignment with regard to procedural law and diverse practices in the Member States;
- E. whereas mediation, as an alternative, voluntary and confidential out-of-court procedure, can be a useful tool for alleviating overloaded court systems in certain cases and subject to the necessary safeguards, since it can enable natural and legal persons to settle disputes out of court quickly and cheaply — bearing in mind that excessively long court proceedings violate the Charter of Fundamental Rights –, while ensuring better access to justice and contributing to economic growth;
- F. whereas the objectives stated in Article 1 of the Mediation Directive aimed at encouraging the use of mediation and in particular at achieving a ‘balanced relationship between mediation and judicial proceedings’ have clearly not been achieved, as mediation is used in less than 1 % of the cases in court on average in the majority of Member States ⁽²⁾;
- G. whereas the Mediation Directive has not created a Union system for out-of-court dispute resolution in the strictest sense, with the exception of the introduction of specific provisions in the field of expiration of limitation and prescription periods in legal proceedings when mediation is attempted and in the field of confidentiality obligations for the mediators and their administrative staff;

Main conclusions

1. Welcomes the fact that in many Member States mediation systems have recently been subject to changes and revisions, and in others amendments to the applicable legislation are envisaged ⁽³⁾;

⁽¹⁾ See COM(2016)0542, p. 5.

⁽²⁾ PE 571.395, p. 25.

⁽³⁾ Croatia, Estonia, Greece, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovakia and Spain.

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2. Deplores the fact that only three Member States have chosen to transpose the directive with respect to cross-border cases only, and notes that certain difficulties exist in relation to the functioning of the national mediation systems in practice, mainly related to the adversarial tradition and the lack of a mediation culture in the Member States, the low level of awareness of mediation in the majority of Member States, insufficient knowledge of how to deal with cross-border cases, and the functioning of the quality control mechanisms for mediators ⁽¹⁾;

3. Stresses that all Member States make provision for the possibility for courts to invite the parties to use mediation or at least to attend information sessions on mediation; notes that, in some Member States, participation in such information sessions is obligatory, on a judge's initiative ⁽²⁾, or in relation to specific disputes prescribed by law, such as family matters ⁽³⁾; indicates, likewise, that some Member States require lawyers to inform their clients of the possibility of using mediation, or that applications to the court confirm whether mediation has been attempted or whether there are any reasons which would stand in the way of such an attempt; notes however that Article 8 of the Mediation Directive ensures that parties that choose mediation in an attempt to settle a dispute are not subsequently prevented from having their day in court as a result of the time spent in mediation; highlights that no particular issue seems to have been raised by Member States in relation to this point;

4. Notes also that many Member States provide financial incentives for parties to use mediation, either in the form of cost reductions, legal aid, or sanctions for unjustified refusal to consider mediation; observes that the results achieved in these countries prove that mediation can provide a cost-effective and quick extra-judicial resolution of disputes through processes tailored to the needs of the parties;

5. Considers that the adoption of codes of conduct constitutes an important tool for ensuring the quality of mediation; observes in this regard that the European Code of Conduct for Mediators is either directly used by stakeholders or has inspired national or sectoral codes; observes also that most Member States have obligatory accreditation procedures for mediators and/or run registries of mediators;

6. Regrets the difficulty of obtaining comprehensive statistical data on mediation, including the number of mediated cases, the average length and success rates of mediation processes; notes that without a reliable database it is very difficult to further promote mediation and increase public trust in its effectiveness; underlines on the other hand the increasing role of the European Judicial Network in civil and commercial matters in improving national data collection on the application of the Mediation Directive;

7. Welcomes the particular importance of mediation in the field of family law (especially in proceedings concerning child custody, access rights and child abduction cases), where it can create a constructive atmosphere for discussions and ensure fair dealings between parents; notes, further, that amicable solutions are likely to be long-lasting and in the child's best interests as they can address, in addition to the child's primary residence, visitation arrangements or agreements concerning the child's maintenance; highlights in this context the important role played by the European Judicial Network in civil and commercial matters in drawing up recommendations aimed at enhancing the use of family mediation in a cross-border context, in particular in child abduction cases;

8. Stresses the significance of the development and maintenance of a separate section on the European e-Justice Portal dedicated to cross-border mediation in family matters and providing information on national mediation systems;

9. Welcomes the Commission's dedication therefore to co-financing various projects aimed at the promotion of mediation and training for judges and practitioners in the Member States;

⁽¹⁾ See COM(2016)0542, p. 4.

⁽²⁾ For example in the Czech Republic.

⁽³⁾ For example in Lithuania, Luxembourg, England and Wales.

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10. Stresses that, despite the voluntary nature of mediation, further steps must be taken to ensure the enforceability of mediated agreements in a quick and affordable manner, with full respect for fundamental rights, as well as Union and national law; recalls in that respect that the domestic enforceability of an agreement reached by the parties in a Member State is, as a general rule, subject to homologation by a public authority, which gives rise to additional costs, is time consuming for the parties to the settlement, and could therefore negatively affect the circulation of foreign mediation settlements, especially in cases of small disputes;

Recommendations

11. Calls on the Member States to step up their efforts to encourage the use of mediation in civil and commercial disputes, including through appropriate information campaigns providing citizens and legal persons with appropriate, comprehensive information regarding the thrust of the procedure and its advantages in terms of economising time and money and to ensure improved cooperation between legal professionals for that purpose; stresses in this context the need for an exchange of best practices in the various national jurisdictions, supported by appropriate measures at Union level, in order to boost awareness of how useful mediation is;

12. Calls on the Commission to assess the need to develop EU-wide quality standards for the provision of mediation services, especially in the form of minimum standards ensuring consistency, while taking into account the fundamental right of access to justice as well as local differences in mediation cultures, as a means to further promote the use of mediation;

13. Calls on the Commission also to assess the need for Member States to create and maintain national registers of mediated proceedings, which could be a source of information for the Commission but also used by national mediators to benefit from best practices across Europe; stresses that any such register must be established in full compliance with the General Data Protection Regulation (Regulation (EU) 2016/679) ⁽¹⁾;

14. Requests that the Commission undertake a detailed study on the obstacles to the free circulation of foreign mediation agreements in the Union and on various options to promote the use of mediation as a sound, affordable and effective way to solve conflicts in internal and cross-border disputes in the Union, taking into account the rule of law and ongoing international developments in this field;

15. Calls on the Commission, in its review of the rules, to find solutions in order to extend effectively the scope of mediation also to other civil or administrative matters, where possible; stresses, however, that special attention must be paid to the implications that mediation could have on certain social issues, such as family law; recommends in this context that the Commission and the Member States apply and implement appropriate safeguards in mediation processes to limit the risks for weaker parties and to protect them against any possible abuse of process or position by the more powerful parties, and to provide relevant comprehensive statistical data; underlines also the importance of ensuring that fair criteria are complied with in terms of costs, especially in order to protect the interests of disadvantaged groups; notes however that mediation may lose its attractiveness and added value if excessively stringent standards for the parties are introduced;

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

⁽¹⁾ OJ L 119, 4.5.2016, p. 1.

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P8_TA(2017)0322

The functioning of franchising in the retail sector

European Parliament resolution of 12 September 2017 on the functioning of franchising in the retail sector (2016/2244(INI))

(2018/C 337/02)

The European Parliament,

- having regard to its resolution of 11 December 2013 on the European Retail Action Plan for the benefit of all actors ⁽¹⁾, and in particular paragraph 29 thereof,
 - having regard to its resolution of 7 June 2016 on unfair trading practices in the food supply chain ⁽²⁾,
 - having regard to the study of April 2016 commissioned by the IMCO Committee on franchising ⁽³⁾,
 - having regard to the study of September 2016 commissioned by the IMCO Committee entitled 'Legal Perspective of the Regulatory Framework and Challenges for Franchising in the EU' ⁽⁴⁾,
 - having regard to the briefing entitled 'Future Policy Options in Franchising in the EU: Confronting Unfair Trading Practices' ⁽⁵⁾,
 - having regard to the workshop entitled 'Relations between franchisors and franchisees: regulatory framework and current challenges', organised for the IMCO Committee on 12 July 2016,
 - 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 Economic and Monetary Affairs (A8-0199/2017),
- A. whereas there is no common European definition of franchising and franchising agreements differ from one business to another, but one key feature of such relationships is a contractual partnership concluded on a voluntary basis between entrepreneurs or natural or legal persons that are legally and financially independent of each other, whereby one party (the franchisor) grants to the other party (the franchisee) the right to operate his franchising formula, name, and trademarks, and shares know-how, drawing on the franchisor's technical and organisational expertise and assistance for the duration of the agreement, where customers rely upon the unity of the franchising system, the intention of both the franchisor and the franchisee being to allow for the rapid acquisition of new markets with limited investment and an increased chance of success;
- B. whereas in its resolution of 11 December 2013, Parliament welcomed franchising as a business model which supports new business and small-business ownership, but noted the existence of unfair contract terms in certain cases and called for transparent and fair contract terms; moreover, it drew the attention of the Commission and Member States, in particular, to problems faced by franchisees wishing to sell their business or change their business formula, whilst remaining active in the same sector and requested that the Commission examine the ban on price-fixing mechanisms in franchise systems and the effects of long-term competition clauses, purchase options and the prohibition of multi-franchising;

⁽¹⁾ OJ C 468, 15.12.2016, p. 140.

⁽²⁾ Texts adopted, P8_TA(2016)0250.

⁽³⁾ IP/A/IMCO/2015-05, PE 578.978.

⁽⁴⁾ IP/A/IMCO/2016-08, PE 587.317.

⁽⁵⁾ PE 587.325.

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- C. whereas franchising has the full potential of being a business model that can help in completing the single market in the retail sector, as it can be a convenient means to establish a business through a shared investment by the franchisor and franchisee; is therefore disappointed that it is currently under-performing in the EU, representing only 1,89 % of GDP, as opposed to 5,95 % in the USA and 10,83 % in Australia, 83,5 % of franchising's turnover being concentrated in only seven Member States ⁽¹⁾, which is why it is important to encourage a wider dissemination of this business model throughout the EU;
- D. whereas franchising has a significant potential cross-border dimension, is of importance for the functioning of the internal market and can thus lead to job creation, SME and entrepreneurship development as well as the acquisition of new capabilities and skills;
- E. whereas existing legislation covering franchising as a business model varies widely between Member States, which creates technical barriers and may discourage both franchisors and franchisees from expanding their activities across borders; whereas this, in turn, can have an impact on final consumers by limiting their choice;
- F. whereas there are differences between 'hard' and 'soft' franchising, depending on the conditions of the franchising agreement; and, moreover, alternative business models such as 'groups of independent retailers' have special characteristics and should only be affected by rules governing franchising, insofar as they meet the definition of franchising;
- G. whereas there is a lack of information on the functioning of franchising across sectors, since relevant information is not written down or can often only be found in the side letters accompanying a franchise agreement, which are confidential, therefore not public, and at EU-level there is no mechanism for collecting information on potentially unfair contract terms or unfair implementation of contracts, which is why a platform containing this important information is needed in order to improve awareness among franchisors and franchisees of their duties and their rights;
- H. whereas e-commerce is expanding and is being used more and more by consumers and should therefore be better reflected in franchise agreements; whereas, in the context of the realisation of the digital single market specific attention should therefore be paid to any tensions arising between franchisors and franchisees with respect to e-commerce, for example, in relation to the right of exclusivity of the franchisee for a specific geographical area, and the increasing relevance of consumer data for the success of franchising business models, particularly as franchise agreements currently do not contain provisions on these subjects, leaving scope for unnecessary uncertainty and conflicts;
- I. whereas the Commission has defined unfair trading practices as 'practices that grossly deviate from good commercial conduct, are contrary to good faith and fair dealing and are unilaterally imposed by one trading partner on another' ⁽²⁾;
1. Considers that, given its current under-utilisation in the EU in comparison to other developed economies, for the completion of the single market in the retail sector, franchising can play an even more important role;
 2. Considers it important that the Member States apply effective measures against any unfair trading practices in the field of franchising, but notes that there is still a high degree of divergence and diversification between Member States in this respect; considers it important, therefore, that non-legislative homogeneous guidelines, reflecting best practices, on the functioning of franchising in the retail sector be put in place;
 3. Calls on the Commission to introduce guidelines on franchising contracts, in order to better shape the normative environment of franchising contracts ensuring compliance with labour standards and decent and high-quality service;

⁽¹⁾ 'Legal perspective of the regulatory framework and challenges for franchising in the EU', study for the IMCO Committee, September 2016, p. 12.

⁽²⁾ 'Tackling unfair trading practices in the business-to-business food supply chain', COM(2014)0472.

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4. Is of the view that, in view of the strong cross-border element of franchising, a uniform approach to correct unfair trading practices at EU level is advisable;
5. Acknowledges that, on a national level, legislation has been enacted to protect franchisees, but the focus has been on the pre-contractual stage, to impose disclosure obligations on the franchisor; regrets that national systems have not provided for enforcement mechanisms which are efficient in ensuring the continuation of the franchise relationship;
6. Notes that franchisees are often the weaker contracting party, especially when they are SMEs, as the franchise formula has normally been developed by the franchisor and franchisees tend to be financially weaker and may consequently be less well-informed than the franchisor and therefore dependent on the expertise of the franchisor; stresses the fact that franchise systems are heavily dependent upon the functioning co-operation of franchisor and franchisees, taking into consideration that the franchising system depends on good implementation by all parties;
7. Recalls that franchising is a contractual relationship between two legally independent businesses;
8. Stresses that regulation should maintain and increase market confidence in franchising as a way of doing business, as it encourages entrepreneurship not only in microenterprises and small and medium-sized enterprises that become franchisors, but also for individuals who become franchisees;
9. States that franchisors have organised themselves both at national and European level for the representation of their interests, whereas franchisees often lack such representative organisations defending their collective interests, and continue to operate mostly on an individual basis;
10. Calls on the Commission and Member States to encourage dialogue between franchisors, franchisees and decision-makers, to facilitate the creation of associations representing franchisees, and to make sure that their voices are heard, whenever policies or legislation are prepared that may affect them, in order to ensure more equal representation of the parties, while stressing that membership of these organisations shall remain optional;
11. Emphasises that there is a persistent lack of information on the functioning of franchising in the retail sector and calls on Member States to designate, in co-operation with the Commission, contact points for information on problems encountered by franchisors and franchisees, whenever available, and calls on the Commission to improve the collection of information at EU level, based, inter alia, on information from these contact points, whilst guaranteeing the confidentiality of the information thus acquired;
12. Calls on the Commission to examine the functioning of franchising in the retail sector, including the existence of unfair contract terms or other unfair trading practices, and to request Eurostat to pay attention to this model when collecting statistical information on the sector, without any additional administrative or other burdens for entrepreneurs;
13. Takes note of the European Code of Ethics for Franchising, developed by the European Franchise Federation (EFF), as a potentially efficient tool for promoting best practices in the franchising sector on a self-regulatory basis, but also notes that the Code has been subject to fundamental criticism from franchisees pointing, inter alia, to the fact that the Code was worded more strongly in respect of the commitments of the franchisor prior to its revision in 2016; encourages franchisors and franchisees to ensure the balanced and fair representation of both sides in order to find an appropriate solution;
14. Regrets, however, that the Code only covers a small minority of franchises operating in the EU, as the majority of franchises belong neither to the EFF nor the national associations that have adopted it, and several Member States do not have national franchise associations;
15. Notes there are concerns about the lack of an independent enforcement mechanism accompanying the European Code of Ethics and notes that in some Member States this lack of independent enforcement prompted the introduction of legislation preventing and addressing unfair trading practices in franchising;
16. Recalls that the Code of Ethics is a set of rules accepted by franchisors in addition to legally-required rules; believes that the Code of Ethics should always remain as added value for anyone willing to abide by these rules;

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17. Considers the need to evaluate the effectiveness of the self-regulatory framework and the EU supply chain initiative, as membership of the national franchise organisations is a pre-requisite for participation in this initiative;

18. States that franchise agreements should fully respect the principles of balanced partnership, under which the franchisor and franchisee must be reasonable and fair towards each other and resolve complaints, grievances and disputes through frank, transparent, reasonable and direct communication;

19. Calls on the Member States to submit to the Commission complaints and other relevant information they receive through a contact point or otherwise; calls on the Commission to draw up, on the basis of that information, a non-exhaustive list of unfair trading practices which should be published and made accessible to all interested parties; calls, moreover, on the Commission to set up, if necessary, an expert platform in order to obtain further information about retail franchising practice and, in particular, about any types of unfair trading practice;

20. Points, in particular, to the need for specific principles to ensure the balanced contractual rights and obligations of the parties, such as clear, correct and comprehensive pre-contractual information, including information on the franchise formula's performance, both general and targeted towards the franchisee's envisaged location, and clear limits concerning confidentiality requirements, to be available in writing and with sufficient notice prior to the signing of the agreement, and the introduction of a cooling-off period after signing the agreement, where appropriate; points, also, to the need for continued commercial and technical assistance from the franchisor to the franchisee for the duration of the agreement, if needed;

21. Emphasises the need for specialised initial training where necessary and appropriate guidance by and information from the franchisor for franchisees during the term of the agreement;

22. Recalls the obligation of franchisees to devote their best endeavours to the growth of the franchise business and to the maintenance of the common identity and reputation of the franchise network, and to this effect to collaborate loyally with all partners in the network and to respect the industrial and intellectual property rights involved in the franchise formula, as well as competition rules;

23. Adds, however, that sometimes franchisors require franchisees to purchase products and services that are not related to the franchise formula; such a requirement should not be seen as part of the obligation of franchisees relating to the maintenance and common identity and reputation of the franchise network, but can easily constitute an unfair trading practice;

24. Emphasises that non-competition clauses should be clearly formulated, reasonable and proportionate and should not apply for a longer duration than what is strictly necessary, considering, in particular, the potential need for franchisees to change their franchise formula, if their neighbourhood and therefore the demand for products or services changes;

25. Notes the issues arising around online sales, as these constitute an increasingly important part of the franchise business model, but are not covered in traditional franchise agreements, which do not take into account the effect internet sales may have on the provisions set out in them; suggests, therefore, the inclusion of provisions relating to online sales in franchise agreements, where appropriate, in particular in those cases where the power of the franchisor and the franchisee is imbalanced, notably when the franchisee is an SME;

26. Requests the Commission to open a public consultation in order to obtain unbiased information as to the real situation in franchising and to draft non-legislative guidelines, reflecting best practices, on the functioning of franchising in the retail sector, in particular in relation to the latest technological and market developments, such as internet sales, and to submit these to Parliament by January 2018 at the latest; invites the Commission in this respect to make an analysis of the existing self-regulatory instruments as well as of legislative practices of Member States in the field of franchising in the retail sector and to submit its findings to Parliament, including recommendations on how to further develop the franchising sector in the EU;

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27. Stresses that Parliament should be actively involved in all work on franchising in the retail sector, including when regulations and directives on franchising are adapted in order to achieve a more consistent and coherent regulatory framework;

Competition law

28. Emphasises that Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices ⁽¹⁾ must be uniformly applied in the Member States and regrets the lack of information about its application;

29. Considers that the Commission should check whether the effectiveness of that Regulation is not being undermined as a result of uneven application in the Member States and whether it is in line with recent market developments, in particular the exempted post-contractual clauses and purchasing conditions;

30. Considers that the Commission should check to what extent application of the Regulation could be improved through a mechanism of assessment within the European network of competition authorities; stresses that inconsistent follow-up action by the Commission prevents cross-border retail activity and fails to create a level playing field within the single market;

31. Believes that better implementation of the Regulation at national level would improve distribution, increase market access for other Member States' businesses and eventually provide a better deal for end consumers;

32. Believes that the Commission should also analyse the unintended impact of competition law in each and every Member State;

33. Encourages the Commission to start public consultations and inform Parliament of the suitability of the model on which the future block exemption regulation will be based;

34. Calls on the Commission also to ensure the recovery of any illegal state aid by means of tax advantages in the area of franchising and to show firmness in the conduct of ongoing inquiries; stresses, moreover, that the EU needs to have clearer legislation on tax rulings; calls on the Commission to rectify any infringement in the area of franchising with a view to ensuring fair competition across the single market;

35. Calls on the Commission to correct market failures and ensure an effective fight against tax evasion and tax avoidance in the field of franchising;

36. Calls on the Commission to check whether it is necessary to revise the Regulation and, in that connection, to verify and inform Parliament as regards (1) the impact of the horizontal approach on the functioning of franchising; (2) whether the model of franchising adopted in the Regulation reflects market reality; (3) to what extent the so-called 'permitted vertical restraints', i.e. the conditions under which the franchisees may purchase, sell or resell certain goods or services are proportionate and have a negative effect on the market and consumers; (4) what new challenges franchisors and franchisees have to face in the context of e-commerce and digitisation in general; and (5) to collect market information in terms of new trends, market developments regarding network organisation and technological advances;

37. Calls on the Commission to revise the rules on the enforcement of the Regulation by Member States, while its application should be proportionally adjusted to fulfil its aim;

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

⁽¹⁾ OJ L 102, 23.4.2010, p. 1.

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P8_TA(2017)0323

A Space Strategy for Europe

European Parliament resolution of 12 September 2017 on a Space Strategy for Europe (2016/2325(INI))

(2018/C 337/03)

The European Parliament,

- having regard to Article 4, and to Article 189 of Title XIX, of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Commission communication of 26 October 2016 entitled ‘Space Strategy for Europe’ (COM(2016)0705),
- having regard to the Commission communication of 28 February 2013 entitled ‘EU space industrial policy’ (COM(2013)0108),
- having regard to the Commission communication of 4 April 2011 entitled ‘Towards a space strategy for the European Union that benefits its citizens’ (COM(2011)0152),
- having regard to the Commission communication of 14 September 2016 entitled ‘Connectivity for a Competitive Digital Single Market — Towards a European Gigabit Society’ (COM(2016)0587) and the accompanying Commission staff working document (SWD(2016)0300),
- having regard to the Commission communication of 14 September 2016 entitled ‘5G for Europe: An Action Plan’ (COM(2016)0588) and the accompanying Commission staff working document (SWD(2016)0306),
- having regard to the Commission proposal of 14 September 2016 for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (COM(2016)0590),
- having regard to the Commission communication of 14 June 2010 on an Action Plan on Global Navigation Satellite System (GNSS) Applications (COM(2010)0308),
- having regard to the Paris Agreement, Decision 1/CP.21 and the 21st Conference of the Parties (COP21) to the UNFCCC and the 11th Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP11) held in Paris, France from 30 November to 11 December 2015,
- having regard to Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 ⁽¹⁾,
- having regard to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽²⁾,
- having regard to Decision No 541/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Framework for Space Surveillance and Tracking Support ⁽³⁾,
- having regard to Regulation (EU) No 512/2014 of the European Parliament and of the Council of 16 April 2014 amending Regulation (EU) No 912/2010 setting up the European GNSS Agency ⁽⁴⁾,

⁽¹⁾ OJ L 122, 24.4.2014, p. 44.

⁽²⁾ OJ L 347, 20.12.2013, p. 1.

⁽³⁾ OJ L 158, 27.5.2014, p. 227.

⁽⁴⁾ OJ L 150, 20.5.2014, p. 72.

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- having regard to the relevant Council conclusions and to the ministerial 'Declaration of Amsterdam' of 14 April 2016 on cooperation in the field of connected and automated driving,
 - having regard to the The Hague Manifesto on Space Policy of June 2016,
 - having regard to the joint statement on shared vision and goals for the future of Europe in space by the European Union and the European Space Agency, signed by the Commission and the Agency on 26 October 2016,
 - having regard to its resolution of 8 June 2016 on space capabilities for European security and defence ⁽¹⁾,
 - having regard to its resolution of 8 June 2016 on space market uptake ⁽²⁾,
 - having regard to its resolution of 10 December 2013 on EU Space Industrial Policy, releasing the Potential for Growth in the Space Sector ⁽³⁾,
 - having regard to its resolution of 19 January 2012 on a space strategy for the European Union that benefits its citizens ⁽⁴⁾,
 - having regard to its resolution of 7 June 2011 on transport applications of Global Navigation Satellite Systems — short- and medium-term EU policy ⁽⁵⁾,
 - having regard to the study of January 2016 on Space Market Uptake in Europe ⁽⁶⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Foreign Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism and the Committee on Fisheries (A8-0250/2017),
- A. whereas the benefits of space for society are manifold and can lead to a more competitive economy for Europe by stimulating the development of many new products and services, and by supporting agriculture, forestry, fisheries and maritime transport; whereas satellite technology can lead to better access to communication technologies, high-resolution Earth observation systems that allow for the exchange of information in real-time, a rapid response to natural disasters, and more effective border and security controls;
- B. whereas space technologies, data and services can support a variety of EU public policies and key political priorities, such as boosting the Digital Single Market, stimulating the European economy and tackling climate change;
- C. whereas space is not a cost for European citizens but an investment, and whereas an ambitious space strategy can ensure the EU's autonomy and positioning in the strategic area of space, while also boosting growth, competitiveness and the creation of jobs in space-related manufacturing, operations and downstream services;
- D. whereas the political decisions taken by Parliament and the Council in 2007 resulted in the allocation of a budget for the European satellite navigation programmes — the European Geostationary Navigation Overlay Service (EGNOS) and Galileo — and provided for an agreement on the governance structure of the programmes;

⁽¹⁾ Texts adopted, P8_TA(2016)0267.

⁽²⁾ Texts adopted, P8_TA(2016)0268.

⁽³⁾ OJ C 468, 15.12.2016, p. 12.

⁽⁴⁾ OJ C 227 E, 6.8.2013, p. 16.

⁽⁵⁾ OJ C 380 E, 11.12.2012, p. 1.

⁽⁶⁾ Space Market Uptake in Europe, Study for the ITRE Committee, Directorate-General for Internal Policies, Policy Department A, 2016, ISBN 978-92-823-8537-1.

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1. Welcomes the Commission communication entitled 'Space Strategy for Europe' and endorses the Commission's full commitment to maximising the economic and societal benefits of space, increasing the use of space technologies and applications to support public policies, fostering a globally competitive and innovative European space sector, reinforcing Europe's autonomy in space, and strengthening Europe's role as a global actor as well as international cooperation in space;
2. Reminds the Commission that it is imperative to ensure the continuity of EU space programmes and to reflect on the future evolution of Galileo and Copernicus, in particular in order to create a positive and predictable investment climate in the downstream sector; considers that this can only be achieved if public funding of the space flagship programmes, and a downstream data infrastructure, is guaranteed in the long term, whilst recognising the need for significant private sector involvement;
3. Highlights the achievements in space of the Member States, the European Space Agency (ESA) and the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) using new technologies, exploration missions, and Earth-observation and meteorology capabilities;
4. Believes that it is necessary to evaluate the Galileo and Copernicus programmes before the Commission presents its new legislative proposals as part of the next MFF; considers that this evaluation should address, among other matters: the future role of the European GNSS Agency (GSA) in Galileo and its potential role in Copernicus; how to simplify the GSA's relationship with the ESA; and the current split between the agency's core and delegated tasks; urges the Commission, in this regard, to ensure that the GSA has the capacity to take on new tasks before any are conferred upon it;
5. Stresses that the outcome of the evaluation should also feed into future discussions on the relationship between the EU and the ESA, taking into account the joint EU-ESA statement signed on 26 October 2016; calls on the Commission to study, in cooperation with the ESA, different options by which the complicated institutional landscape in European space governance can be simplified, thereby improving the allocation of responsibilities in the interests of greater effectiveness and cost efficiency;
6. Stresses that the GSA should be adequately staffed to safeguard smooth functioning and exploitation of the European GNSS programmes; asks the Commission to review the adequacy of resources allocated to the GSA, taking into consideration its current and future tasks; considers that the staffing policy and procedure should be adapted in light of the new tasks conferred on the GSA, in compliance with the Interinstitutional Agreement of 2 December 2013;
7. Stresses that in order to meet current and future challenges, the next EU budget should include a space budget larger than the current one to support the entire value chain (space and ground segment, Earth observation, navigation and communications), to be ensured in the course of the upcoming MFF review; reiterates that the successful development of downstream markets depends in particular on the timely implementation and continuous evolution of the Galileo and Copernicus programmes, the adequate financing of which should be a priority; emphasises the need to preserve and develop the European added value and unique contribution of the EU space programmes when making budgetary decisions in the next MFF;
8. Invites the Commission to examine the possibility of taking advantage of synergies between EU space programmes, so as to increase effectiveness and cost efficiency; believes also that the exchange of information between the EU agencies involved in EU space policy should be intensified in order to achieve further synergy effects; points out that the fields of activity are increasingly converging; calls on the Commission to publish an annual report on the nature and extent of cooperation among the EU agencies;
9. Stresses the importance of identifying and addressing any existing obstacles to the functioning of the internal market in the area of space-based products and services;

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Maximising the benefits of space for society and the EU economy

10. Highlights the fact that space programmes and their services are key assets in policy areas and economic sectors such as energy, climate, environment, security and defence, health, agriculture, forestry, fisheries, transport, tourism, the digital market and mobile communications, regional policy and local planning; believes that there is a huge potential in tackling challenges such as migration, border management and sustainable development; highlights also the importance of a European space strategy for a comprehensive EU maritime policy; notes also the significant benefits to society of the economic use of remote sensing satellites and systems;

11. Calls on the Commission to accelerate the full economic exploitation of the Galileo, EGNOS and Copernicus programmes by: setting adequate targets for market uptake; improving access to, and the processing of, Copernicus data in order to enable enterprises, particularly SMEs and start-ups, to develop applications based on space data; ensuring better integration with other digital services — such as intelligent transport systems, the European railway traffic management system, river information services, SafeSeaNet as well as conventional navigation systems — and enlarging the potential of space solutions; stresses the benefits to citizens and businesses of satellite navigation and earth observation data and services;

12. Welcomes the Commission's actions in procuring cloud platforms for Earth observation data, to ensure that Europe reaps the full economic benefit of its flagship space programmes and to establish sustainable user access and competence building; urges the Commission to speed up its work in this area so that the first data platforms can be operational in 2018; believes that all tenders for these platforms should be open to private actors;

13. Asks the Commission to evaluate the functioning of the Copernicus Entrusted Entities, in particular with a view to simplifying and streamlining their tendering procedures, in order to make it easier for SMEs to apply;

14. Stresses the need to 'space proof' legislation, and reiterates its request, made in its aforementioned resolution on space market uptake, for the Commission to carry out a systematic 'space check' before it tables any new legislative and non-legislative proposals; calls on the Commission to remove barriers to the use of space technologies by the public sector, e.g. for monitoring compliance with new and existing European legislation; believes that public policy can be improved considerably by using space technology, building on examples such as eCall and the digital tachograph; asks the Commission and the Member States to stimulate uptake of space technology by European, national, regional and local authorities, for example by buying European Earth observation data or services to meet policy objectives;

15. Points to the pilot project on cleaner space through deorbiting and innovative materials for space equipment, which is designed to test the feasibility and effectiveness of a future Joint Technology Initiative (JTI) applied to the space sector; recognises that adequate resources, both public and private, are essential to ensuring the sustainability and competitiveness of the European space sector, and to developing the role of the EU as a global player in space;

16. Believes that the contribution of Copernicus in tackling climate change should be developed further; calls on the Commission to establish, as soon as possible, the Copernicus-based capacities to monitor greenhouse gas emissions, including CO₂ emissions, that are currently being developed under Horizon 2020 ⁽¹⁾, with a view to addressing the needs enshrined in the COP21 agreement, and to allowing the efficient implementation thereof; supports the development of future satellites dedicated to the monitoring of CO₂ and methane;

17. Welcomes the Galileo declaration of initial services of 15 December 2016; stresses that the widespread use of the Galileo signal is a precondition for the development of a strong downstream market for space-based applications and services, and that adequate measures — including, where appropriate, regulatory ones — should be taken to make full compatibility with Galileo and EGNOS the standard for devices sold in the EU, and to encourage the take-up of Galileo- and EGNOS-ready devices on the global market; invites as well the Commission to consider measures to strengthen the competitiveness of the European GNSS downstream industry;

⁽¹⁾ https://ec.europa.eu/research/participants/data/ref/h2020/wp/2016_2017/main/h2020-wp1617-leit-space_en.pdf, p. 48.

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18. Calls on the Commission to ensure that GNSS-based clocks in critical infrastructure are Galileo- and EGNOS-ready, which is highly relevant from a security perspective;

19. Highlights the ability of satellites to provide uninterrupted, very high-capacity connectivity, in particular in remote areas and outermost regions, which is essential for overcoming the digital divide, for the development of high-speed networks and for the expansion of the Internet of Things networks, enabling services such as autonomous driving, smart fleet and freight management, e-governance, e-learning and e-health applications; emphasises the complementarity of terrestrial and space-based technologies for delivering very high-capacity networks; insists that the Commission recognise this and take appropriate account of the contribution of satellites in this domain; stresses as well the need to reserve adequate frequency bands for the operation of such satellite services; calls for this to be addressed in the current legislative work on telecommunication networks, with adequate investments made in R&D; believes as well that the Space Strategy for Europe should be implemented in coordination with the Commission's digital strategies, with the support of Member States and industry, so as to promote effective and demand-driven use of satellite communications in order to foster ubiquitous connectivity in the whole of the EU;

20. Underlines the important role of the European Structural and Investment Funds (ESIF) in stimulating downstream space markets, most importantly through public procurement, including in countries that do not yet have a large space sector, noting that this should be addressed in the ongoing discussions about the future of cohesion policy; supports the introduction of targeted capacity-building measures to assist the Member States and regions with emerging space capabilities; highlights the fact that the regional dimension is essential in bringing the benefits of space to citizens, and that the involvement of local and regional authorities can create synergies with smart specialisation strategies and the EU Urban Agenda; supports, therefore, an increased involvement of regional and local authorities in a successful EU space policy, including the Outermost Regions and Overseas Countries and Territories; underlines the fact that the Committee of the Regions should be a member of the Copernicus user forum in order to highlight the importance of regional and local actors as users of Copernicus data;

21. Stresses that users such as SMEs and local and regional authorities are still not sufficiently aware of funding opportunities, including those made available by the European Investment Bank, for projects with links to Galileo or Copernicus, and that the targeted dissemination of information about these opportunities should be improved without delay;

22. Acknowledges the role of space technologies, and of the two EU flagship space programmes, in making land, maritime, air and space transport smarter, safer, more secure and sustainable, and integrated in strategic future sectors such as self-driving and connected cars, and unmanned aerial vehicles; believes that the Space Strategy can contribute to meeting new transport needs of secure and seamless connectivity, and more robust positioning, intermodality and interoperability; encourages the Commission to include transport stakeholders in the dialogue with the space sector so as to ensure transparency, and to facilitate the uptake of European space technology in the transport market with a view to enhancing the competitiveness of EU transport services on the European and global market; asks the Commission and the Member States to pay attention to the development of space tourism;

23. Calls on the Commission to support the implementation of EGNOS-procedure landings for smaller airports, but also for larger airports; reiterates the financial advantages and the increased accuracy, resilience and safety that EGNOS could provide for the use of safety-critical applications such as aircraft landings, and reiterates the importance of extending EGNOS coverage to south-eastern and eastern Europe, as a priority, and further to Africa and the Middle East; considers as well that Galileo could play a key role in air traffic control as cornerstone for the transition from radar-based to satellite-based surveillance;

24. Stresses, furthermore, the importance of aircraft equipped with space-based Automatic Dependent Surveillance-Broadcast (ADS-B) technology, and of mandating operators to equip aircraft with ADS-B, in order to ensure accuracy and reliability in real-time tracking of aircraft and to save fuel;

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25. Stresses the importance of EU space programmes for marine and maritime issues, fishing activities and the blue economy in general, for example in: tackling illegal, unreported and unregulated fishing; surveying and assessing the state and health of the oceans and fish stocks; supporting fish farm productivity; facilitating maritime research; and providing search and rescue services as well as satellite connections for on-board medical equipment; points, in this regard, to the need for space-based ocean surveillance capacities and good coordination between Galileo, EGNOS and Copernicus services;

Fostering a globally competitive and innovative European space sector

26. Stresses that the success and competitiveness of the space sector, and the development of breakthrough technologies, are highly dependent on research and innovation; calls for the enhancement and extension of the dedicated space budget line under Framework Programme 9; highlights the importance of full cooperation between the EU, the ESA and the Member States to ensuring efficiency and avoiding duplications, in particular in areas where several actors provide research funding; believes that research and innovation should be stimulated and financed to benefit a broad array of space technologies; urges the Commission to extend the use of the SME instrument for scaling-up business opportunities in space-based products and services, both within Horizon 2020 and in future Framework Programmes;

27. Calls on the Commission, in the context of public procurement, to ensure fair treatment of EU enterprises vis-à-vis enterprises from third countries, specifically by taking into consideration the prices that companies charge to other customers worldwide, in an effort to ensure that rules are respected and that market players abide by fair practices, with a view to ensuring a level playing field; points out that the European space industry is facing increasingly fierce international competition; welcomes the Commission's proposal to strengthen the use of innovative procurement schemes;

28. Highlights the importance of reinforcing the European industrial base, and of guaranteeing the EU's strategic autonomy, by diversifying sources of supply and making the best use of multiple EU providers; considers, therefore, that the involvement of industry at all levels needs to be promoted in a balanced way, and calls on the Commission to support the European space sector throughout the value chain; believes that space clusters can play a useful role in a space-industrial strategy;

29. Calls on the Commission to support the Europe-wide development of new space business models and technologies capable of revolutionising the sector and reducing costs (e.g. European technologies that make it possible to send small satellites into space, such as reusable balloons or launchers);

30. Asks the Commission, with a view to creating a level playing field for space businesses, to consider the situation and needs of SMEs when determining the duration of public contracts in the area of space infrastructure and services;

31. Emphasises the need to invest more decisively in education and training of European citizens in the area of space, including in order to be able to fully exploit the opportunities created by space during the shift to a digital society; highlights the importance of space policy achievements in inspiring future generations and fostering a sense of European identity; stresses, therefore, the need to continue and expand a coordinated approach for European space education that can attract young people to pursue careers in space science and technology;

32. Stresses that participation in ESA's optional programmes, in the framework of which European businesses and universities or research institutes can participate in preparing cutting-edge technologies for space missions and systems, is a basic and fundamental tool for developing the capacity of the European space industry; stresses that involvement in such programmes opens the way to entrepreneurship in this area, and to accessing highly technology- and knowledge-intensive scientific projects, which can also have a positive impact in the transport sector;

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Reinforcing Europe's autonomy in accessing and using space in a secure and safe environment

33. Recalls that EU space programmes are of a civil nature and reiterates its commitment to the non-militarisation of space; recognises nonetheless the strategic dimension of the space sector for Europe and the need to improve synergies between civil and security / defence aspects, and to make use of space capacities to meet security and safety needs, also taking account of the geopolitical environment and the Common Security and Defence Policy; believes that the Commission should analyse synergies between European space programmes and the European Defence Action Plan proposed in November 2016 to ensure overall coherence in this strategic field;

34. Calls on the Commission to aggregate the demand of institutional customers from the European Union and the Member States to ensure an independent, cost effective and reliable access to space through the use of the European launchers Ariane, Vega and their future evolutions; believes that this is of utmost strategic importance for contingency and crisis management functions and for a resilient European security and defence policy;

35. Supports the objective of the Commission to assess different ways to support European launch infrastructure facilities, where this is needed to meet EU policy objectives and needs, in terms of autonomy, security and competitiveness; stresses, consequently, the strategic importance of the European Spaceport based in Kourou (French Guiana) and the need to pay close attention to the economic and social benefits for the territory in which it is located;

36. Recalls that the notion of independent access to space cannot be dissociated from the independent capacity of Europe to conceive, develop, launch, operate and exploit space systems;

37. Notes a lack of visibility as to the continuation of the launch vehicle programme in Europe beyond the next three to four years (Ariane 6 and Vega C), and as to the financial situation for this programme; expresses concern at the lack of any mid- to long-term launch programme; urges the Commission to come forward with a work programme for launch vehicles in Europe for the next 20 years;

38. Calls on the Commission to encourage the development of alternative launching technologies and the inclusion of eco-design principles in all launchers and space assets;

39. Considers that in the next generation of satellite systems the security of the Galileo infrastructure, including the ground segment, and the dual-use capacity of Galileo and Copernicus should be developed further, along with better precision and encryption; recalls that the Galileo Public Regulated Service' (PRS), restricted to government-authorised users, could play an important role in the future for responding to evolving threats, particularly in the event of a crisis;

40. Draws attention to the vulnerability of space infrastructure to interference or attack from state and non-state actors and to a range of other threats, including collisions with space debris or other satellites; reiterates the importance of securing critical infrastructure and communications as well as the development of resilient technologies; recognises the growing significance of space and space-based technologies for dual use, particularly in communications, intelligence, surveillance and reconnaissance, disaster response and arms control, and underlines the vital importance of space capabilities in the fight against terrorism; further encourages investments to speed up the development of new space capabilities and technology; believes it necessary to enhance capabilities to address emerging threats in space, which would in turn strengthen the ability of Europe's space sector to respond to changing markets, actors and technologies;

41. Calls on the Commission to mitigate the risks presented by space debris by enhancing current space surveillance and tracking (SST) services with the aim of setting up a programme for an independent system capable of recognising threats posed by space debris to European space infrastructure, underpinning measures to avoid collisions and, in the longer term, actively removing debris; supports the plan to extend the scope of EU SST to allow space-based weather forecasts, and proposes an additional focus on near-earth objects to counter the potentially catastrophic risk of any such object colliding with Earth; emphasises that capabilities and expertise in these fields, including those available at the ESA, should be built on and expanded; reaffirms the need to provide as much open data as possible in order to foster research and innovation;

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42. Recalls the growing importance of cybersecurity for space programmes, and notes that this problem is particularly serious given that a large part of our economy relies on space-related services; calls on the Commission to mitigate the risks for EU space assets by taking adequate measures, including, where appropriate, the use of encryption, for the protection of space-related infrastructure against cyber-threats; asks, furthermore, the Commission to ensure that all relevant agencies have contingency plans in place for possible cyber-attacks;

43. Considers the planned Govsatcom initiative as a promising measure to ensure access to secure, efficient and cost-effective services for European institutional actors, addressing user needs in a wide range of areas, while, at the same time, stimulating growth, competitiveness and innovation throughout the whole European satellite telecommunications sector; calls on the Commission, if the impact assessment is sufficiently positive, to design the planned Govsatcom initiative in a cost-effective way — which may include the pooling and sharing of capabilities, or the purchasing of services from certified commercial communication satellites — and to ensure that the initiative creates significant added value and avoids duplicating existing structures;

44. Underlines the importance of a comprehensive European space policy, aimed at effectively contributing to enhancing the Common Foreign and Security Policy by means of providing relevant institutions with independent intelligence, such as real-time situational awareness;

Strengthening Europe's role as a global actor and promoting international cooperation

45. Calls on the Commission to promote EU space assets and space industrial capacity in all relevant aspects of its external relations;

46. Believes that ensuring a peaceful and safe space environment will require engagement with international partners to promote norms of responsible behaviour and sustainability, notably in relation to space exploration, and calls on the Commission to work closely with the EEAS and the Member States in this regard;

47. Highlights the need for international coordination on space traffic and debris management, which are bound to increase owing to the planned installation of so-called 'mega-constellations' and to the congestion of near-earth orbits that may result from the continued lowering of satellite launch costs;

48. Asks the Commission to monitor existing private sector objectives in areas such as space mining and to consider what impact these could have on the current legal framework and, in particular, the Outer Space Treaty; considers that the basic principles of the Treaty should be upheld and that it is necessary to avoid a race for depletable resources in space; urges the Member States to work toward a coordinated European approach, and calls on the Commission to take the lead in brokering a consensus; recognises that space is the common heritage of mankind;

49. Strongly welcomes the Commission's intention to use economic diplomacy to open up new business opportunities for the European space industry; stresses that European players in third-country markets should be supported by the Commission and, where relevant, Member State authorities, either individually or through the ESA, and by bodies such as the European Aviation Safety Agency (EASA); recommends that plans for such coordinated support be drawn up in advance;

Ensuring effective delivery

50. Highlights the fact that Parliament should play an active role in the development of EU space policy and that it should be involved in all exchanges conducted by the Commission, the Council, the EEAS and the ESA on space-related topics;

51. Considers that democratic support is important for investing in space; calls on the Commission to present a well-designed and comprehensive communication strategy about the benefits of space technologies for citizens and businesses; urges the Commission, in implementing this strategy, to base it on the following three pillars, each addressing an important audience group: (a) raising awareness with the public of the necessity of investments in space; (b) informing SMEs and

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entrepreneurs about the opportunities of the space flagship programmes; (c) including space in education in order to close the skills gap; asks the Commission to present Parliament with a roadmap on the creation of this communication strategy as soon as possible;

52. Calls on the Commission to draw up a timetable for the implementation of the measures proposed in the strategy, to report regularly on its implementation, to propose legislation where necessary and to devise additional concrete and tangible actions needed to achieve in a timely fashion the aims outlined in the strategy;

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

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P8_TA(2017)0324

Academic further and distance education as part of the European lifelong learning strategy

European Parliament resolution of 12 September 2017 on academic further and distance education as part of the European lifelong learning strategy (2016/2142(INI))

(2018/C 337/04)

The European Parliament,

- having regard to Articles 8, 165 and 166 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 14 thereof,
- having regard to the Copenhagen Declaration of 30 November 2002 on enhanced cooperation in European vocational education and training,
- having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training (ET 2020) ⁽¹⁾,
- having regard to the 2012 Joint Report of the Council and the Commission on the implementation of the Strategic Framework for European cooperation in education and training (ET 2020) — ‘Education and Training in a smart, sustainable and inclusive Europe’ ⁽²⁾,
- having regard to the Council conclusions of 20 May 2014 on effective teacher education,
- having regard to the 2015 Joint Report of the Council and the Commission on the implementation of the Strategic Framework for European cooperation in education and training (ET 2020) — ‘New priorities for European cooperation in education and training’ ⁽³⁾,
- having regard to the Council Resolution of 20 December 2011 on a renewed European agenda for adult learning ⁽⁴⁾,
- having regard to the Commission communication of 20 November 2012 entitled ‘Rethinking Education: Investing in skills for better socio-economic outcomes’ (COM(2012)0669),
- having regard to the Council conclusions of 17 February 2014 on investing in education and training — a response to ‘Rethinking Education: Investing in skills for better socio-economic outcomes’ and the ‘2013 Annual Growth Survey’ ⁽⁵⁾,
- having regard to Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning ⁽⁶⁾,
- having regard to the UN Convention on the Rights of Persons with Disabilities, ratified by the EU in 2010,
- having regard to Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning ⁽⁷⁾,
- having regard to the Council conclusions of 19 November 2010 on education for sustainable development ⁽⁸⁾,

⁽¹⁾ OJ C 119, 28.5.2009, p. 2.

⁽²⁾ OJ C 70, 8.3.2012, p. 9.

⁽³⁾ OJ C 417, 15.12.2015, p. 25.

⁽⁴⁾ OJ C 372, 20.12.2011, p. 1.

⁽⁵⁾ OJ C 64, 5.3.2013, p. 5.

⁽⁶⁾ OJ L 327, 24.11.2006, p. 45.

⁽⁷⁾ OJ L 394, 30.12.2006, p. 10.

⁽⁸⁾ OJ C 327, 4.12.2010, p. 11.

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- having regard to the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning ⁽¹⁾,
 - having regard to the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning ⁽²⁾ (EQF-LLL),
 - having regard to the Council conclusions of 20 May 2014 on quality assurance supporting education and training ⁽³⁾,
 - having regard to its resolution of 12 April 2016 on Erasmus+ and other tools to foster mobility in VET — a lifelong learning approach ⁽⁴⁾,
 - having regard to its resolution of 23 June 2016 on follow-up of the Strategic Framework for European cooperation in education and training (ET 2020) ⁽⁵⁾,
 - having regard to the opinion of the Committee of the Regions — Opening up education of 31 January 2014 ⁽⁶⁾,
 - having regard to the Commission research on Education and Training 2020: Improving Policy and Provision for Adult Learning in Europe ⁽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 the Council conclusions on the European Pact for gender equality for the period 2011-2020 ⁽⁹⁾,
 - having regard to the draft Council conclusions on ‘Enhancing the Skills of Women and Men in the EU Labour Market’ of 20 February 2017 ⁽¹⁰⁾,
 - having regard to the Council recommendation of 28 November 2011 on a renewed European agenda for adult learning,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the position in the form of amendments of the Committee on Women’s Rights and Gender Equality (A8-0252/2017),
- A. whereas education systems are facing significant challenges as a result of the digital transformation, which are impacting teaching and learning processes, and the need to bolster the capacity for social inclusion and civic participation as well as personal development, and to enhance European democratic values and tolerance with a view to fostering open-mindedness and preventing intolerance of every kind; whereas, digital empowerment and self-confidence are an essential prerequisite for building strong societies and helping the unity and integration processes within the EU;
- B. whereas the European lifelong learning strategy should be reinforced; whereas every person, at every stage of their life should have lifelong learning opportunities to acquire the knowledge and skills they need for both their personal development and professional progress; whereas lifelong learning, in formal, non-formal and informal contexts, which promotes active citizenship and employability, is a key aspect of education affected by these changes;

⁽¹⁾ OJ C 398, 22.12.2012, p. 1.

⁽²⁾ OJ C 111, 6.5.2008, p. 1.

⁽³⁾ OJ C 183, 14.6.2014, p. 30.

⁽⁴⁾ Texts adopted, P8_TA(2016)0107.

⁽⁵⁾ Texts adopted, P8_TA(2016)0291.

⁽⁶⁾ OJ C 126, 26.4.2014, p. 20.

⁽⁷⁾ http://ec.europa.eu/dgs/education_culture/repository/education/library/reports/policy-provision-adult-learning_en.pdf

⁽⁸⁾ Texts adopted, P8_TA(2015)0321.

⁽⁹⁾ https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lssa/119628.pdf

⁽¹⁰⁾ <http://data.consilium.europa.eu/doc/document/ST-6268-2017-INIT/en/pdf>

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- C. whereas further efforts need to be made to enhance the synergies between education and employment, both by facilitating entry into the labour market and by enabling individuals to constantly update their skills or to learn new skills throughout their careers; whereas Member States need to find ways to protect or promote longer term investment in education, research and innovation;
- D. whereas academic further and distance education make a significant contribution to the individual's personal development and to the formation of human capital and should be made an integral part of the European lifelong learning strategy;
- E. whereas academic further and distance education play an increasingly important role in facilitating the adaptation of workers to economic and technological change throughout their professional lives; whereas, by 2025, 49 % of all job openings in the EU (including both new and replacement jobs) will require high-level qualifications, 40 % will require medium-level qualifications and only 11 % low or no qualifications;
- F. whereas academic further and distance education are important tools in providing flexible, personalised education opportunities for all without any discrimination ⁽¹⁾; stresses in this respect the importance of ensuring widening access strategies;
- G. whereas academic further and distance education and the use of new technologies can help to raise girls and women's awareness of new career options, particularly in areas where they are under-represented; whereas even though more women have advanced secondary school diplomas and higher education degrees, there is a need to increase the presence of women both in vocational education and in STEM (Science, Technology, Engineering and Mathematics)-related sectors;
- H. whereas distance education is one possible approach, in the context of academic further education, that because of its flexibility is particularly conducive to ensuring a study-work-life balance;
- I. whereas distance education ⁽²⁾ refers to an organisational form for teaching which affords a high degree of flexibility in learning through the use of digital education technologies, not as a replacement of on-campus education, but offering an alternative for learners who are unable to participate in on-campus education;
- J. whereas distance education refers to a method of teaching which offers flexibility in learning through the use of emerging technologies, not as a replacement of on-campus education, but offering an alternative for learners who are unable to participate in on-campus education and for workers who wish to combine work with education; whereas, therefore, digitalisation might be used as a tool providing new ways of access to higher education;
- K. whereas equality between women and men is a fundamental principle of the EU which is enshrined in the Treaties and one of the objectives and tasks of the Union; whereas equality in education offers women greater opportunities and contributes to the social, cultural and economic development of society; whereas education is a fundamental tool to combat gender stereotypes;
- L. whereas the average employment rate of women is directly linked to their level of education, with women aged 25-49 that have completed tertiary education having over 20 % higher employment rates than women with pre-primary, primary and lower secondary education;
- M. whereas distance education can have a positive effect on women's ICT skills; whereas the entry of more women into the ICT sector would boost a market in which labour shortages are foreseen and in which the equal participation of women would lead to a annual gain of around EUR 9 billion in EU GDP; whereas women remain heavily under-represented in ICT degree programmes, where they constitute only around 20 % of graduates in the field, with only 3 % of all female graduates having a degree in ICT;

⁽¹⁾ As laid down in Article 21 of the EU Charter of Fundamental Rights.

⁽²⁾ In German-speaking countries, for instance, a distinction is made, as regards distance education, between academic and non-academic fields.

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- N. whereas programmes at a distance reach substantial numbers of women in societies where women lack equal opportunities for participation in conventional forms of education and training, as women still spend more time than men on unpaid domestic work and family care; whereas such courses offer them flexibility in achieving work-life balance, and whereas distance education is aimed in particular at the non-traditional-student category;
- O. whereas academic further education is one of higher education's public-service tasks and refers to courses within an academic institution that can be pursued in parallel with full-time work, generally building on professional experience and usually presupposing a university degree;
- P. whereas adaptation to accelerating economic and technological change is a major challenge for an ageing workforce and responding to this challenge will be one of the keys to ensuring the long-term competitiveness of the EU's economy;
- Q. whereas lifelong learning and career development policies might be boosted through recognition of prior learning;
- R. whereas allowing people time off for personal and training development in the context of life-long learning benefits their well-being as well as their contribution to society by empowering with more defined personal and professional skills; whereas academic distance education provides for flexible study formats that help people attain a better work-life balance; whereas university lifelong learning (ULLL) should be part of the European Digitalisation Strategy;
- S. whereas digitalisation enables flexibility and interactivity of the educational process and it is a key factor for the further development of academic further and distance education;
- T. whereas technological change demands stronger and more continuous connections between education and employment;
- U. whereas the tendency for academic institutions to be static makes reform of curricula, the rules governing courses and examinations, and entrance requirements challenging;
- V. whereas academic further and distance education are rapidly expanding sectors with significant potential in terms of economic growth and job creation;
- W. whereas many barriers to academic further and distance education courses remain ⁽¹⁾;

Further and distance education to accompany societal and economical change

1. Acknowledges that online and open education is changing the way that education is resourced, delivered and taken up; underlines, in this regard, the importance of open educational resources (OER) which ensure access to education for all and enhance employability by supporting the lifelong learning process;
2. Notes that many educational and training institutions are struggling to respond appropriately to the profound and complex changes that our societies and economies are undergoing and need to undertake changes in terms of governance, organisational structures and mode of operation; stresses that new, flexible and accessible forms of lifelong learning, suitable for individuals of all ages, can successfully address some of those challenges such as social exclusion, early school leaving and skills mismatches;

⁽¹⁾ A distance learning curriculum on pervasive computing: https://www.researchgate.net/publication/312312226_A_distance_learning_curriculum_on_pervasive_computing.

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3. Recognises that digitalisation and the establishment of educational platforms for the purpose of cooperation and exchange of best practices are key to addressing these challenges;
4. Calls on the Commission and Member States to do more to bridge the existing technological gap between well-equipped educational institutions and those which are not, as part of the national strategies for digital skills;
5. Emphasises that lifelong learning measures are key to providing women with skills that can enable them to return to employment or improve their employment, income and working conditions; stresses the need for further improvements in women's presence and access to higher levels of academia;
6. Stresses the importance of education in combating gender stereotypes; calls therefore on the Commission to promote initiatives offering support in implementing professional distance education programmes for women, including higher education in the fields of science, technology and IT, developing training programmes on gender equality for education professionals, and preventing stereotypes from being passed on through curricula and pedagogical material;
7. Stresses that academic institutions must prepare citizens for knowledge-based societies and constantly changing economies, provide them with the know-how for independent learning and an entrepreneurial mind-set and transversal skills, such as problem-solving and adaptability, in order to explore their own pathways and reach their full potential;
8. Stresses also that academic institutions have an important role in the enhancement of active citizenship and must provide students with transversal competences such as civic, social competences and citizenship;
9. Acknowledges that a student-centred approach to education lowers dropout rates and enables students to achieve their full potential⁽¹⁾; stresses, in this regard, the importance of lifelong career guidance for all;
10. Recognises the potential of knowledge sharing to improve active participation as well as the international understanding of citizens in ever-changing societies;
11. Acknowledges the need to enhance close cooperation between educational and training institutions, local communities and the economy; further emphasises the need for better synergies between formal, non-formal and informal education providers in order to boost lifelong learning opportunities for all;
12. Is of the opinion that, at every stage of life, everyone must have the right to access learning and training opportunities in order to acquire transversal skills such as numeracy, digital and media literacy, critical thinking, social skills and other relevant life skills in order to be better able to adapt to the future;
13. Stresses the need to implement tailor-made support for on-the-job learners, apprentices and employees to ensure the inclusion of all individuals in the labour market; is of the opinion that it is crucial to incorporate new technologies in the teaching and learning process in order to equip people with the right set of skills, competences and knowledge to make them able to use digital technologies in an innovative and creative way;
14. Calls for the better inclusion and retention of citizens in the labour market, backed up by improvements in their competences through academic further and distance education and vocational and educational training (VET); highlights the need to increase the attractiveness of, and access to information on, VET options for young people and their families; recalls, in this regard, that the target for learning mobility in the VET sector in the Erasmus+ programme is far from being achieved and further attention should be given to it;
15. Highlights the importance of Erasmus+ and Horizon 2020 for enhancing lifelong learning; calls therefore on the Member States to fully explore the potential of those programmes; and stresses that there should be programmes tailored to academic further education with an occupational focus;

⁽¹⁾ Economics of Education Editors: Dominic J. Brewer, Patrick J. McEwan, Equity and Quality in Education — Supporting disadvantaged students and schools: <https://www.oecd.org/education/school/50293148.pdf>.

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16. Acknowledges that access to inclusive quality education is of key importance and therefore support is needed for open and distance learning to meet the special needs of those who cannot be reached by traditional delivery systems — particularly for disadvantaged groups; calls on Member States to channel investments for this purpose;

Importance of quality and flexibility in education

17. Perceives the ever-advancing quality of education, both formal and non-formal, as crucial for the EU's efforts to ensure social cohesion, competitiveness and sustained growth;

18. Stresses that to remain competitive, and to give low- and high-skilled workers alike the best chance of success, businesses together with the educational and training institutions need to offer training and career-focused education throughout people's working lives;

19. Emphasises the particular importance of quality methods for imparting knowledge and skills with a view to education outcomes; underlines the need to invest and support professional development and continuous up-skilling of the teaching staff; stresses, in this context, the need to guarantee high standards in distance education and the importance of developing new models of teaching and learning as part of the innovation process and gradual digitisation of education; recognises, in this context, that proper infrastructure and resources are vital elements for improving the quality of teaching;

20. Notes that this requires consideration for, and valorisation of, teachers, attractive remuneration and working conditions, better access to further training during working time, especially in digital didactics;

21. Calls for universities to focus on distance education on an increasingly wide scale, and to extend it to cover free short-term professional courses;

22. Stresses that students following distance education courses should have guaranteed opportunities to communicate with and be assessed by teachers, so as to ensure that students have the proper support, guidance and encouragement throughout their studies;

23. Recognises that flexible learning formats such as distance and blended learning enable people in employment to reconcile work and/or education with their family and private life;

24. Recognises the pivotal role that distance education plays for people whose physical conditions prevent them from attending on-campus classes;

25. Promotes the idea of tailor-made learning and bridging courses designed for those wishing to enter tertiary-level education who need to gain further qualifications in order to meet entry requirements;

26. Stresses the need to strive for a more flexible and personalised approach regarding career development and lifelong education and training across one's personal career path; recognises the role that primarily public but also private parties can play in providing this, while also recognising that guidance and counselling which address individual needs and preferences and which focus on the evaluation and expansion of individual skills must be a core element of education and skills policies from an early stage;

27. Stresses the importance of interactivity in improving the quality of distance education through the use of modern communication methods that allow for practical exercises, the involvement of learners in the teaching process and the development of communication skills;

28. Promotes the idea of ensuring access to lifelong learning particularly to facilitate re-entry into the workforce, including for women and carers;

29. Stresses the need for ongoing monitoring of distance education as part of the ongoing modernisation of teaching methods and tools;

30. Stresses the need for young people to develop independent learning skills (including organisation of work, information processing, critical thinking and motivation) so that, in future, they can effectively use advanced technologies to develop their skills through distance education;

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Further and distance education as a development tool for universities

31. Acknowledges that academic further and distance education creates development opportunities for higher education establishments to broaden their field of competences and diversify the programs they offer in order to target new audiences and to diversify their revenue, bearing in mind that the costs of distance education are lower than the costs of on-campus courses;
32. Recognises that distance education encourages the development of interdisciplinary fields and the pursuit of international studies;
33. Calls on universities to expand their provision of distance education;
34. Recognises the role of the smart specialisation strategy (RIS3) in developing key regional potential based on the needs of the labour market;

Technological challenges

35. Recognises the need to keep up with rapid technological change, in particular for distance education, and that the importance of and dependence on ICT cannot be underestimated; is of the opinion that ICT is a vehicle through which major educational and developmental challenges could be tackled in an optimal and cost-effective manner; believes that efforts should also be supported by major investment in education, including the use of the European Social Fund, in order to develop digital skills and media literacy at all levels;
36. Notes with regret that the lack of ICT literacy is a major issue today among both educators and learners; reiterates the importance of technological proficiency in order to be able to harness the potential of distance learning and facilitate the implementation of new teaching and learning methods;
37. Points out the need to address the digital divide and to ensure equal opportunities for all to obtain access to digital technologies, as well as the competences, attitudes and motivation needed for meaningful digital participation;
38. Highlights the fact that only one quarter of schoolchildren in Europe are taught by digitally confident teachers, which is a major obstacle preventing new methods of teaching from flourishing; calls therefore on the Member States to provide stronger support for school and up-skilling opportunities, including through IT and media literacy training and lifelong career opportunities for educators;
39. Emphasises the need to invest and support the professional development of teachers from all educational sectors and to establish lifelong career guidance services;
40. Acknowledges the importance of new digital platforms in education, while also highlighting the security and privacy issues that both academic institutions and students face;
41. Stresses the importance of STEM skills and again regrets the gender imbalance in this area;

Financial challenges

42. Acknowledges the necessity of adequate funding for quality education and tailor-made learning; highlights that distance education can provide a learner-centred, high-quality education at a lower cost; stresses the importance of greater financial and practical involvement of industry and business in vocational training;
43. Stresses the need for expenditure in education to be recognised as a long-term investment that brings lasting benefits;
44. Considers that costs must not act as a barrier to enrolment and participation in education, while also acknowledging the underlying problems leading to high costs and the inability of citizens to pay enrolment fees in some Member States; encourages therefore the Commission and Member States to better support and promote distance learning as a quality, affordable, flexible and personalised educational option;

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Challenges regarding the regulatory framework

45. Acknowledges differences in the regulatory frameworks for traditional vocational training, academic further and distance education; stresses that distance education should be accredited under the same rules as on-campus education with relevant indicators and criteria adjusted accordingly;
46. Recognises the importance of active governance and the involvement of stakeholders;
47. Acknowledges the importance of quality assurance in distance learning and the accreditation of its outcomes;
48. Recalls that many existing European transparency tools such as the European Qualifications Framework (EQF) and European credit system for vocational education and training (ECVET) have been developed in isolation; recognises that in order to allow individuals to better measure their progress and opportunities, and to capitalise on the learning outcomes gained in different contexts, they need to be better coordinated and supported by quality assurance systems and be embedded in a framework of national qualifications in order to build trust across sectors and actors, including employers;
49. Recognises the continued importance of both blended and online learning, in particular in the context of VET; stresses that the combination of high-quality digital technologies and face-to-face learning opportunities result in greater student achievements and therefore encourages the Commission and Member States to better support and promote blended learning;
50. Calls on the Commission to reinforce the European lifelong learning strategy and to make academic further and distance education an integral part of it in order to promote the adaptation of an ageing workforce to economic and technological change; calls furthermore on the Commission to examine the possibility of increasing the funding for academic further and distance education through existing and future programmes;
51. Recognises the need for a comprehensive multi-sector and multi-disciplinary approach to education and training, including lifelong learning, and the need for trans-sectoral cooperation in the development and implementation of educational policies;

Recommendations at European level

52. Stresses the need to foster cooperation and the exchange of good practice between education systems; encourages furthermore the sharing of good practices by national quality assurance (QA) agencies in the development of criteria on the recognition of new modes of teaching and learning;
53. Calls for a revision of the European Qualifications Framework (EQF) to promote the comparability of qualifications between the countries covered in the EQF and other countries, in particular neighbourhood countries and countries with mature qualifications frameworks, in order to better understand the qualifications acquired abroad and to place people with migrant backgrounds and refugees in lifelong learning and employment;
54. Calls on the Commission to significantly reinforce support for academic further and distance education through Erasmus+ by promoting the development of European networks, and facilitating the exchange of good practices, the setting up of projects involving institutions based in several Member States, and increased accessibility for students from other European and third countries;
55. Advocates the creation of a user-friendly online platform as a one-stop shop where education professionals and learners can facilitate the exchange of best practice;
56. Calls on the Commission to develop a secure and integrated learning platform designed for and offered to European educational institutions free of charge, thus boosting the use of e-learning across the EU;
57. Acknowledges the need to further develop eTwinning and the School Education Gateway to support constructive exchanges between teachers and other practitioners;

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58. Encourages the establishment of stronger links between continuous academic further education (which is not only research-orientated) and vocational and educational training for skills acquisition, and action to ensure that both can be pursued and applied for at any time;
59. Recommends the corroboration of lifelong learning efforts with a European Digitalisation Strategy and gender impact assessment of the proposed measures to be prepared;
60. Welcomes the ambitious plan to provide ultra-fast internet in primary and secondary schools and libraries by 2025, because faster and better connectivity provides huge opportunities to enhance teaching methods, to foster research and to develop high-quality educational services online; stresses that the roll-out of these technologies creates better opportunities for distance learning, particularly in rural areas and outermost regions; highlights the fact that such opportunities will enhance children's and students' digital skills and media literacy;
61. Stresses that the adaptation of education and training systems is vital to meet the increasing demand for digitally skilled professionals in the EU; emphasises that, in order to achieve a true digital single market in Europe, further efforts are needed to improve media literacy among citizens, in particular minors;
62. Highlights the importance of stepping up European efforts to make the lifelong learning strategy a reality for all, together with the objective to also provide a range of learning opportunities that can be pursued for personal development and fulfilment; encourages the Commission and the Member States to promote and invest in lifelong learning in particular in countries with a participation rate below the 15 % benchmark;
63. Calls on Member States to foster cooperation and reinforce synergies between formal, non-formal and informal education providers with a view to reaching a wider group of people in order to better take into account their specific needs;
64. Recommends that teachers giving distance learning courses should have specific certified training;

Recommendations at Member State level

65. Calls on the Member States to ensure a holistic approach to education and to provide students with authentic, diverse and equal learning opportunities that develop their aspirations and the skills needed to prosper in both a constantly changing global economy and a democratic society;
66. Encourages Member States to build on existing validation arrangements in order to assess and certify skills, acquired through up-skilling pathways and to ensure their recognition with a view to qualifications, in accordance with national qualifications framework and systems;
67. Emphasises that further deployment of digital infrastructure especially in less densely populated areas promotes social and cultural integration, modern educational and information processes and a regional cultural economy;
68. Calls on Member States to make available opportunities for ICT training and the development of digital skills and media literacy at all levels of education;
69. Reiterates the importance for academic and training institutions to swiftly respond to the changes in society and the labour market, and to adapt and modernise their way of working and to enable students to develop skills accordingly; stresses that education is a lifelong empowerment process, which should help citizens achieve personal development, creativity and well-being;
70. Urges academic institutions to anticipate changes in society and the labour market, and to adapt their way of working accordingly; notes that, the development of future-oriented sectors, in particular the green and circular economy, has a determinant role on the type of skills needed;
71. Calls furthermore on academic institutions to offer multilingual courses geared to migrants' skills, smoothing the path to entry to educational programmes;

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72. Stresses the need for greater flexibility in the Member States' education systems in order to enable more effective use of open and online teaching methods;
73. Urges Member States to improve the availability of data on the employment and social situation of graduates ('graduate tracking'), including data on the vocational education and training sector;
74. Calls on the EU and the Member States to develop and implement 'educational corridors' by promoting agreements with European universities, such as the Mediterranean Universities Union (UNIMED) and the networks of distance learning universities hosting refugee students from conflict areas, including through academic distance training programmes;
75. Highlights the importance of specialised school and university teacher training for academic further and distance education, so as to meet the needs of their students;
76. Stresses the need for competences and skills acquired outside the formal education system to be recognised through quality assurance and accreditation especially with a view to empowering people in a vulnerable or disadvantaged situation, such as low-skilled adults or refugees; insists on the importance of validating non-formal and informal learning in order to reach out and empower learners;

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77. Instructs its President to forward this resolution to the Council and the Commission.
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P8_TA(2017)0328

Whale hunting in Norway

European Parliament resolution of 12 September 2017 on whale hunting in Norway (2017/2712(RSP))

(2018/C 337/05)

The European Parliament,

- having regard to the International Whaling Commission (IWC) agreement on zero catch limits for commercial whaling which came into effect in 1986 ('the moratorium'),
 - having regard to IWC Resolution 2016-3 on cetaceans and their contribution to ecosystem functioning,
 - having regard to IWC Resolution 2014-2 on highly migratory cetaceans,
 - having regard to the Aichi Biodiversity Targets agreed under the International Convention on Biological Diversity,
 - having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽¹⁾,
 - having regard to Commission Regulation (EC) No 865/2006 of 4 May 2006 ⁽²⁾ and Commission Regulation (EU) No 791/2012 of 23 August 2012 ⁽³⁾,
 - having regard to Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC) No 865/2006 ⁽⁴⁾,
 - having regard to its resolution of 15 September 2016 on the EU strategic objectives for the 17th meeting of the Conference of the Parties to the Convention on International Trade in endangered species of Wild Fauna and Flora (CITES) ⁽⁵⁾,
 - having regard to its resolution of 19 February 2009 on Community action in relation to whaling ⁽⁶⁾,
 - having regard to the EU Action Plan against Wildlife Trafficking of 2016,
 - having regard to the question to the Commission on whale hunting in Norway (O-000058/2017 — B8-0324/2017),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas in 1982 the International Whaling Commission (IWC) introduced a moratorium on all commercial whaling, which came into effect in 1986 and is still in force, in order to protect species and populations from extinction and allow them to recover;
- B. whereas Norway, despite this international ban, has continued its whaling activities, and in 1993 fully resumed commercial whaling using a formal objection to the moratorium, as well as entering and maintaining reservations regarding the CITES listings;

⁽¹⁾ OJ L 206, 22.7.1992, p. 7.

⁽²⁾ OJ L 166, 19.6.2006, p. 1.

⁽³⁾ OJ L 242, 7.9.2012, p. 1.

⁽⁴⁾ OJ L 242, 7.9.2012, p. 13.

⁽⁵⁾ Texts adopted, P8_TA(2016)0356.

⁽⁶⁾ OJ C 76 E, 25.3.2010, p. 46.

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- C. whereas Norway became a party to CITES on 19 December 1979, making it one of the first countries to agree to be bound by that convention;
- D. whereas media sources estimate that approximately 90 % of whales killed by Norway are female, most of them pregnant, by reason of their slower response time;
- E. whereas Norway has killed over 13 000 whales since the moratorium came into effect in 1986 ⁽¹⁾;
- F. whereas whaling causes severe suffering to individual animals, threatening both the complex social structures of intelligent mammals and the conservation status of whale populations as a whole;
- G. whereas all species of great whales are listed in Annex A to Council Regulation (EC) No 338/97, reflecting the fact that they are threatened with extinction and that any level of trade would imperil the survival of the species; whereas Article 8(1) of that regulation prohibits the purchase, offer to purchase, acquisition for commercial purposes, display to the public for commercial purposes, use for commercial gain and sale, keeping for sale, offering for sale or transporting for sale of specimens of the species listed in Annex A;
- H. whereas there is increasing scientific evidence to suggest that whales enhance ecosystem productivity and may play a role in regulating atmospheric CO₂ levels;
- I. whereas Norway unilaterally establishes its own catch limits; whereas for the 2017 whaling season Norway increased its quota of minke whales to 999 (up from 880 in 2016);
- J. whereas Norway's exports of whalemeat have increased sharply in recent years; whereas some of these exports are shipped through EU ports;
- K. whereas in October 2016 alone, 2 948 kg of Norwegian whale products were found to have been exported to Japan, transiting through at least three EU ports ⁽²⁾;
- L. whereas the transit of whalemeat through EU ports is permitted provided shipments are accompanied by valid CITES documentation pursuant to Council Regulation (EC) No 338/97;
- M. whereas the primary objective of CITES is the protection of biodiversity, and in particular the conservation of species; whereas the EU Habitats Directive, which defines the Community position with respect to whales (and dolphins), does not allow the resumption of commercial whaling in respect of any stock of whales in EU waters;
- N. whereas Norway is closely associated with the Union and its policies through its membership of the European Economic Area; whereas this has ensured that the peoples and governments of both Norway and the EU have maintained strong cultural links, a healthy trading relationship and a commitment to conservation;
1. Calls on Norway to cease all its commercial whaling operations and to abide by the IWC moratorium;
 2. Calls on Norway to withdraw its reservations concerning the CITES Appendix I listings of large whale species and to cease all trade in whalemeat and whale products;
 3. Regrets that Norway is subsidising the whale industry and promotes the consumption and use of products resulting from whaling; urges Norway to cease these subsidies;

⁽¹⁾ https://iwc.int/table_objection

⁽²⁾ <http://www.maritime-executive.com/article/norways-whaling-comes-under-fire>

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4. Strongly supports the continuation of the global moratorium on commercial whaling and a ban on international commercial trade in whale products;
 5. Notes that the Member States signed up to the EU Action Plan against Wildlife Trafficking; recalls action 9 of that plan, which calls on Member States and the Commission to develop strategies to improve compliance with existing EU wildlife legislation at a national level;
 6. Regrets that at the debate which Parliament held in plenary on 6 July 2017 the Commission was not able or willing to provide Parliament with data on shipments of whalemeat transferred through EU ports; urges the Commission to collect and provide the necessary data;
 7. Calls on the Commission to look into all possible ways of ensuring that whalemeat is no longer legally allowed to transit through EU ports, including by recommending a ban on such transits as an exceptional measure;
 8. Regrets that Norway has so far not reconsidered its decision, despite past and ongoing diplomatic reactions and widespread international protests; calls on the Commission, the European External Action Service (EEAS) and the Council to make use of bilateral and multilateral channels to urge Norway to stop all commercial whaling;
 9. Urges the Council and Commission, at the forthcoming IWC-67 meetings, to take a common approach to whaling that is at least as precautionary as the present common position, and to engage with third countries in order to achieve majority support for the creation of whale sanctuaries;
 10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the Government and Parliament of Norway.
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P8_TA(2017)0330

Impact of international trade and EU's trade policies on global value chains**European Parliament resolution of 12 September 2017 on the impact of international trade and the EU's trade policies on global value chains (2016/2301(INI))**

(2018/C 337/06)

The European Parliament,

- having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 5 of the Treaty on European Union (TEU),
- having regard to the Commission communication entitled 'Trade for all: Towards a more responsible trade and investment policy' (COM(2015)0497),
- having regard to its resolution of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment ⁽¹⁾,
- having regard to its resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility ⁽²⁾,
- having regard to its resolution of 16 May 2017 on the evaluation of external aspects of the customs performance and management as a tool to facilitate trade and fight illicit trade ⁽³⁾,
- having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements ⁽⁴⁾,
- having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ⁽⁵⁾,
- having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector ⁽⁶⁾,
- having regard to its resolution of 4 April 2017 on palm oil and deforestation of rainforests ⁽⁷⁾,
- having regard to its resolution of 3 February 2016 containing the European Parliament's recommendations to the Commission on the negotiations for the Trade in Services Agreement (TiSA) ⁽⁸⁾,
- having regard to its resolution of 8 July 2015 containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) ⁽⁹⁾,
- having regard to its Resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh ⁽¹⁰⁾,

⁽¹⁾ Texts adopted, P8_TA(2016)0299.

⁽²⁾ Texts adopted, P8_TA(2016)0298.

⁽³⁾ Texts adopted, P8_TA(2017)0208.

⁽⁴⁾ OJ C 99 E, 3.4.2012, p. 101.

⁽⁵⁾ Texts adopted, P8_TA(2016)0405.

⁽⁶⁾ Texts adopted, P8_TA(2017)0196.

⁽⁷⁾ Texts adopted, P8_TA(2017)0098.

⁽⁸⁾ Texts adopted, P8_TA(2016)0041.

⁽⁹⁾ Texts adopted, P8_TA(2015)0252.

⁽¹⁰⁾ Texts adopted, P8_TA(2017)0265.

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- having regard to Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas ⁽¹⁾ (Conflict Minerals Regulation),
- having regard to the Forest Law Enforcement Governance and Trade Action Plan (COM(2003)0251) and FLEGT Voluntary Partnership Agreements,
- having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market ⁽²⁾ (Timber Regulation),
- having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences ⁽³⁾ (GSP Regulation),
- having regard to 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 ⁽⁴⁾ (Brussels I Regulation),
- having regard to Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups ⁽⁵⁾ (Non-Financial Reporting Directive),
- having regard to the 2007 joint strategy of the EU and its Member States entitled 'Aid for trade: Enhancing EU support for trade-related needs in developing countries',
- having regard to the Commission staff working document of 24 April 2017 entitled 'Sustainable garment value chains through EU development action' (SWD(2017)0147),
- having regard to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,
- having regard to Report IV of the 105th ILO Conference on decent work in global supply chains,
- having regard to the 2030 UN Sustainable Development Goals,
- having regard to the fundamental ILO Conventions on child labour, forced labour, discrimination, and freedom of association and collective bargaining,
- having regard to the Council conclusions of 12 May 2016 on the EU and responsible global value chains,
- having regard to the Commission communication on a renewed EU strategy 2011-14 for Corporate Social Responsibility (COM(2011)0681),
- having regard to the UK Modern Slavery Act 2015 and the French law on the duty of care of multinational companies,
- having regard to the UN Guiding Principles on Business and Human Rights and the UN Global Compact,
- having regard to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- having regard the new ILO Protocol on Forced Labour,

⁽¹⁾ OJ L 130, 19.5.2017, p. 1.

⁽²⁾ OJ L 295, 12.11.2010, p. 23.

⁽³⁾ OJ L 303, 31.10.2012, p. 1.

⁽⁴⁾ OJ L 351, 20.12.2012, p. 1.

⁽⁵⁾ OJ L 330, 15.11.2014, p. 1.

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- having regard to UN Human Rights Council Resolution 26/9 of 26 June 2014, in which the UNHRC decided to establish an open-ended intergovernmental working group with the mandate to elaborate an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights,
 - having regard to the OECD Guidelines for Multinational Enterprises and several sector-specific OECD guidelines (financial, agricultural, mineral, garment and footwear sectors),
 - having regard to the UNCTAD Trade and Development Reports of 2013 and 2016,
 - having regard to the 2015 UNCTAD Investment Policy Framework for Sustainable Development,
 - having regard to the World Trade Organisation Technical Barriers to Trade (WTO TBT) Agreement,
 - having regard to the WTO General Agreement on Tariffs and Trade (GATT),
 - having regard to the UN Convention on the Rights of the Child, and the Children's Rights and Business Principles developed by UNICEF, the UN Global Compact and Save the Children ⁽¹⁾,
 - having regard to voluntary country-specific partnerships, such as the Bangladesh Sustainability Compact and the Myanmar Labour Rights Initiative,
 - having regard to the Council conclusions of 20 June 2016 on Child Labour,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade, the opinions of the Committee on Foreign Affairs and the Committee on Development and the position in the form of amendments of the Committee on Women's Rights and Gender Equality (A8-0269/2017),
- A. whereas Article 207 of the TFEU stipulates that the EU's trade policy must be built on the principles and objectives of EU external policy; whereas Article 208 of the TFEU establishes the principle of policy coherence for development and sets the eradication of poverty as the main objective; whereas the Commission's Trade for All communication bases EU trade policy on three key principles — effectiveness, transparency and values; whereas this communication has a dedicated section on responding to the rise of global value chains and on the responsible management of supply chains, recalling its complexity, the fundamental need to think prospectively, for the involvement of a range of public, private and civil society actors and for the use of a mix of soft and innovative tools and legislative changes;
- B. whereas free trade has come under increasing public scrutiny of late and concerns about the inequitable distribution of the benefits and loads of trade have brought to the forefront a largely shared view that trade policy needs to put social and environmental values, as well as transparency and accountability, at its core;
- C. whereas global value chains (GVCs) are a complex, technology- driven and rapidly changing reality which have become a key feature of today's global economy and may help developing countries to better integrate into it and to reduce poverty and create jobs, while at the same time increasing production capacity; whereas, on the one hand, GVCs offer new prospects for economic growth, sustainable development, the involvement of civil society, workers and business associations, and for job creation for companies within the production chain, by enabling them to focus on specific tasks while increasing their interdependence; whereas, on the other hand, their extremely complex nature, lack of transparency and dilution of liabilities may lead to a higher risk of human and labour rights violations, factual impunity for environmental crimes and large-scale tax avoidance and tax fraud;

⁽¹⁾ <http://childrenandbusiness.org>

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- D. whereas trade policy must contribute to ensuring a transparent production process throughout the value chain, as well as compliance with fundamental environmental, social and safety standards;
- E. whereas EU trade and investment policy must maintain the multilateral system as its cornerstone and strengthen Europe's position in fair global supply chains, but must also provide tools to establish clear rules and responsibilities for governments and companies in order to ensure compliance with international commitments such as the UN Sustainable Development Goals (SDGs); whereas sustainability and transparency are not only a matter of values but should also be seen as real drivers of increased added value in global trade and investment in the context of GVCs;
- F. whereas SMEs ⁽¹⁾ form an important part of the GVCs and play an important role in promoting economic growth, sustainable development and quality jobs and in keeping local populations from moving away from their regions;
- G. whereas participation in GVCs is beneficial for SMEs in terms of growth and internationalisation; whereas according to the 2015 Eurobarometer survey entitled 'Internationalisation of Small and Medium-sized Enterprises', only 31 % of SMEs in the EU were involved in business outside the Internal Market in the previous three years; whereas many SMEs face difficulties securing access to international and EU-based GVCs; whereas trade policy and trade agreements can help overcome the barriers and challenges that SMEs currently face in accessing GVCs;
- H. whereas voluntary due diligence and GVC transparency schemes are being used and promoted worldwide by economic and social partners and NGOs, producing substantive and positive results;
- I. whereas in its May 2016 conclusions, the Council underlined 'the need for continued advocacy for the uptake of internationally agreed principles, guidelines and initiatives on CSR/RBC such as the UN Guiding Principles on Business and Human Rights, the UN Global Compact, the ILO Tripartite Declaration on Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises, including in non-OECD member countries, also contributing to anti-corruption efforts by creating more open and transparent business environments';
- J. whereas responsible global management of GVCs is essential in order to align trade policy with the European values enshrined in the Treaties; whereas both the Commission and the Member States have been at the forefront of these debates worldwide;
- K. whereas several international conventions, guidelines and rules aim to prevent human rights abuses; whereas producer countries in particular have the obligation to implement them and to create the appropriate legal and economic conditions under which businesses can operate and find a place in global supply chains; whereas producer countries must also be able to implement international standards and norms, including drawing up, implementing and enforcing appropriate legislation, particularly in the area of establishing the rule of law and combating corruption;
- L. whereas the EU should respond even more effectively to social and environmental dumping and unfair competition and trade practices, and ensure a level playing field;
- M. whereas the EU is the world's largest exporter and importer of goods and services taken together, the largest foreign direct investor and the most important destination for foreign direct investment (FDI); whereas the EU should use this strength to benefit both its own citizens and those in other parts of the world, particularly in the world's poorest countries;
- N. whereas the EU has developed binding regulations in the area of corporate due diligence in specific sectors where there is a high risk of human rights abuses, such as timber and conflict minerals; whereas some Member States have also developed legislation, such as the UK Modern Slavery Act, the French Law on the duty of care of multinational companies (MNCs), which applies to large French companies numbering more than 5 000 workers, and the Dutch

⁽¹⁾ See definition of SME: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003H0361&from=EN>.

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Child Labour Due Diligence Bill; whereas the EU has developed initiatives to promote due diligence and several European Parliament resolutions have called for the EU to develop binding rules on the issue;

- O. whereas the EU has already taken important steps towards a more responsible management of GVCs worldwide by developing specific partnerships, - such as the Bangladesh Sustainability Compact and the Labour Rights Initiative with Myanmar, and on specific issues, such as the conflict minerals initiative, illegal logging regulations, sustainability criteria for biofuels, corporate reporting on supply chain issues, and corporate transparency on payments made to governments by extractive and logging industries, as underlined in the Trade for All communication;
- P. whereas the Trade for All communication states that the Commission will promote ambitious trade and sustainable development (TSD) chapters in all trade and investment agreements; whereas recently concluded EU trade and investment agreements contain TSD chapters calling on the parties to the agreement to make commitments on the protection of human rights, social and environmental standards and corporate social responsibility; whereas such chapters have displayed differences in their level of ambition in successive EU trade agreements; whereas labour and environmental standards are not limited to TSD chapters but must be effective throughout all areas of trade agreements; whereas a dialogue-centred approach has not prevented severe violations of the freedom of association in some FTAs;
- Q. whereas the particular situation of Export Processing Zones (EPZs) is such that in some countries they are exempt from local labour laws and forbid or limit union activity, and that workers have no recourse to legal redress there, which constitutes a clear violation of ILO standards;
- R. whereas the lack of ethical behaviour in business is also a consequence of a lack of good governance, the powerlessness or non-existence of impartial public authorities acting in the general interest of citizens; whereas corruption, the lack of transparency of GVCs and exemptions from labour laws and taxation in EPZs could have a negative impact on human rights, in particular by undermining decent work and trade unions;
- S. whereas according to the ILO, 21 million people are victims of forced labour worldwide, and many of them are exploited in GVCs; whereas forced labour in the private economy generates USD 150 billion in illegal profits every year;
- T. whereas thanks to its global mandate, expertise and experience, the ILO, in collaboration with its Members, is well placed to lead global action for decent work in global supply chains; whereas the ILO Committee on Decent Work in Global Supply Chains has called for an assessment into the failures which lead to decent work deficits in global supply chains and for a reflection on the initiatives and standards needed to promote decent work and facilitate the reduction of decent work deficits in global supply chains;
- U. whereas a multilateral, global and holistic approach to corporate liability for human rights abuses and environmental sustainability is needed in the context of global trade and particularly in GVCs; whereas it is important, therefore, that the EU continues to lead these debates worldwide; whereas the EU has positioned itself as a front-runner in reforming the investor-state dispute settlement mechanism, notably through the development of a multilateral court system; whereas equal progress is expected in other critical areas of concern such as the enforcement of investors' obligations in relation to human rights;
- V. whereas production in GVCs takes place in various jurisdictions with varying degrees of human rights protection and social, labour and environmental law enforcement; whereas victims of human rights abuses involving transnational companies may face multiple obstacles to accessing judicial remedies;

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- W. whereas gender equality in all EU policies is firmly established in Article 8 of the TFEU; whereas trade and investment agreements tend to affect women and men differently on account of structural gender inequalities; whereas the gender equality perspective is often overlooked in the analysis of GVCs; whereas according to the ILO, in 2012 21 million people worldwide, of whom 55 % were women and girls, were the victims of forced labour, with 90 % of these were exploited in the private economy by individuals or enterprises;
- X. whereas women comprise the majority of workers in certain segments of the garment, horticulture, mobile phone and tourism global supply chains but tend to be more concentrated in low-wage or low-status forms of employment than men, leading to gender segregation in types of occupations and activities, gender gaps in wages and working conditions, and gender-specific constraints in access to productive resources, infrastructure and services;
- Y. whereas according to Article 3(3) of the TEU, the Union shall protect the rights of the child; whereas all the Member States ratified the UN Convention on the Rights of the Child;
- Z. whereas services are playing a greater role in GVCs, in particular for manufacturing production; whereas the increased integration of services into GVCs will require agreements supporting the digital economy, including the free flow of data;
- AA. whereas the development of global value chains further contributes to the integration of services into the production of goods; whereas a significant amount of the value of imported goods has been added through services from importing countries;
- AB. whereas EU Member States are the world's largest exporters of financial services, and the sector is of strategic importance in the EU's trade policy; whereas the inclusion of provisions relating to financial services in EU External Agreements, including FTAs, has raised some legitimate concerns regarding their potential negative effects in terms of money laundering and tax evasion and avoidance and further highlights the importance of considering the use of tools to address them; whereas trade and investment agreements offer a good opportunity to increase cooperation in the fight against corruption, money laundering, and tax fraud, evasion and avoidance;
- AC. whereas transparent and informative labelling can be a useful tool that allows EU consumers to make more informed and adequate choices; whereas, beyond the price and origin of a product, social and environmental criteria should also be made available to EU consumers; whereas such criteria can technically be developed in line with the WTO Agreement on Technical Barriers to Trade (TBT), which lays down conditions for the production process to enable the sale of a product;
- AD. whereas the full observance of human rights in the production chain and full compliance with the food safety standards of goods released for free circulation on the European market should be respected by both states and enterprises; whereas the burden of responsibility should not be borne solely by consumers, whose choice is constrained by both individual resources (economy, time, knowledge) and external elements (information, offers);
- AE. whereas Rules of Origin (RoO) have become increasingly important in the context of GVCs, for which production tends to span several countries; whereas lax rules of origin can create additional hurdles to establishing full transparency and accountability throughout supply chains;
- AF. whereas better, harmonised and more efficient customs procedures in Europe and abroad help facilitate trade and meet respective trade facilitation requirements, as well as help to prevent forgeries and illegal, dumped and counterfeit goods from entering the single market, which undermines EU economic growth and seriously exposes EU consumers; whereas greater access to customs data on imports entering the EU would increase GVC transparency and accountability;

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- AG. whereas in a world of fragmented production networks, the distinction between imports and exports is blurred, as imported inputs account for a significant proportion of exports, and tariffs are accumulated each time intermediate inputs are traded across borders; whereas efficient customs and border procedures are especially important in this context;
- AH. whereas GSP and GSP+ trade incentives provide better market access to developing countries in exchange for respect for labour, environmental and social standards;
- AI. whereas the GSP+ is a key EU trade policy instrument which provides better market access and is accompanied by a stringent monitoring mechanism to promote human and labour rights, environmental protection and good governance in vulnerable developing countries;
- AJ. whereas the protection and enforcement of intellectual property rights (IPRs) could provide for effective further integration into GVCs;

EU position within GVCs

1. Emphasises that trade and investment policy should aim to provide leverage, to create a level playing field for European businesses, promote European competitiveness and facilitate upward convergence on standards; calls on the Commission to ensure coherence between the EU's environmental, public health, trade, investment and industrial policies, and to promote the European reindustrialisation strategy and the transition towards a low-carbon economy;
2. Believes that further integration of the EU into global value chains must not be to the detriment of the European social and regulatory model and the promotion of sustainable growth;
3. Calls on the Commission to support the awareness and uptake of existing fair trade schemes, as mentioned in the Trade for All strategy, both within the framework of the EU's plan for sustainability and the European Consensus for Development;
4. Reiterates its call for the Commission and the Member States to adopt reinforced trade defence instruments to combat unfair commercial practices, taking into account social and environmental dumping;
5. Asks the Commission to evaluate the impact of the use of trade defence instruments, by the EU and by third countries, on the effective integration of EU businesses into GVCs;
6. Stresses the need for harmonised rules and reinforced EU coordination and supervision of the application of import duties by the Member States (including conventional, anti-dumping and countervailing duties) on all types of commodities and goods, especially involving false declarations of origin (in both preferential and non-preferential regimes) and the undervaluation and incorrect description of goods;

GVCs and multilateralism

7. Calls on the Commission to actively work within the WTO in order to increase transparency, and to define and promote multilateral rules for trade, including the sustainable management of GVCs, which should, in particular, include the following:
 - mandatory supply chain due diligence and transparency requirements, building on the UN Guiding Principles on Business and Human Rights;
 - minimum health and safety standards, recognising in particular workers' right to establish safety committees;
 - a social protection floor and respect for ILO labour standards;
 - the right to collective bargaining;

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8. Asks the Commission and the Member States to continue to engage actively in all multilateral forums about business, GVCs, human and labour rights, economic growth and sustainable development, while promoting the European values enshrined in the Treaties and bearing in mind the fundamental need for the specific characteristics of SMEs to be protected;

9. Welcomes the ongoing negotiations on a binding UN Treaty for Transnational Corporations and Human Rights; calls on the Commission and the Member States to engage constructively in these negotiations and to play an active role and contribute to the development of concrete proposals, including access to remedies, investing all their efforts in achieving a positive outcome and encouraging trade partners to equally engage; asks the Commission, in this context, to consider the possibility of extensive mandatory due diligence, including at global level;

10. Calls on the Member States to expedite the application and increase the effectiveness of the National Action Plans (NAPs) implementing the UN Guiding Principles on Business and Human Rights; underlines that eight out of the 13 NAPs that have already been approved are from EU Member States and welcomes the fact that a further 11 EU NAPs are being drafted; asks the Commission to assist and promote the implementation of these UN Guiding Principles;

11. Welcomes the convergence of the international standards on business and human rights, particularly between the UN Guiding Principles and the OECD Guidelines for Multinational Enterprises;

12. Welcomes the integral inclusion of Decent Work and the four pillars of the ILO Decent Work Agenda into the UN SDGs; calls on the Commission and the Member States to effectively apply these standards and to work within the ILO towards the adoption of a new international labour standard for decent work on GVCs, which will require, in particular, all companies to undertake ongoing risk management of the impact of their activities on the human rights of workers and communities and to take appropriate measures to prevent and mitigate these activities and provide remedy to those affected;

13. Supports all global anti-corruption initiatives, including the Extractive Industries Transparency Initiative (EITI), the Kimberley Process, the International Conference on the Great Lakes Regions (ICGLR), the principles set out in the United Nations Global Compact for businesses, the OECD guidelines for multinational enterprises and the OECD due diligence guidance for responsible supply chains of minerals from conflict-affected and high-risk areas; recalls the obligation for producer countries in particular to implement and enforce appropriate legislation, also in the area of establishing the rule of law and combating corruption;

14. Points out that in this area, in addition to the import and export of minerals and metals, transparent arrangements governing operating rights and customs duties are vital to the development of conflict or high-risk zones; stresses, therefore, the need to draw up an overview of existing corporate social responsibility measures being implemented by European businesses, and to enhance the coordination and exchange of information and best practices, in order to be able to identify good practices more effectively and contribute to the creation of a common action framework at European level; calls on the Commission to step up initiatives relating to corporate social responsibility and due diligence across the whole supply chain;

15. Points out that reliable access to raw materials is important for global competitiveness;

16. Stresses the importance of implementing, enforcing and transposing existing laws on GVCs at regional, national and international levels;

Corporate responsibility

17. Highlights that trade and human rights reinforce each other, and that the business community has an important role to play in offering positive incentives in terms of promoting human rights, democracy and corporate responsibility;

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18. Welcomes the many promising initiatives taken by the private sector, such as codes of conduct, labelling, self-assessment and social audits, which have significantly contributed to recent improvements in human rights and workers' rights standards in global supply chains;

19. Is deeply concerned by cases of human rights violations and threats to environmental sustainability, committed as a result of some corporations' management decisions;

20. Acknowledges the importance of the existence of clear international rules on corporate social responsibility (CSR), GVC and due diligence; welcomes the smart mix of regulatory and voluntary action, which has led to some positive results in the last few years and has enabled businesses to find their own dynamic and innovative measures; stresses that coordination, information sharing and the exchange of best practices may contribute to increasing the efficiency of private and public value chain initiatives and achieve positive results; recalls, however, that voluntary CSR may also lead to unfair competition for suppliers that have chosen to comply with international labour and environmental standards and is not sufficient per se to ensure that companies fully comply with international standards and obligations by implementing due diligence policy; stresses, therefore, the need to draw up an overview of existing CSR measures being implemented by European businesses, in order to be able to identify good practices more effectively and contribute to the creation of a common action framework at European level; strongly believes that the EU should swiftly seek ways to develop GVC transparency strategies and rules, including the possible consideration of immediate action towards developing binding and enforceable rules, associated remedies and independent monitoring mechanisms involving the EU Institutions, the Member States and civil society; stresses that such obligations should follow the required steps outlined in the UN Guiding Principles and the OECD Guidelines relating to the proactive identification of risks to human rights, the drawing up of rigorous and demonstrable action plans to prevent or mitigate these risks, adequate response to known abuses, and transparency;

21. Calls on the Commission to give greater prominence to such provisions and to promote the uptake of sectoral OECD guidelines and the UN Guiding Principles on Business and Human Rights; emphasises the need to engage civil society in a formal way in the implementation process through structures set up under TSD chapters; calls on the Commission to support the work of international standardisation bodies such as the International Standardisation Organisation (including ISO 26000) and the Global Reporting Initiative, in order to encourage businesses to report on sustainability and value-creation throughout the supply chain;

22. Invites the Commission to ensure compliance by European and international companies with the OECD Guidelines for Multinational Enterprises and the sector-specific OECD guidelines, such as the due diligence guidance for responsible supply chains of minerals from conflict-affected areas; recommends strengthening the role of OECD National Contact Points and their cooperation with independent national and regional human rights institutions with a view to improving the governance of GVCs;

23. Calls on the Commission to update its approach to CSR with a view to strengthening labour and environmental standards and, in particular, insisting on the inclusion of CSR provisions in the trade and investment agreements negotiated by the EU;

24. Stresses that the coordination and exchange of information and best practices can help to make private and public value chain initiatives more effective;

25. Recalls that Parliament requested in 2010 that companies should publish their CSR balance sheets, the introduction of due diligence requirements for all undertakings, and the consolidation of the CSR concept on the basis of a harmonised definition of the relations between parent companies in order to establish the legal liability of each them; therefore notes with satisfaction that the disclosure of non-financial and diversity information will be required from large companies as from 2017, in accordance with the Non-Financial Reporting Directive; notes, however, that the disclosure of non-financial information by large companies has not yet been extended to cover all actors operating in GVCs;

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26. Notes the 'green card' initiative launched by some national parliaments following the adoption of the French law on MNCs' duty of care; calls on the Commission to consider proposals for corporate due diligence for companies operating both within and outside the EU, taking account of the ruling of the French Constitutional Court on the French law, namely on proportionality of sanctions;

27. Recalls that CSR policies must take into account the special characteristics of SMEs, and be flexible enough to ensure that they are not subjected to disproportionate burdens; invites the Commission, therefore, to establish a specific helpdesk for SMEs, paying special attention to small and micro enterprises, and to support them with tailored capacity-building programmes;

28. Underlines that GVCs do not end when the product reaches the consumer, but include waste and how it is treated; urges taking into account the full lifecycle of products and enlarging the perspective on GVCs to include provisions on waste disposal without harming persons or the environment; calls on the EU to encourage international cooperation and legislative coherence regarding end-of-life products and materials and help partner countries develop stronger national regulations and enforcement capacities; calls on the EU to ensure that traceability applies to this spectrum of product life;

29. Urges the Commission to act swiftly, following the detailed proposals contained in Parliament's resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries;

Creating a more prominent role for private-sector initiatives

30. Emphasises the achievements of private-sector engagement; stresses that private-sector companies need to pursue sustainability strategies, not only so as to prevent damage to their reputation, but also because this offers them new opportunities and reduces their dependence on scarce resources;

31. Stresses the crucial role of consumers (and the effects of bad publicity); recalls that no consumer wants to continue buying products made by children or exploited men and women, or products that have caused major environmental damage;

32. Calls on the Commission to find new ways to support private-sector efforts to make global value chains more sustainable and to develop inclusive business models and related private-sector multi-stakeholder partnerships;

33. Emphasises that a smart mix between private and public funding is needed to promote sustainable global value chains; believes this should build on existing structures and programmes that have proven successful in promoting responsible business conduct;

34. Welcomes the many promising initiatives taken by the private sector, such as codes of conduct, labelling, self-assessment and social audits, and acknowledges the UN Global Compact, the ISO 26000 standard on social responsibility, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises as tools which can mobilise responsibility in the business activities of enterprises; calls on companies, whether European or not, to apply human rights due diligence and to integrate their findings into internal policies and procedures, with resources and authority assigned accordingly and duly implemented; stresses that this requires that sufficient resources be allocated; stresses that transparency and communication regarding the measures taken to avoid human rights abuses in third countries are crucial to enable proper democratic oversight and to allow consumers to make fact-based choices;

EU free trade agreements (FTAs) and GVCs

35. Welcomes the new trade and investment strategy for the European Union, Trade for All; asks the Commission to address, in its trade and investment policy and FTAs, the challenges associated with the rise of GVCs by taking into consideration the following measures:

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- (a) strengthening ex ante Trade Sustainability Impact Assessments (TSIAs), adding assessment requirements on human rights and on gender, and making ex post TSIs, with civil society input, mandatory and publicly available;
- (b) implementing fully Parliament's recommendations of 2010 and 2016 with respect to TSD chapters in FTAs, which should include comprehensive, enforceable and ambitious TSD chapters and consideration of the following aspects:
 - (i) a commitment by each of the parties to ratify and implement the eight core and four priority ILO Conventions, as well as the international multilateral environmental agreements;
 - (ii) coverage of human rights clauses and TSD chapters by the general dispute settlement mechanisms, on an equal footing with the other parts of the agreement;
 - (iii) the possibility to appeal and seek redress through a complaints procedure for social partners and civil society;
 - (iv) effective deterrent measures: including in the form of monetary remedies, in the event of serious, proven breaches of the TSD provisions;
- (c) including enforceable anti-corruption and whistleblower protection provisions, within the competence of the EU, in all future FTAs and investment agreements; in this regard, stresses that the signatory parties to trade and investment agreements should take measures to promote active participation of the private sector, civil society organisations and domestic advisory groups in the implementation of the anti-corruption programmes and clauses in international trade and investment deals;
- (d) including standstill clauses setting a minimum level for social, environmental and safety standards, including animal health and welfare, in all EU FTAs, thus preventing the parties from lowering their social, environmental and safety norms in order to promote exports and attract investments;
- (e) including provisions on tax transparency (including OECD key transparency standards) and enhancing cooperation in the fight against money laundering, tax fraud and evasion and tax avoidance in FTAs, to be duly reflected in market opening requirements for financial services;
- (f) supplementing all the above provisions with supporting measures for developing countries and rigorously monitoring their implementation, including through inputs from national parliaments and stakeholders including civil society;
- (g) increasing linkage of priorities agreed bilaterally for the implementation of TSD chapters of FTAs and funding support from the EU development cooperation programmes;

36. Recalls the key role SMEs can play in GVCs on the one hand, and the benefits of increased integration of SMEs into GVCs on the other; calls on the Commission to include SME chapters in all future trade agreements; further calls on the Commission, in this context, to evaluate existing support structures available to SMEs wanting to access GVCs, and to review and, if necessary, update the strategy 'Small Business, Big World' from 2011 in order to further facilitate SMEs' engagement in GVCs;

37. Underlines that GVCs often include production and services in Export Processing Zones (EPZs), where labour and environmental standards are different from the rest of the country concerned and are often restricted; calls on the Commission to ensure that social and environmental standards subscribed to in FTAs apply throughout the territory of trade partners, including in EPZs;

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Labelling, traceability and customs data

38. Calls on the EU to work towards adequate and efficient solutions for the introduction of a transparent and functioning mandatory 'social and environmental traceability' labelling system along the entire production chain, in compliance with the WTO TBT Agreement, while in parallel promoting similar action at international level;

39. Calls on the Commission to consider introducing legislation for labelling rules regarding the origin of products entering the EU market, or to propose rules that guarantee effective traceability;

40. Calls on the Commission and encourages Member States to seek ways to enable parties having a public interest stake to access, subject to appropriate justification and upon a request made on the grounds of public interest, the customs data collected from parties trading in products or goods imported into the EU;

Jurisdiction and access to remedies

41. Reaffirms the urgent need to effectively address human rights abuses by transnational corporations when they appear, and to address the legal problems resulting from the extra-territorial dimension of companies in particular through the establishment of joint legal liabilities throughout supply chains; calls on Member States to take appropriate steps to tackle the financial and procedural hurdles faced in civil litigation by victims;

42. Reiterates its call on the Commission to reflect on the extension of jurisdictional rules under the Brussels I Regulation to third-country defendants in cases brought against companies with a clear link with one Member State or companies for which the EU is an essential outlet and asks the Commission to swiftly present, if appropriate, a proposal to the Parliament and the Council;

43. Recalls that business enterprises should establish operational-level grievance mechanisms for workers affected by their operations, including in EPZs; reiterates its call for the EU and Member States to take the appropriate steps to tackle the legal, procedural and institutional obstacles to accessing effective remedies;

Gender equality and children's rights

44. Recalls that gender equality is firmly established in all EU policies as stated in Article 8 of the TFEU; deplores the fact that gender is not mentioned in the Trade for All strategy, and calls on the Commission to take gender and women's empowerment into account in its mid-term review of the strategy; calls on the Commission to ensure that the gender perspective is included and mainstreamed in trade and investment policy, the Aid for Trade strategy, and all future FTAs and impact assessments; calls on the Commission to continue to discuss and negotiate within the WTO in order to take gender into account in WTO trade and investment policy; calls on the Commission to collect gender-disaggregated data for GVCs, especially in the agricultural sector, taking into account women's empowerment going beyond pay issues, factors leading to violence against women, and social factors such as parental leave and health, with a view to devising legal forms for overcoming the negative side-effects of GVCs; welcomes the fact that the issue of gender equality is being addressed in the negotiations on updating the EU-Chile agreement and will be dealt with in the future updated agreement;

45. Calls for a comprehensive analysis of differences and inequalities in the framework of GVCs, with regard to: (i) gender differences in time use, mainly resulting from women's primary responsibility for reproductive work; (ii) gender differences in access to productive inputs and resources, particularly land, credit, training, and networks; and (iii) gender differences stemming from failures and discrimination at the level of markets and institutions;

46. Stresses that women tend to be the ones who suffer most, and that very often in the case of women, labour trafficking of persons runs in parallel with sexual trafficking and femicide;

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47. Proposes that at the level of international trade and EU trade policies on GVCs, a specific strategy should be developed to formally protect individuals who denounce practices such as femicide, labour trafficking of persons and sexual trafficking, and to defend the victims; stresses that these denouncers should be given similar recognition and protection as that requested in the case of whistleblowers in the field of international and EU trade;

48. Recalls that women are increasingly present in employment but are still overrepresented in low-skilled jobs with low wages, lacking access to social protection measures, including maternity protection, and being far too often subject to discrimination and sexual harassment;

49. Calls on the Commission, the Member States and regional and local authorities to promote sustainable public procurement by applying specific requirements on human rights and compliance with international law, particularly in relation to the promotion of gender equality and European competition rules, as well as transparency for suppliers and their international supply chains;

50. Underlines the importance of the ratification of ILO Conventions No 182 on the worst forms of child labour and No 138 on the minimum age for admission to employment and work by those countries which have not done so; recalls that the EU is committed to eradicating the worst forms of child labour at a global level, in line with its values, which include the prohibition of child labour in EU external action as enshrined in Article 21 of the TEU; reiterates its call for the harmonisation and strengthening of import and supply chain controls so as to ensure that only forced labour-free, child labour-free and modern slavery-free products enter the EU market; stresses its support for existing initiatives supporting SMEs and small farmers' organisations with a view to them gaining a larger share of value in GVCs, such as in the case of fair trade; underlines the importance of including the fight against forced labour and child labour in all EU FTAs, through sustainable development chapters, so as to ensure that this objective is shared by trade partners; calls on the Commission and the Member States to vigorously defend this proposal in all international forums including the ILO, the OECD, the UN and the WTO, in order to make progress in the fight against forced labour and child labour; emphasises against this background that the goal of child labour-free products can only be achieved if it goes hand in hand with minimum living wages for the child's family members;

Developing countries

51. Underlines that GVCs constitute an important opportunity for firms in developing countries, particularly SMEs, to develop a link with the global economy; stresses that specific policies and accompanying measures are key to achieving this and to extending the potential advantages to all workers in our trading partner countries, particularly policies aimed at making administrative procedures more efficient, or helping the companies concerned to increase added value and expand their participation in GVCs while also improving their social and environmental standards; points out that the review of GSP and GSP+ should include binding rules on human and labour rights and environmental protection; notes that many developing countries are limited in their capacity and resources to effectively enforce compliance with social and environmental standards and regulations; calls on the EU to strengthen capacity-building and to provide the governments of partner developing countries with technical assistance wherever possible and needed;

52. Recalls the 2030 SDG agenda and its sustainable production, sustainable consumption and decent work approaches, and calls on the Commission to communicate in a transparent manner the reference to each SDG concerned in its reporting; reiterates its call on the Commission and the Member States to use trade to promote sustainable development and good governance according to the principles of policy coherence for development; stresses that EU trade and investment agreements concluded with developing countries should be consistent with the SDGs; reiterates the right of developing countries to regulate investment so as to ensure obligations and duties for all investors, including foreign ones, with the aim of protecting human rights, labour and environmental standards;

53. Welcomes the entry into force of the Trade Facilitation Agreement, which if properly implemented will simplify and modernise customs procedures, making it easier for developing countries, which generally have greater border barriers, to integrate into the global trading system;

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54. Calls on the Commission to support the effective participation of SMEs in GVCs, by supporting match-making and partnerships between SMEs and small farmer groups in developing countries that aim to secure a larger share of value for producers while ensuring a high level of social, environmental and human rights protection, as in the case of fair trade;

55. Calls on the Commission to ensure that human rights conditions linked to unilateral trade preferences granted under the GSP are effectively enforced and monitored, and that procedures foreseen for cases of possible non-compliance with those conditions are implemented, in full compliance with the GSP Regulation;

56. Expects the GSP mid-term review to clarify definitions and provide an in-depth assessment of the current scheme; takes the view that trade policy must be a way to encourage the EU's trade partners to adopt higher social, labour and environmental standards, which could be achieved through incentives such as additional tariff preferences for sustainably produced products; believes that this objective requires a revision of the GSP Regulation, and suggests in this regard including CSR conditions within its scope, in order to ensure compliance by transnational corporations with national and international legal obligations in the areas of human rights and labour and environmental standards; calls for special attention to be paid to the situation of labour rights and trade union rights in EPZs, and urges the Commission to address this issue, in close cooperation with the ILO, in the review of the GSP;

57. Calls on the Commission to ensure that all EU-funded development projects, including blending projects, are not only fully aligned with the internationally agreed development effectiveness principles, but also fully respect the principle of free, prior and informed consent as established in ILO Convention No 169;

Rules of Origin (RoOs)

58. Notes that simplified, effective and preferential RoOs are key in the context of GVCs; recognises that inflexibility and complexity of RoOs can hamper the efficiency of trade patterns;

59. Calls on the Commission, to the extent possible, to use multilateral RoOs as preferential RoOs in FTAs; calls on the Commission, when designing specific preferential RoOs in FTAs, to lower the requirements of value added and to allow change of tariff subheading and 'single transformation' as a RoO;

60. Asks the Commission, specifically in the case of negotiations on FTAs with countries currently benefiting from GSP and EBA preferences, to ensure that the design of RoOs does not divert economic processes;

61. Considers that increased cumulation in FTAs should not be seen as a tool for back-door liberalisation, but, rather, as a tool to enable countries to specialise in economic activities according to the logic of comparative advantage;

Intellectual property rights and data flows

62. Welcomes the Commission's commitment to protect the entire spectrum of IPRs including patents, trademarks, copyright, designs, geographical indications (GIs), marking of origin and pharmaceuticals, while ensuring access to affordable medicines, both at WTO level and through FTAs; calls on the Commission to take further action on the possible extension of geographical indication protection to non-agricultural products, as it happens already in several third countries via different legal systems; calls for an open and inclusive process for improved cooperation with third partners to combat fraud and counterfeit goods that take advantage of trust in trademarks and brand names;

63. Recognises that digital innovation and data flows are crucial drivers of the services economy and are an essential element of the GVC of traditional manufacturing companies, and that, therefore, forced localisation requirements should be curbed to the extent possible both within and outside Europe, allowing for the accommodation of necessary exemptions based on legitimate public purposes such as consumer protection and the protection of fundamental rights; recalls that data

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flow protection and the right to privacy are not trade barriers but fundamental rights, as enshrined in Article 39 of the TEU, Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, and Article 12 of the Universal Declaration of Human Rights;

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64. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the World Trade Organisation and UNCTAD.

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P8_TA(2017)0334

EU political relations with India

European Parliament resolution of 13 September 2017 on EU political relations with India (2017/2025(INI))

(2018/C 337/07)

The European Parliament,

- having regard to the EU-India Strategic Partnership, established in 2004 and to the India-EU Strategic Partnership Joint Action Plan of 7 September 2005,
- having regard to the ‘EU-India Agenda for Action-2020’ adopted at the 13th EU-India Summit and to the Joint Statement of the same summit,
- having regard to the EU Global Strategy for the Foreign and Security Policy of June 2016,
- having regard to the Commission communication of 4 September 2001 entitled ‘Europe and Asia: A Strategic Framework for Enhanced Partnerships’ (COM(2001)0469),
- having regard to Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries ⁽¹⁾,
- having regard to its recommendation of 28 October 2004 to the Council on EU-India relations ⁽²⁾,
- having regard to its resolution of 29 September 2005 on EU-India relations: A Strategic Partnership ⁽³⁾,
- having regard to its resolution of 24 September 2008 on the preparation of the EU-India Summit (Marseille, 29 September 2008) ⁽⁴⁾,
- having regard to its previous resolutions on India, including the ones on cases of breaches of human rights, democracy and the rule of law,
- having regard to its resolution of 2 February 2012 on EU foreign policy towards the BRICS and other emerging powers: objectives and strategies ⁽⁵⁾,
- having regard to its resolution of 13 April 2016 on the EU in a changing global environment — a more connected, contested and complex world ⁽⁶⁾,
- having regard to its resolution of 10 May 2012 on maritime piracy ⁽⁷⁾,
- having regard to its resolution of 27 October 2016 on nuclear security and non-proliferation ⁽⁸⁾,
- having regard to the mission of its Committee on Foreign Affairs to India of 21-22 February 2017,
- having regard to the 11th Asia-Europe (ASEM) Summit, held in Ulaanbaatar on 15-16 July 2016, and of the 9th Asia-Europe Parliamentary Partnership (ASEP) meeting, held in Ulaanbaatar on 21-22 April 2016, and to the respective declarations adopted by both meetings,

⁽¹⁾ OJ L 77, 15.3.2014, p. 77.

⁽²⁾ OJ C 174 E, 14.7.2005, p. 179.

⁽³⁾ OJ C 227 E, 21.9.2006, p. 589.

⁽⁴⁾ OJ C 8 E, 14.1.2010, p. 69.

⁽⁵⁾ OJ C 239 E, 20.8.2013, p. 1.

⁽⁶⁾ Texts adopted, P8_TA(2016)0120.

⁽⁷⁾ OJ C 261 E, 10.9.2013, p. 34.

⁽⁸⁾ Texts adopted, P8_TA(2016)0424.

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- having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the position in the form of amendments of the Committee on Women's Rights and Gender Equality (A8-0242/2017),
- A. whereas the EU and India are the world's two largest democracies, which both draw on deep cultural histories and are jointly committed to the promotion of peace, stability, security, prosperity, sustainable development and social justice, as well as to the respect for human rights, fundamental freedoms, the rule of law and good governance;
- B. whereas the EU and India have built over the last two decades a Strategic Partnership founded on shared values and interests, given that they are natural partners and factors of stability in the present multipolar world; whereas this Strategic Partnership should be deepened, as it has a high potential for bringing about a new dynamic at international level, including at the UN, and for addressing issues such as the Sustainable Development Goals or people-to-people contacts;
- C. whereas at the 13th EU-India Summit, which took place on 30 March 2016 following a four-year gap, a new roadmap was adopted for the Strategic Partnership for the next five years;
- D. whereas a number of Joint Declarations were adopted at the 13th EU-India Summit: on a common agenda on migration and mobility, on an India-EU water partnership, on a clean energy and climate partnership and on the fight against terrorism;
- E. whereas the EU and India, as important economic and trade and investment partners, and with the EU being India's most important trading partner, have been engaged since 2007 in negotiations for an ambitious free trade and investment agreement, which should be concluded as soon as possible; whereas the EU-India Agenda for Action-2020 reaffirms the commitment of both parties to establishing a stable economic climate which is favourable to the expansion of trade and economic cooperation;
- F. whereas increased coordination between the EU and its Member States regarding their relationship with India would further allow the Strategic Partnership to be strengthened;
- G. whereas India is a vibrant democracy and an open society with a free press and an active civil society; whereas the EU and India have regularly exchanged best practices regarding human rights and democracy, including on issues of freedom of expression and association and the rule of law, as well as on the treatment of migrants, the respect for minorities and the promotion of equality between women and men, as the EU has committed to doing;

The solid foundations of a valuable partnership

1. Expresses full support for a stronger and deeper partnership between the EU and India rooted in their powerful political, economic, social and cultural links and founded on the shared values of democracy, the respect for human rights and pluralism and on mutual respect and common interests;
2. Considers that enhanced political relations between the two partners could positively contribute to fostering regional and international cooperation in a world that faces multiple global challenges, such as security tensions, disrespect for international law, terrorism, extremism and radicalisation, transnational organised crime and corruption, unregulated migration and human trafficking, the effects of climate change, poverty, inequality and disrespect for human rights, as well as growing populism;
3. Highlights the fact that as the world's two largest democracies, the EU and India have a common responsibility to promote the cause of peace, the rule of law and human rights around the world, including through their enhanced cooperation at UN level;
4. Believes that the relationship between the EU and India has grown significantly in quality and scope since the Joint Political Statement of 1993; highlights the importance of the EU-India Strategic Partnership established in 2004 and meant to acknowledge their close ties and to take their relations to a higher and more intensive level;

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5. Highlights that the partnership between the EU and India has not yet reached its full potential; considers that stronger political engagement is needed on both sides to make the relationship more dynamic and valuable for the challenges the two partners face at regional and international level; calls for investment in the strengthening of ties between EU27 and India to be stepped up; underlines the importance of a full assessment of the functioning of the strategic partnership in generating ideas about the possible ways to advance it;

A stronger partnership for the EU's and India's mutual benefit

6. Welcomes the holding of the 13th EU-India Summit in Brussels on 30 March 2016; urges the EU and India to hold summits on an annual basis, as they committed to, given that such high-level meetings positively contribute to increasing cooperation, mutual understanding and reciprocal visibility;

7. Welcomes the endorsement of the EU-India Agenda for Action-2020, which is a roadmap for intensifying the Strategic Partnership over the next five years; takes positive note of the numerous areas of cooperation re-launched in 2016, such as security, the fight against terrorism, migration and mobility, trade, the transfer of technology and culture, climate change, development, energy and water; calls for the effective implementation of the Agenda with clear steps and deadlines;

8. Reiterates its support for the establishment of a comprehensive and ambitious free trade agreement (FTA) between the EU and India, which should be economically, socially and politically valuable for both sides; recalls that the EU is the world's leading trading block and that India has one of the highest rates of GDP growth worldwide; equally recalls that the EU is India's primary partner in terms of trade and investment and that import and export flows between the two are relatively balanced;

9. Takes positive note of the fact that the EU and India are re-engaging in discussions on the ways to proceed with negotiations on an FTA, which is also known as a Broad-based Trade and Investment Agreement (BTIA); urges both sides, with a view to concluding the FTA as soon as possible, to proceed with the negotiations in a spirit of reciprocity and mutual benefit and by taking into account the international standards to which both sides have committed, including those set out within the framework of the World Trade Organisation (WTO) and International Labour Organisation, as well as the principle of corporate social responsibility; acknowledges that such an agreement, by being equally balanced towards the concerns of both sides, can ensure that measures benefit both European and Indian citizens, including by fighting poverty and promoting respect for human rights;

10. Recommends the adoption at EU level of a consistent strategy for its relations with India, with clear priorities; draws attention to the importance of both the EU institutions and the Member States implementing such a strategy in a coherent and coordinated manner; considers that the EU's priorities for India could also be defined in an updated strategy for EU-Asia relations;

11. Welcomes the commitment of the European Investment Bank (EIB) to fostering long-term investment in India in infrastructure that is essential for economic, social and environmentally sustainable development; calls on the EIB to implement this commitment and strengthen its support for sustainable investment in India;

12. Highlights the importance of interparliamentary structured dialogue for the functioning of the Strategic Partnership; encourages the Speaker of the Indian Parliament to form an India-Europe Friendship Group made up of parliamentarians from the Lok Sabha and Rajya Sabha and acting as a counterpart to the European Parliament Delegation for Relations with the Republic of India;

A broad agenda for cooperation on foreign and security policies

13. Reiterates that in today's international environment, both the EU and India face pressing security challenges, which require a diplomatic response coupled with strengthened deterrence, respect for international law and cooperation among democratic states;

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14. Emphasises the significant potential for increased synergies between the EU and India with regard to foreign and security policy; is convinced that regular and consistent dialogue can pave the way for mutual understanding and, consequently, for increased coordination between the EU's and India's foreign affairs agendas at regional and international level, including on topics on which different approaches were adopted in the past;

15. Welcomes the commitment made in the EU-India Agenda for Action-2020 to set up forums for Foreign Policy and Security Consultations; underlines the added value of increasing the frequency and weight of high-level exchanges in the area of foreign affairs and security;

16. Calls for the EU, together with the Member States, and India to pursue and strengthen their efforts in promoting effective, rule-based multilateralism at global level; urges the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and the Council to support reform of the UN Security Council, including India's bid for Permanent Membership; encourages the EU and India to coordinate as much as possible their positions and initiatives at UN level on issues where their cooperation could make a difference, but also in other international forums, such as the WTO;

17. Acknowledges the valuable and intensified exchanges on issues of global concern taking place within the framework of the Asia-Europe Meeting — a multilateral cooperation forum that includes both the EU and India; supports regional integration processes in Asia, on both a political and economic level, as they can positively contribute to reducing the number of conflicts and to the prosperity of the region;

18. Emphasises the significant added value of the cooperation between the EU and India in supporting democratic processes in Asia; underlines, moreover, the importance of the EU and India coordinating their humanitarian aid and development policies, in view of the high level of development activity undertaken by both sides in Asia, in order to positively contribute to the political, economic and social advancement in the countries concerned, including for minorities or stateless persons, such as Rohingyas; calls for dialogue to be stepped up to this effect;

19. Notes the India-EU Joint Declaration on the fight against terrorism of 30 March 2016 aimed at reinforcing cooperation on preventing and countering radicalisation, violent extremism and terrorism; underlines the importance of pursuing cooperation between the EU's and India's security and law enforcement services under the existing arrangement within Europol; recommends facilitating the exchange of best practices and information between India and the EU, including with its Member States; encourages both sides to advocate together the adoption of the Comprehensive Convention on International Terrorism at UN level, as well as the increase of effectiveness of the UN terrorist designations;

20. Stresses the importance of deeper cooperation between the EU and India for Afghanistan, namely: contributing to an Afghan-led and -owned peace and reconciliation process, to the construction of stable institutions and a functioning state, and to the emergence of a political and economic environment that will allow the consolidation of peace and security; encourages, in particular, enhanced political coordination on security and military questions, development support and measures for addressing the regional context; emphasises that the 'Heart of Asia'-Process represents an important forum for regional confidence-building and political cooperation;

21. Calls for renewed efforts of rapprochement and the restoration of good neighbourly relations between India and Pakistan through a comprehensive dialogue and possibly a step-by-step approach, starting with a discussion on technical issues and confidence-building measures, and ultimately leading to high-level political meetings; underlines the importance of the bilateral dimension in working towards the establishment of lasting peace and cooperation between India and Pakistan, which would positively contribute to the security and economic development of the region; underlines, moreover, the responsibility towards peace incumbent on both states as nuclear powers; calls for the EU to encourage and support the reconciliation process between India and Pakistan; stresses the utmost importance of combating terrorism, in all its forms and manifestations, including state-sponsored terrorism;

22. Recommends further cooperation on universal disarmament, non-proliferation of weapons of mass destruction and nuclear security, objectives to which both the EU and India are committed; in this context, calls on all Member States to support India's bid to accede to export control regimes such as the Nuclear Suppliers Group, the Missile Technology Control Regime, the Wassenaar Arrangement and the Australia Group; welcomes the fact that India has ratified the IAEA Additional Protocol;

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23. Welcomes the firm stance of both India and the EU on the illegal nuclear and ballistic missile programmes of the Democratic People's Republic of Korea (DPRK), which constitute a threat to regional and international peace, and encourages further cooperation for ensuring wide implementation of the UN sanctions against the DPRK;

24. Takes note of India's concerns about China, particularly in view of the latter's assertive policy in the South China Sea, substantial military modernisation, strategic relationship with Pakistan and unresolved border issues; considers that only genuine dialogue based on the principles of international law can contribute to overcoming those differences and building trust;

25. Takes positive note of the support expressed at the 13th EU-India Summit by both sides for full implementation of the Minsk Agreement by all parties regarding the conflict in Eastern Ukraine; recalls that the EU has strongly condemned Russia's aggressive actions and has a non-recognition policy of the illegal annexation of Crimea and Sevastopol; hopes that, through dialogue, the EU and India could further align their positions;

26. Encourages the EU and India to further exchange views, both during summits and during their regular foreign affairs and security consultations, on the situation in the Middle East and on areas of possible cooperation which could improve the stabilisation of the region, including through measures at international level; draws attention, in particular, to the importance of cooperation for ensuring a lasting political solution in Syria under the existing UN-agreed framework in line with the Geneva Communiqué of 30 June 2012 and for supporting post-agreement reconstruction and reconciliation, once a credible Syrian-led and Syrian-owned political transition is underway;

27. Stresses that the EU and India could enhance their cooperation and exchange of best practices with regard to the African countries in order to ensure that their development efforts are complementary;

28. Stresses the significant mutual benefits the EU and India could draw from intensifying their cooperation in areas such as maritime security, cyber security and data protection, as well as migration and mobility;

29. Underlines the fact that the EU and India share vital interests and stresses that they should increase cooperation in the area of maritime security, notably with regard to counter-piracy, but also to preserving peace and stability and securing the sea line of communication in the South China Sea and the Indian Ocean; recommends, therefore, the development of joint standard operating procedures in the area of maritime security and counter-piracy, as well as the development of a common understanding of the UN Convention on the Law of the Sea which takes into account the freedom of navigation, resolves all pending issues and identifies the most appropriate joint measures for cooperating within the framework of the convention;

30. Welcomes the adoption of a Joint Declaration between the EU and India on a clean energy and climate partnership at the 13th EU-India Summit in March 2016; underlines the positive impact of India and the EU on negotiations towards the Paris Climate Agreement and the global leadership of both partners; urges both partners to step up their efforts to ensuring that all signatories implement the agreement; calls, in this regard, for the intensification of EU-India cooperation in the field of energy, and in the field of renewable energy in particular;

31. Notes with interest the adoption of a Joint Declaration between the EU and India on a water partnership at the 13th EU-India Summit in March 2016; calls for the Union, therefore, to strengthen its cooperation with India and intensify its support for Indian sustainable water management projects such as 'Clean Ganga';

32. Takes positive note of the Joint Declaration on a Common Agenda on Migration and Mobility, which aims to provide a framework for cooperation on promoting regular migration, preventing irregular migration and trafficking in human beings and maximising the development impact of mobility;

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33. Considers that people-to-people exchanges should be one of the main dimensions of the strategic partnership between the EU and India; underlines, in particular, the importance of enhancing exchanges in the field of education, culture and scientific research, including IT, and welcomes, therefore, the increase in the number of student exchanges under the Erasmus+ programme, which should be further expanded; equally takes positive note of the prospects for cooperation in skills' development and within the framework of the 'Make in India' initiative, as stated in the Agenda for Action-2020, and underlines their importance for intensifying trade and social relations; calls for the equal inclusion of female students, scientists, researchers and professionals in these programmes;

A strengthened exchange on the human rights dimension of the partnership

34. Welcomes the reaffirmed commitment to intensified exchanges on the human rights dimension of the EU-India Strategic Partnership, as citizens of both sides can benefit from enhanced cooperation on numerous human rights issues; stresses, in particular, the need to strengthen exchange and coordination between the two partners within the framework of the UN, including in implementing the recommendations made under the Universal Periodic Review on Human Rights; equally underlines the importance of Human Rights Dialogues; notes that no exchange has taken place since 2013, and urges that a dialogue be held as soon as possible;

35. Recalls its long-standing opposition to capital punishment in all cases and under all circumstances; reiterates its call for an immediate moratorium on executions in India;

36. Recalls that freedom of expression and association are an integral part of a vibrant democratic society; understands the need to take measures to increase the transparency of, and introduce limitations to, activities funded by foreign actors that may pose a risk to peace and stability or to internal security; expresses concern, however, about the effects on freedom of expression and association of the current Indian law on foreign participation in the funding of NGOs (Foreign Contribution Regulation Act);

37. Acknowledges the significant efforts made by the Indian authorities with a view to combating all forms of discrimination, including caste-based discrimination; notes with concern, however, that caste-based discrimination continues to be a source of abuse, and encourages India's authorities, therefore, to strengthen their efforts to eradicate this violation of human rights; encourages India, furthermore, to ensure full protection of minorities, in particular religious and ethnic ones, and underscores the importance of promoting tolerance for diversity in preventing intercommunal violence; welcomes the fact that India's Supreme Court ordered to reinvestigate the trials of anti-Christian violence in 2008 and to adequately compensate the victims;

38. Urges India to ratify the Convention against Torture and its optional protocol and the Convention for the Protection of All Persons from Enforced Disappearance;

39. Considers that, in the context of the EU's and India's reaffirmed commitment to strengthening cooperation on human rights issues, women's rights should be included on the agenda of Human Rights Dialogue between the two partners; welcomes the Indian Government's commitment to improving women's rights and introducing equality between women and men in policy programming, and encourages the Indian authorities to take further steps to investigate and prevent gender-based violence and promote gender equality; welcomes, moreover, the fact that the EU is funding projects in India addressing violence against women and children and recommends that this funding be maintained; calls for LGBTIQ rights to be improved and for section 377 of the Indian Penal Code to be repealed;

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40. 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, and the Government and Parliament of India.

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P8_TA(2017)0341

Genetically modified soybean DAS-68416-4

European Parliament resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D051451 — 2017/2780(RSP))

(2018/C 337/08)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D051451),
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3), 9(2), 19(3) and 21(2) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, of 12 June 2017, where no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 26 January 2017 and published on 16 March 2017 ⁽³⁾,
- having regard to the proposal of 14 February 2017 for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (COM(2017)0085, COD(2017)0035),

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ <https://www.efsa.europa.eu/en/efsajournal/pub/4719>

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- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ⁽¹⁾,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- having regard to Rule 106(2) and (3) of its Rules of Procedure,

A. whereas on 25 January 2011, Dow AgroSciences Europe submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from genetically modified DAS-68416-4 soybean to the national competent authority of the Netherlands in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas that application also covered the placing on the market of genetically modified soybean DAS-68416-4 in products consisting of it or containing it for uses other than food and feed as any other soybean, with the exception of cultivation;

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- ⁽¹⁾ — Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).
- Resolution of 16 December 2015 on Commission Implementing Decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (Texts adopted, P8_TA(2015)0456).
- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (Texts adopted, P8_TA(2016)0040).
- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (Texts adopted, P8_TA(2016)0039).
- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (Texts adopted, P8_TA(2016)0038).
- Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (Texts adopted, P8_TA(2016)0271).
- Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (Texts adopted, P8_TA(2016)0272).
- Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (Texts adopted, P8_TA(2016)0388).
- Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (Texts adopted, P8_TA(2016)0389).
- Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (Texts adopted, P8_TA(2016)0386).
- Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (Texts adopted, P8_TA(2016)0387).
- Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (Texts adopted, P8_TA(2016)0390).
- Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 (Texts adopted, P8_TA(2017)0123).
- Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9 (Texts adopted, P8_TA(2017)0215).
- Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØØ5-8) (Texts adopted, P8_TA(2017)0214).

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- B. whereas on 26 January 2017, the European Food Safety Authority (EFSA) adopted a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003, which was subsequently published on 16 March 2017 ⁽¹⁾;
- C. whereas Regulation (EC) No 1829/2003 specifies that genetically modified food or feed must not have adverse effects on human health, animal health or the environment and that the Commission shall take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision;
- D. whereas numerous critical comments were submitted by Member States during the three-month consultation period ⁽²⁾; whereas the most worrying assessments found that, for example, 'the current application and the presented risk assessment data do not provide sufficient information to exclude adverse effects on animal and human [health] unambiguously', that 'the data so far provided by the applicant are not sufficient to complete the evaluation of the application' and 'limited studies make it challenging to perform a complete risk assessment';
- E. whereas Member States have criticised, inter alia: the lack of studies on the effect of genetically modified soybean on human and animal health, which is preventing the environmental risk assessment from being finalised; the choice and location of the field sites for the comparative assessment; the fact that the toxicological risk assessment cannot be completed because there was no appropriate toxicity test with plant material from DAS-68416-4 soybean; the lack of information on the complementary herbicides which may be used on the genetically modified crop and their metabolites; the fact that the nutritional assessment is supported by an industry study from which no scientific conclusions can be drawn; and the fact that the applicant's proposal for an environmental monitoring plan does not meet the objectives defined in Annex VII to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms ⁽³⁾;
- F. whereas the DAS-68416-4 soybean expresses the aryloxyalkanoate dioxygenase-12 (AAD-12) protein, which confers tolerance to 2,4-dichlorophenoxyacetic acid (2,4-D) and other related phenoxy herbicides; whereas it also expresses the phosphinothricin acetyltransferase (PAT) protein, conferring tolerance to glufosinate ammonium-based herbicides;
- G. whereas independent research raises concerns about the risks of the active ingredient of 2,4-D as regards embryo development, birth defects and endocrine disruption ⁽⁴⁾; whereas although the approval of the active substance 2,4-D was renewed in 2015, information from the applicant as regards the potential endocrine properties is still outstanding ⁽⁵⁾;
- H. whereas glufosinate is classified as toxic to reproduction and thus falls under the exclusion criteria set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market ⁽⁶⁾; whereas the approval of glufosinate expires on 31 July 2018 ⁽⁷⁾;
- I. whereas a number of experts have voiced concerns about a breakdown product of 2,4-D, 2,4-Dichlorophenol, which may be present on imported DAS-68416-4 soybeans; whereas 2,4-Dichlorophenol is a known endocrine disruptor with reproductive toxicity;

⁽¹⁾ <https://www.efsa.europa.eu/en/efsajournal/pub/4719>

⁽²⁾ Annex G — Member States' comments and GMO Panel responses: [http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?](http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2011-00052)
[question=EFSA-Q-2011-00052](http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2011-00052)

⁽³⁾ OJ L 106, 17.4.2001, p. 1.

⁽⁴⁾ <http://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/pane-2014-risks-of-herbicide-2-4-d.pdf>

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/2033 of 13 November 2015 renewing the approval of the active substance 2,4-D in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 298, 14.11.2015, p. 8).

⁽⁶⁾ OJ L 309, 24.11.2009, p. 1.

⁽⁷⁾ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015R0404&from=EN>

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- J. whereas owing to the fact that it is highly soluble in fats and oils, 2,4-Dichlorophenol is expected to accumulate in soy oil during the processing of soybeans; whereas the major soy product used by humans is soy oil, which is incorporated into, among many other products, some infant formulas ⁽¹⁾;
- K. whereas the amount of 2,4-Dichlorophenol in a product may be higher than the amount of 2,4-D residue; whereas there is no Union maximum residue level (MRL) for 2,4-Dichlorophenol;
- L. whereas a recent UN report shows that pesticides are responsible for an estimated 200 000 acute poisoning deaths per year, of which 99 % occur in developing countries; whereas the Union has signed up to the sustainable development goals (SDGs), which include a commitment to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination by 2030 (SDG 3, target 3.9), for which one of the indicators is the mortality rate attributed to unintentional poisoning ⁽²⁾; whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of these herbicides than their conventional counterparts ⁽³⁾;
- M. whereas the Union is committed to Policy Coherence for Development, which aims to minimise contradictions and build synergies between different Union policies, including in the areas of trade, the environment and agriculture ⁽⁴⁾, in order to benefit developing countries and increase the effectiveness of development cooperation ⁽⁵⁾;
- N. whereas authorising the import of DAS-68416-4 soybean into the Union will undoubtedly lead to an increase in its cultivation in third countries, including in developing countries, and to a corresponding increase in the use of 2,4-D and glufosinate herbicides;
- O. whereas the development of genetically modified crops tolerant to several selective herbicides is mainly due to the rapid evolution of weed resistance to glyphosate in countries that have relied heavily on genetically modified crops;
- P. whereas the vote of the Standing Committee on the Food Chain and Animal Health, referred to in Article 35 of Regulation (EC) No 1829/2003 of 12 June 2003, delivered no opinion; whereas 15 Member States voted against, while only 11 Member States — representing just 36,57 % of the Union population — voted in favour, with two Member States abstaining;
- Q. whereas on several occasions the Commission has deplored the fact that since the entry into force of Regulation (EC) No 1829/2003 it has had to adopt authorisation decisions without the support of the Standing Committee on the Food Chain and Animal Health, and that the return of the dossier to the Commission for final decision, which is very much the exception for the procedure as a whole, has become the norm for decision-making on genetically modified food and feed authorisations; whereas this practice has also been deplored by President Juncker as not being democratic ⁽⁶⁾;
- R. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading ⁽⁷⁾ and called on the Commission to withdraw it and submit a new one;

⁽¹⁾ Member State consultation document, pp. 31-32. <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2011-00052>

⁽²⁾ <https://sustainabledevelopment.un.org/sdg3>

⁽³⁾ <https://link.springer.com/article/10.1007%2Fs00267-015-0589-7>

⁽⁴⁾ Commission communication of 12 April 2005 entitled 'Policy Coherence for Development: Accelerating progress towards attaining the Millennium Development Goals' (COM(2005)0134).

⁽⁵⁾ https://ec.europa.eu/europeaid/policies/policy-coherence-development_en

⁽⁶⁾ See, for example, the opening statement at the plenary of Parliament included in the political guidelines for the next Commission (Strasbourg, 15 July 2014) and the State of the Union Address 2016 (Strasbourg, 14 September 2016).

⁽⁷⁾ Texts adopted, P8_TA(2015)0379.

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5. whereas, pursuant to recital 14 of Regulation (EU) No 182/2011, the Commission should, as far as possible, act in such a way as to avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of an implementing act, especially on sensitive issues such as consumer health, food safety and the environment;
1. Considers that the draft Commission implementing decision goes beyond the scope of the implementing powers provided for in Regulation (EC) No 1829/2003;
 2. Considers that the draft Commission implementing decision is not consistent with Union law in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 ⁽¹⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, the environment and consumer interests in relation to genetically modified food and feed, whilst ensuring the effective functioning of the internal market;
 3. Calls on the Commission to withdraw its draft implementing decision;
 4. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of genetically modified organisms until the authorisation procedure has been revised in such a way as to address the shortcomings of the current procedure, which has proven inadequate;
 5. Calls on the Commission not to authorise any herbicide-tolerant genetically modified plants (HT GMP) without full assessment of the residues from spraying with the complementary herbicides and their commercial formulations as applied in the countries of cultivation;
 6. Calls on the Commission not to authorise any HT GMP made resistant to a combination of herbicides, as is the case with soybean DAS-68416-4, without full assessment of the specific cumulative effects of the residues from spraying with the combination of the complementary herbicides and its commercial formulations as applied in the countries of cultivation;
 7. Calls on the Commission to request much more detailed testing of health risks relating to stacked events such as DAS-68416-4;
 8. Calls on the Commission to develop strategies for health risk assessment and toxicology, as well as for post-market monitoring, that target the whole food and feed chain and their mixtures as being present in the food and feed chain under practical conditions;
 9. Calls on the Commission to fully integrate the risk assessment of the application of the complementary herbicides and their residues into the risk assessment of HT GMP, regardless of whether the genetically modified plant is destined for cultivation in the Union or for import for food and feed;
 10. Calls on the Commission to fulfil its obligation of Policy Coherence for Development stemming from Article 208 of the Treaty on the Functioning of the European Union;
 11. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

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P8_TA(2017)0342

Import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station

European Parliament resolution of 13 September 2017 on the draft Commission implementing regulation amending Commission Implementing Regulation (EU) 2016/6 as regards feed and food subjected to special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (D051561/01 — 2017/2837(RSP))

(2018/C 337/09)

The European Parliament,

- having regard to draft Commission implementing regulation amending Commission Implementing Regulation (EU) 2016/6 as regards feed and food subjected to special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (D051561/01,
- having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular to Article 53(1)(b)(ii) thereof,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- having regard to Rule 106(2) and (3) of its Rules of Procedure,

General comments

- A. whereas Implementing Regulation (EU) 2016/6 currently requires that consignments of a number of foodstuffs, including mushrooms, fish and fishery products, rice and soybeans, originating in or consigned from any part of Japan be accompanied by a valid declaration from the Japanese authorities attesting that the products comply with the maximum contamination limits in force in Japan (Article 5(1) and (2)); whereas the draft Commission implementing regulation (the 'draft proposal') now only requires that a limited list of food and feed from twelve prefectures, listed in Annex II, be accompanied by such a declaration; whereas the draft proposal also deletes a number of food and feed categories from Annex II;
- B. whereas, similarly, under Article 10 of the draft proposal official controls, namely documentary checks on all consignments and random identity checks and random physical checks including laboratory analysis for the presence of caesium-134 and caesium-137, would now only be required for food and feed listed in Annex II; whereas the draft proposal maintains a low frequency of controls at import (recital 12);
- C. whereas Implementing Regulation (EU) 2016/6, once amended as proposed by the Commission, will no longer require that Member States inform the Commission every three months, through the Rapid Alert System for Food and Feed, of all analytical results;

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

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- D. whereas the draft proposal maintains unchanged the existing Annex I to Implementing Regulation (EU) 2016/6, which sets out the maximum permitted levels as provided for in Japanese law for different food and feed categories ⁽¹⁾; whereas verification of compliance with the maximum limits for food and feed categories in Annex I is not required under Implementing Regulation (EU) 2016/6 or the draft proposal for its amendment, whether in the form of documentation provided by the Japanese authorities or of checks and sampling at the EU's borders; whereas there is therefore no guarantee that those foods and feedstuffs will comply with the maximum limits for radioactive contamination;
- E. whereas the draft proposal is based on occurrence data provided by the Japanese authorities for 2014, 2015 and 2016 (more than 132 000 data on radioactivity in feed and food other than beef, and more than 527 000 data on radioactivity in beef); whereas, while the changes in the draft proposal are based on a detailed analysis of the aforementioned data, neither this analysis nor a link to the raw data are provided in the text;
- F. whereas it is therefore very difficult to verify whether the measures proposed are sufficient to protect the health of Union citizens;
- G. whereas, however, even without the analysis on which the Commission has based its proposal, there are sufficient reasons to believe that this proposal could lead to an increase in exposure to radioactive contaminated food with a corresponding impact on human health;
- H. whereas the chairman of the Tokyo Electric Power Company (TEPCO) has officially requested permission from the Japanese Government to dump into the Pacific Ocean almost one million tonnes of highly radioactive water which was used to cool the nuclear plant's damaged reactors; whereas this could, if authorised, have a severely negative impact on the food safety levels of fisheries products harvested off the coast of Japan;

Specific comments in relation to Annex II

- I. whereas the Japanese prefectures which are currently covered by Annex II (Fukushima, Miyagi, Akita, Yamagata, Nagano, Gunma, Ibaraki, Tochigi, Chiba, Iwate, Yamanashi, Shizuoka and Niigata) are all exposed to radioactive fallout from the nuclear disaster that occurred at the Fukushima power station in 2011;
- J. whereas, without justification, the draft proposal deletes from Annex II rice and derived products from Fukushima prefecture; whereas this means that there will no longer be any requirement to sample and analyse those products on entry into the Union nor any obligation on the Japanese authorities to attest to their compliance with maximum radioactive contamination levels; whereas one of the rice-derived products removed from Annex II is rice used in baby food and food for young children ⁽²⁾; whereas for the groups concerned, given their particular vulnerability to radiation exposure, no level of contamination would be acceptable; whereas under the Japan-EU Free Trade Agreement exports of rice from Japan could increase; whereas, as evacuation orders have recently been lifted, it is likely that the cultivation of rice will resume in contaminated paddies;
- K. whereas while recital 7 of the draft proposal states that only rice and products derived therefrom originating in Fukushima prefecture will be removed from Annex II, Annex II is also amended so as to now allow, without controls, sampling or analysis, the import into the Union of seven fish species (including Atlantic and Pacific bluefin tuna and mackerel), as well as crustaceans and molluscs, which are caught or harvested in the waters of Fukushima;

⁽¹⁾ 'Foods for infants and young children', 'Milk and milk-based drinks', 'Mineral water and similar drinks and tea brewed from unfermented leaves' and 'Other food', as well as feed intended for cattle, horses, pigs, poultry and fish.

⁽²⁾ Falling within CN code 1901.

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- L. whereas, under the proposal, seven fish species (including Atlantic and Pacific bluefin tuna and mackerel), crustaceans (such as lobsters and shrimps) and molluscs (such as clams and mussels) will also be removed from Annex II for six other prefectures, namely Miyagi, Iwate, Gunma, Ibaraki, Chiba and Tochigi; whereas no justification or explanation is given for this reduction in controls, and no explanation is provided as to why, for example, those species are now considered safe enough to import into the Union without controls while others are not;
- M. whereas under the proposal Annex II will no longer cover any products originating from Akita prefecture (it currently covers five products from Akita — mushrooms, Aralia, bamboo shoots, Japanese royal fern and koshiabura (an edible wild plant) — and all of their derived products); whereas no justification or explanation is given for this reduction in controls;
- N. whereas Annex II will no longer cover Aralia, bamboo and Japanese royal fern originating from Yamagata; whereas no justification or explanation is given for this reduction in controls;
- O. whereas Annex II will no longer cover Japanese royal fern, bracken and ostrich fern from the five prefectures of Iwate, Gunma, Ibaraki, Chiba and Tochigi; whereas no justification or explanation is given for this reduction in controls;
- P. whereas the only addition to Annex II is 'fish and fishing products' from Nagano prefecture; whereas no justification for this tightening of controls is given; whereas systematic controls were lifted for this prefecture in December 2011; whereas in March 2014 certain wild edible plants were again added to Annex II;

Specific comments in relation to Annex I

- Q. whereas the draft proposal maintains unchanged the existing Annex I to Implementing Regulation (EU) 2016/6, which sets out the maximum permitted levels as provided for in Japanese law; whereas verification of compliance with the maximum limits for food and feed categories in Annex I is not required under Implementing Regulation (EU) 2016/6 or the draft proposal for its amendment, whether in the form of documentation provided by the Japanese authorities or of checks and sampling at the EU's borders; whereas there is therefore no guarantee that those foods and feedstuffs do not exceed the maximum limits for radioactive contamination;
 - R. whereas since 1 April 2012 the maximum limits in force in Japan, and hence those listed in Annex I, have not been revised downwards; whereas these limits should be reduced, in particular in relation to foodstuffs for vulnerable groups such as milk and food for infants and babies;
 - S. whereas six years on from the disaster, it is highly questionable whether the Union should be allowing into its food chain (even in theory — given that there is no legal obligation for controls at Union borders) products with the following maximum levels of caesium-134 and caesium-137: 50Bq/kg for food intended for babies and infants (such as infant formula, follow-on formula and baby food), as well as milk and milk-based drinks, 10 Bq/kg for mineral water, similar drinks and tea brewed from unfermented leaves, and 100 Bq/kg for all other foods;
1. Considers that the draft Commission implementing regulation exceeds the implementing powers provided for in Regulation (EC) No 178/2002;
 2. Considers that the draft Commission implementing regulation is not consistent with Union law in that it is not compatible with the aim and general principles laid down in Regulation (EC) No 178/2002 of providing the basis for ensuring a high level of protection of human life and health, animal health and welfare, the environment and consumer interests;
 3. Calls on the Commission to withdraw its draft implementing regulation and to submit a new draft to the committee by the end of 2017 at the latest;

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4. Calls on the Commission, when drafting its new proposal, to, inter alia:
 - ensure that all food and feed imported from Japan into the Union, including the categories listed in Annex I, are subject to controls and checks;
 - revise downwards the maximum limits in Annex I; and
 - take into account the recent lifting of evacuation orders in the affected prefectures and ensure that there is no corresponding negative impact on the levels of radioactive contamination of food and feed imported into the Union;
 5. Calls on the Commission, pending the drafting of its new proposal, to put in place emergency measures, as required under Article 53 of Regulation (EC) No 178/2002, to ensure the highest possible levels of protection of human health;
 6. Calls on the Commission to immediately make publicly available, including on the Union's Rapid Alert System for Food and Feed, the analysis on which it based its draft proposal, as well details of the control system put in place by the Japanese authorities, with justifications for its relevance and effectiveness;
 7. Calls on the Commission to provide an up-to-date picture of the radiological situation in Japan since 2011, as well as comprehensive year-by-year overviews for the period 2011-2017 of the radioactive matter released into both the atmosphere and the Pacific Ocean from the Fukushima nuclear power plant, so that a thorough analysis can be conducted with regard to food safety;
 8. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P8_TA(2017)0344

Arms export: implementation of Common Position 2008/944/CFSP**European Parliament resolution of 13 September 2017 on arms export: implementation of Common Position 2008/944/CFSP (2017/2029(INI))**

(2018/C 337/10)

The European Parliament,

- having regard to the principles enshrined in Article 21 of the Treaty on European Union (TEU), notably the promotion of democracy and the rule of law and the preservation of peace, prevention of conflicts and strengthening of international security,
- having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment ⁽¹⁾ (hereinafter ‘the Common Position’),
- having regard to the 17th ⁽²⁾ and 18th ⁽³⁾ EU Annual Reports, drawn up according to Article 8(2) of the Common Position,
- having regard to Council Decision (CFSP) 2015/2309 of 10 December 2015 on the promotion of effective arms export controls ⁽⁴⁾ and Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty ⁽⁵⁾,
- having regard to the updated Common Military List of the European Union adopted by the Council on 6 March 2017 ⁽⁶⁾,
- having regard to the User’s Guide to the Common Position defining common rules governing the control of exports of military technology and equipment,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012 and point 11(e) thereof, and to the EU Action Plan on Human Rights and Democracy (2015-2019) of 20 July 2015 and point 21(d) thereof,
- having regard to the Arms Trade Treaty (ATT) adopted by the UN General Assembly on 2 April 2013 ⁽⁷⁾, which entered into force on 24 December 2014,
- having regard to Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy ⁽⁸⁾,
- having regard to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community ⁽⁹⁾,
- having regard to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ⁽¹⁰⁾, as amended by Regulation (EU) No 599/2014 of 16 April 2014, and to the list of dual-use goods and technology in its Annex I (hereinafter ‘Dual-Use Regulation’),

⁽¹⁾ OJ L 335, 13.12.2008, p. 99.⁽²⁾ OJ C 163, 4.5.2016, p. 1.⁽³⁾ OJ C 153, 16.5.2016, p. 1.⁽⁴⁾ OJ L 326, 11.12.2015, p. 56.⁽⁵⁾ OJ L 139, 30.5.2017, p. 38.⁽⁶⁾ OJ C 97, 28.3.2017, p. 1.⁽⁷⁾ Arms Trade Treaty, UN, 13-27217.⁽⁸⁾ OJ L 341, 18.12.2013, p. 56.⁽⁹⁾ OJ L 146, 10.6.2009, p. 1.⁽¹⁰⁾ OJ L 134, 29.5.2009, p. 1.

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- having regard to Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment ⁽¹⁾,
 - having regard to its previous resolutions on the matter, in particular those of 17 December 2015 ⁽²⁾ on implementation of the Common Position, of 25 February 2016 on the humanitarian situation in Yemen ⁽³⁾, of 14 December 2016 on the Annual Report on human rights and democracy in the world and the European Union's policy on the matter 2015 ⁽⁴⁾, and of 27 February 2014 on the use of armed drones ⁽⁵⁾,
 - having regard to its resolution of 4 July 2017 on private security companies ⁽⁶⁾,
 - having regard to Rules 52 and 132(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0264/2017),
- A. whereas the inherent right of individual or collective self-defence is laid down in Article 51 of the Charter of the United Nations;
- B. whereas the latest data ⁽⁷⁾ show that international transfers of major weapons between 2012-2016 reached their highest volume for any five-year period since the end of the Cold War, and were 8,4 % higher than the figure for the 2007-2011 period;
- C. whereas arms exports and transfers have an impact on human security, human rights, democracy, good governance and socio-economic development; whereas arms exports also contribute to circumstances that force people to flee from their countries; whereas this calls for a strict, transparent, effective and commonly accepted and defined arms control system;
- D. whereas the latest figures ⁽⁸⁾ show that exports from the EU28 amounted to 26 % of the global total in 2012-2016, which makes the EU28 collectively the second largest arms supplier in the world after the USA (33 %) and followed by Russia (23 %); whereas, according to the most recent report by the Working Party on Conventional Arms Exports (COARM), EU countries were granted arms export licences with a total value of EUR 94,40 billion in 2014;
- E. whereas the latest figures ⁽⁹⁾ show that arms exports to the Middle East rose by 86 % and accounted for 29 % of global exports between 2012-2016;
- F. whereas the latest official EU data indicate that the Middle East was the most significant region in terms of arms exports for the EU-28 in 2015, with a total of EUR 78,8 billion in authorised arms exports licences;
- G. whereas some arms transfers from EU Member States to unstable and crisis-prone regions and countries were used in armed conflicts or for internal repression; whereas some of these transfers were reportedly diverted into the hands of terrorist groups, for example in Syria and Iraq; whereas, in some cases, the arms exported to certain countries, for example Saudi Arabia, have been used in conflicts such as that in Yemen; whereas such exports clearly violate the Common Position and thus highlighting the necessity for better scrutiny and transparency;

⁽¹⁾ OJ L 338, 13.12.2016, p. 1.

⁽²⁾ Texts adopted, P8_TA(2015)0472.

⁽³⁾ Texts adopted, P8_TA(2016)0066.

⁽⁴⁾ Texts adopted, P8_TA(2016)0502.

⁽⁵⁾ OJ C 285, 29.8.2017, p. 110.

⁽⁶⁾ Texts adopted, P8_TA(2017)0289.

⁽⁷⁾ 'Trends in international arms transfers, 2016' (SIPRI Fact Sheet, February 2017).

⁽⁸⁾ Ibid.

⁽⁹⁾ Ibid.

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- H. whereas there is no standardised verification and reporting system providing information as to whether, and to what extent, individual Member States' exports violate the eight criteria, and whereas there are no sanction mechanisms either, should a Member State engage in exports which are clearly not compatible with the eight criteria;
- I. whereas investigations by the Bonn International Conversion Centre (BICC) have revealed that in Germany alone in 2015, for example, 4 256 arms export licences were issued for exports to 83 countries that were rated problematic with a view to the Common Position⁽¹⁾;
- J. whereas both the global and regional security environment has dramatically changed, especially with regard to the Union's southern and eastern neighbourhood, and this highlights the urgent need to improve methodologies with regard to producing information for export licensing risk assessments and to make them more secure;
- K. whereas some Member States have recently signed strategic agreements on military cooperation including transfers of large quantities and high-quality military technology with non-democratic countries in the Middle East and North African region;
- L. whereas, as enshrined in the Lisbon Treaty, eradicating poverty is the primary objective of EU development policy, and whereas this is also one of the priorities of the EU's external action in seeking to build a more stable and prosperous world; whereas supplying weapons to countries in conflict, as well as enabling the spread of violence, curtails those countries' development potential;
- M. whereas the industrial landscape of defence in Europe is a sector of key importance and is, at the same time, characterised by overcapacities, duplication and fragmentation, which acts as a brake on the competitiveness of the defence industry and which has led to expanding export policies;
- N. whereas the European Parliament resolution of 25 February 2016 on the humanitarian situation in Yemen called on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to launch an initiative to impose an EU arms embargo on Saudi Arabia;
- O. whereas the situation in Yemen has since further deteriorated also due to military action carried out by the Saudi-led coalition; whereas some Member States have stopped providing arms to Saudi Arabia because of its actions in Yemen while others have continued supplying military technology contrary to criteria 2, 4, 6, 7 and 8;
- P. whereas the European Parliament resolution of 14 December 2016 on the Annual Report on human rights and democracy in the world and the European Union's policy on the matter 2015 stressed that human rights should be a priority, and called on the Member States to agree to move towards a more modern, flexible and human rights-based export policy, especially in relation to countries with proven track records of violent internal repression and human rights violations;
- Q. whereas the EU Global Strategy for the Foreign and Security Policy should serve to improve policy coherence on arms export control;
1. Notes that states have the legitimate right to acquire military technology for the purposes of self-defence; underlines that maintaining a defence industry serves as part of the self-defence of the Member States; recalls that one of the motivations behind the establishment of the Common Position was to prevent European weaponry from being used against Member States' armed forces as well as to prevent human rights abuses and the prolongation of armed conflict; reiterates that the Common Position is a legally binding framework that sets minimum requirements which Member States have to apply in the field of arms export controls, and that it includes the obligation to assess a request for an export licence against all eight criteria listed in it;
2. Notes that the development of defence equipment is an important tool for the defence industry and that the yet to be developed competitive and innovative European Defence Technological and Industrial Base should serve as an instrument for guaranteeing the security and defence of Member States, Union citizens and contribute to the implementation of the Common Foreign and Security Policy (CFSP) and in particular the Common Security and Defence Policy (CSDP); calls on

⁽¹⁾ 2016 report on arms exports, Gemeinsame Konferenz Kirche und Entwicklung (GKKE) (Joint Conference on Church and Development), p. 54.

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the Member States to overcome the current lack of efficiency in defence spending due to duplication, fragmentation, lack of interoperability and to aim for the EU to become a security provider also by better controlling arms exports; reiterates that Article 10 of the Common Position states that considerations of economic, commercial and industrial interests by Member States must not affect the application of the eight criteria regulating arms exports;

3. Notes, however, that military technology does at times reach destinations and end users that do not meet the criteria of the Common Position; is concerned that the proliferation of weapon systems in wartime and in situations with significant political tension, may disproportionately affect civilians; is alarmed at the global arms races and at military approaches to solving political conflict and turmoil; underlines that conflicts should be solved by diplomatic means as a priority;

4. Urges the Member States and the European External Action Service (EEAS) to significantly improve the consistency of the implementation of the Common Position in order to enhance the security of civilians who are suffering because of conflict and human rights abuses in third countries, the security of the Union and its citizens, and create a level playing field for EU companies; stresses, in this regard, that a consistent implementation of the Common Position is essential for the EU's credibility as a values-based global actor;

5. Encourages countries in the process of attaining candidate status, or countries otherwise wishing to engage themselves on the path of EU accession, to apply the provisions of the Common Position; welcomes the fact that Albania, Bosnia and Herzegovina, Canada, Georgia, Iceland, the former Yugoslav Republic of Macedonia, Montenegro and Norway have aligned themselves with the criteria and principles of the Common Position and are thereby also pursuing further alignment with the CFSP and CSDP; calls on Member States to cooperate closely with third countries that have made a formal commitment to upholding the criteria of the Common Position especially with a view to improving the exchange of information and ensuring greater transparency in the granting of licences; calls furthermore on the EEAS to especially encourage European countries to align with the Common Position to ensure a securer wider European area;

6. Calls on the Member States and the EEAS to cooperate closely to prevent risks arising from the diverting and stockpiling of weapons, such as illegal arms trafficking and smuggling; stresses the risk of weapons exported to third countries re-entering the EU via arms smuggling and trafficking;

7. Notes the high degree of liability for the Union in terms of the security risk from the absence of a stronger support and commitment from the EU on the decommissioning of the many arms stockpiles still existing in Bosnia and Herzegovina, Albania and Ukraine;

8. Believes that the export licensing risk assessment methodology should incorporate a precautionary principle and that Member States, in addition to assessing whether specific military technology might be used for internal repression or other undesired ends (functional approach), should also assess risks based on the overall situation in the country of destination (principled approach);

9. Notes that in the context of Brexit, it would be important for the United Kingdom to remain bound by the Common Position and to apply its operative provisions as other European third countries do;

10. Asks the Member States and the EEAS to develop a dedicated strategy to provide formal protection for whistle-blowers reporting practices by organisations and companies in the weapons industry that breach the criteria and principles set out in the Common Position;

11. Stresses the importance of coherence between all the Union's export control regimes, especially as regards the interpretation of the control criteria; reiterates in addition the importance of coherence between export control and other foreign policy instruments, as well as trade instruments, such as the Generalised System of Preferences and the Conflict Minerals Regulation;

12. Reiterates the detrimental effect that the uncontrolled export of cyber-surveillance technologies by EU companies can have on the security of the EU's digital infrastructure and on human rights; stresses, in this regard, the importance of a rapid, effective and comprehensive update of the EU's Dual-Use Regulation and calls on the Council to adopt an ambitious timeline on this issue;

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13. Stresses the importance of effectively limiting arms exports to private security companies as an end user, and that any such licence be granted only when, after thorough diligence checks, it is determined the private security company in question has not participated in human rights violations; emphasises that accountability mechanisms must be put in place in order to ensure the responsible use of arms by private security companies;

Implementation of the Common Position criteria

14. Notes that according to the Annual Reports, criterion 1 was invoked 81 times for denials in 2014 and 109 times in 2015;

15. Reiterates its call on the VP/HR to launch an initiative aimed at imposing an EU arms embargo on countries that are accused of serious breaches of international humanitarian law, notably with regard to the deliberate targeting of civilian infrastructure; stresses once again that the continued licensing of weapons sales to such countries constitutes a breach of the Common Position;

16. Notes that according to the Annual Reports, criterion 2 was invoked 72 times for denials in 2014 and 89 times in 2015; deplores the fact that the data reveal the lack of a common approach to the situation in Syria, Iraq and Yemen in particular; encourages the Member States and the EEAS to embark on a discussion on the extension of criterion 2 to include democratic governance indicators, as such assessment criteria could help establish further safeguards against the unintended negative consequences of exports; believes, furthermore, that a more principled approach to risk assessment would focus on overall respect of international humanitarian and human rights law by the recipient;

17. Believes that exports to Saudi Arabia are non-compliant with at least criterion 2 regarding the country's involvement in grave breaches of humanitarian law as established by competent UN authorities; re-iterates its call from 26 February 2016 on the urgent need to impose an arms embargo on Saudi Arabia;

18. Notes that according to the Annual Reports, criterion 3 was invoked 99 times for denials in 2014 and 139 times in 2015; stresses the need, within the context of criterion 3, to assess recent arms transfers by Member States to non-state actors, including the provision of technical assistance and training, in light of the 2002 Joint Action 2002/589/CFSP on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (SALW);

19. Notes that according to the Annual Reports, criterion 4 was invoked 57 times for denials in 2014 and 85 times in 2015; deplores the fact that military technology exported by the Member States is being used in the conflict in Yemen; urges the Member States to comply with the Common Position in a consistent manner on the basis of a thorough long-term risk assessment;

20. Notes that according to the Annual Reports, criterion 5 was invoked 7 times for denials in 2014 and 16 times in 2015; recalls that this criterion refers to the security interests of Member States and allied nations, while recognising that these interests cannot affect considerations of the criteria on respect for human rights and on regional peace, security and stability;

21. Notes that according to the Annual Reports, criterion 6 was invoked 6 times for denials in 2014, while no denial was notified for 2015; expresses its concern over reports of the diversion of arms exports by Member States to non-state actors, including terrorist groups, and warns that these weapons could be used against civilians, within and outside of EU territory; reiterates the importance of tighter controls over such arms exports in order to honour international commitments concerning the fight against terrorism and organised crime;

22. Is concerned about possible diversions of exports to Saudi Arabia and Qatar to armed non-state actors in Syria who commit serious violations of human rights law and humanitarian law, and calls on COARM to address the matter with urgency; acknowledges that most of the arms in the hands of insurgents and terrorist groups have come from non-European sources;

23. Notes that according to the Annual Reports, criterion 7 was invoked 117 times for denials in 2014 and 149 times in 2015; expresses its concern, inter alia, over the alleged diversions of exports of SALW from European countries to certain destinations from which these exports were diverted in order to supply non-state actors and other end-users non-compliant with the Common Position in countries such as Syria, Iraq, Yemen and South Sudan; points to the urgent need to base

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assessments of the risk of diversion on more than just an acceptance of commitments made by a recipient state in an end-user certificate; highlights the need for effective mechanisms of post-shipment controls to ensure that arms are not being re-exported to unauthorised end users; highlights the potential role that the EEAS could play in supporting Member States' efforts in this area;

24. Notes that according to the Annual Reports, criterion 8 was invoked once for denials in 2014, while no denial was notified for 2015; recognises that better implementation of criterion 8 would constitute a decisive contribution to the EU's Policy Coherence on Development objectives and the UN's Sustainable Development Goals (SDGs), in particular SDG 16.4; calls on Member States and the EEAS to update the User's Guide to Council Common Position 2008/944/CFSP in this respect and to focus on the potential development harm done by the use of arms;

25. Calls on the Member States and the EEAS to add a new criterion to the Common Position in order to ensure that, when granting authorisations, due account is taken of the risk of corruption concerning the relevant exports;

Boosting the exchange of information among the Member States

26. Calls on the Member States and the EEAS to improve consistency in the implementation of the Common Position and to strengthen mechanisms for exchange of information by making available qualitatively and quantitatively better information for export licensing risk assessments based on a secured and extensive digitalisation of the current system, as follows:

- (a) providing more information on export licences and actual exports shared systematically and in a timely manner, including on end users of concern, cases of diversion, end-user certificates that are forged or otherwise of concern, and suspect brokers or transport companies, in accordance with domestic laws;
- (b) maintaining a list of entities and individuals convicted of violating arms export-related legislation, of cases of identified diversion, and of persons who are known or suspected to be involved in illegal arms trading or in activities that pose a threat to international and national security;
- (c) sharing the best practices adopted for implementing the eight criteria;
- (d) turning the current User's Guide into an interactive online resource;
- (e) turning the EU Annual Report into a searchable online database by the end of 2018, with the new format to be applied to the 2016 data;
- (f) promoting clear, well-established cooperation procedures between law enforcement agencies and border authorities, based on the exchange of information, in order to strengthen cooperation on security and eradicate illegal arms trading, which poses a risk to the security of the EU and its citizens;

27. Welcomes the intention of COARM to involve the EEAS more systematically when preparing discussions on the situation in countries of destination and potential end users; insists on the importance of regular consultation of the Working Party on Human Rights (COHOM) in this process;

28. Notes that effective information exchange and cooperation also require meetings of policy, licensing and enforcement staff and encourages provisions of sufficient resources to this end; believes that a crucial factor in strengthening the implementation of the Common Position lies in expanding relevant capacities of Member States; calls on the Member States and the EEAS to increase the number of personnel working on export-related issues both at national and EU level; encourages the establishment of EU funds to be used for capacity-building among licensing and enforcement officials in Member States;

29. Stresses the need to develop an approach to address situations where Member States make a different interpretation of the 8 criteria of the Common Position for exports of products that are essentially alike, to similar destinations and end users, in order to preserve the level playing field and the EU's credibility abroad; believes that it is also time to consider a stronger role for EU institutions with regard to the licensing process at Member State level, in particular with regard to

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such situations; calls on the Member States to support the creation of an arms control supervisory body under the auspices of the VP/HR; considers that an opinion should be issued to Member States that plan to grant a licence which has been denied by another Member State or Member States;

30. Stresses the urgent need to enhance the role of EU Delegations in assisting Member States and the EEAS with their export licensing risk assessments and the implementation of end-user controls, post-shipment controls and on-site inspections;

31. Urges Member States to create a provision in the Common Position to make sure that an EU embargo against a third country would automatically revoke licences that had already been granted for goods covered by the embargo;

32. Urges all Member States to continue to lend assistance to non-EU countries in drafting, updating, and implementing, where appropriate, legislative and administrative measures so as to ensure that an export control system for weapons and military technology is established;

Strengthening compliance with reporting obligations

33. Finds regrettable the very late publication of the 17th EU Annual Report, which took place at least 17 months after the licences were issued or the exports took place; finds regrettable, moreover, that the 18th EU Annual Report was only made public in March 2017;

34. Criticises the violations of the eight criteria by Member States; considers that a uniform and consistent application of the eight criteria should be promoted; notes the lack of provisions on sanctions for Member States that fail to comply with the eight criteria when granting licences and advises Member States to make provision for arrangements to conduct independent checks; believes that it is time to launch a process leading to a mechanism which sanctions those Member States which do not comply with the Common Position;

35. Recalls that according to Article 8(2) of the Common Position, all Member States are obliged to report on their arms exports, and calls on all Member States to comply with their obligations; regrets that the number of Member States making full submissions to the EU Annual Report via disaggregated data on licences and actual exports was 21 for the 17th Annual Report and only 20 for the 18th; asks all Member States, including the three main arms-exporting Member States, France, Germany and the UK, which have not made full submissions, to provide a full set of data regarding their past exports with a view to the next annual report;

36. Calls for a more standardised and timely reporting and submission procedure to be guaranteed, by setting a strict deadline for submitting data of no later than January following the year in which the exports took place, and by setting a fixed publication date of no later than March following the year of exports;

37. Takes the view that the Common Position should be complemented by a regularly updated, publicly accessible list, with detailed reasons, providing information on the extent to which exports to particular recipient countries are, or are not, in line with the eight criteria;

38. Considers that a standardised verification and reporting system should be established to provide information as to whether, and to what extent, individual EU Member States' exports violate the eight criteria;

39. Urges all the Member States to comply fully with their reporting obligations set out in the Common Position; stresses that high-quality data on actual deliveries is essential for understanding how the eight criteria are applied; calls on the Member States and the EEAS to explore how to use data generated by customs authorities, including by creating specific customs codes for military goods;

40. Recognises that all EU Member States are signatories to the ATT; calls for universalisation of the ATT and for more focus to be placed on those countries that are not signatories, including Russia and China; also commends the outreach efforts regarding the ATT and supports its effective implementation;

Modernising related tools

41. Urges revision of the Common Military List and the lists annexed to the Dual-Use Regulation so as to ensure full coverage of all relevant unmanned systems; recalls its resolution of 27 February 2014 on the use of armed drones, and in particular paragraph 2(c) which called for armed drones to be included in relevant arms control regimes;

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42. Encourages the Member States to undertake a more detailed examination of licensed production by third countries and to ensure stronger safeguards against undesired uses; demands the strict application of the Common Position regarding licensed production in third countries; encourages the Member States to consider the third country's attitude and status with regard to the ATT when deciding on transfers that would enhance the manufacturing and/or export capacity of that country as regards military equipment;

43. Finds that the implementation of Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community should be in consistent with the implementation of the Common Position, including spare parts and components; notes that the Common Position is non-restrictive in scope and, accordingly, the eight criteria also apply to exports within the EU;

44. Is concerned about cybersecurity challenges, particularly the breakthroughs in hacking methods used to access information and data of national licensing authorities; urges the Member States and the Commission to invest sufficient funds in technology and human resources to train individuals in specific cybersecurity programmes and methods in order to prevent and address these cybersecurity challenges;

The role of parliaments and public opinion

45. Notes that not all EU national parliaments scrutinise governmental licensing decisions by, inter alia, producing annual arms exports reports, and, in this regard, calls for a general increase in parliamentary and public oversight; points to the European Parliament's Rules of Procedure, which provide for the possibility of regular responses to the EU Annual Reports on Arms Exports;

46. Welcomes regular consultations with national parliaments, arms export control authorities, industry associations and civil society as central to meaningful transparency; calls on COARM, all the Member States and the EEAS to enhance dialogue with civil society and consultations with national parliaments and arms export control authorities; encourages national parliaments, civil society and academia to exercise independent scrutiny of the arms trade, and calls on the Member States and the EEAS to support such activities, including by financial means;

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47. 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 governments and parliaments of the Member States.

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P8_TA(2017)0345

EU political relations with Latin America**European Parliament resolution of 13 September 2017 on EU political relations with Latin America (2017/2027(INI))**

(2018/C 337/11)

The European Parliament,

- having regard to the Treaty on European Union (TEU), and in particular Title V thereof on EU external action,
- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Part Five, Titles I-III and V thereof (Common Commercial Policy, Development Cooperation and Humanitarian Aid, and International Agreements),
- having regard to the Council's 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 strong cultural, linguistic, political and historical ties established partly as a result of decades of intense migration between EU Member States and Latin American and Caribbean (LAC) countries,
- having regard to the EU annual report on human rights and democracy in the world in 2015 (Country and Regional Issues),
- 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 EU-CELAC Civil Society Forum Declaration of 11 May 2015 entitled 'Equality, rights and democratic participation for the peoples of Europe and Latin America and the Caribbean',
- having regard to the joint communiqué of the first EU-CELAC Ministerial Inter-Summit Meeting, held in Santo Domingo (Dominican Republic) between 25 and 26 October 2016,
- having regard to the declaration adopted at the 25th Ibero-American Summit of Heads of State and Government, held in Cartagena de Indias (Colombia) between 28 and 29 October 2016 entitled 'Youth, Entrepreneurship and Education',
- having regard to the political declaration of the fifth summit of the Heads of State or Government of CELAC held in Punta Cana (Dominican Republic) on 25 January 2017,
- having regard to its resolution of 20 January 2016 in support of the peace process in Colombia ⁽¹⁾,
- having regard to its resolutions on Venezuela, in particular those of 8 June 2016 ⁽²⁾ and 27 April 2017 ⁽³⁾ on the situation in Venezuela,

⁽¹⁾ Texts adopted, P8_TA(2016)0016.

⁽²⁾ Texts adopted, P8_TA(2016)0269.

⁽³⁾ Texts adopted, P8_TA(2017)0200.

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- having regard to its 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 ⁽¹⁾,
 - having regard to its resolution of 23 October 2014 on the disappearance of 43 teaching students in Mexico ⁽²⁾,
 - having regard to the resolutions of the Euro-Latin American Parliamentary Assembly (EuroLat), in particular those of 22 September 2016 on trade aspects of the various EU-LAC negotiations currently being conducted ⁽³⁾, on combating poverty as part of the Sustainable Development Goals (SDGs) in the 2030 Agenda for Sustainable Development ⁽⁴⁾, on the financing of political parties in the European Union and Latin America ⁽⁵⁾, and on the economic and financial relations with the People's Republic of China from the perspective of the EU-LAC Bi-regional Strategic Partnership ⁽⁶⁾, and of 29 March 2014 on femicide in the European Union and Latin America ⁽⁷⁾,
 - having regard to the EuroLat recommendation of 22 September 2016 on migration, development and the economic crisis ⁽⁸⁾,
 - having regard to its resolution of 5 May 2010 on the EU strategy for relations with Latin America ⁽⁹⁾,
 - having regard to the Declaration by the European Parliament, the Council of the European Union and the European Commission on point (ii) of point (b) of Article 5(2) of Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020,
 - having regard to Regulation (EU) No 233/2014 of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020,
 - having regard to ILO Convention 169 on Indigenous and Tribal Peoples, in particular Article 14 thereof on the rights of ownership and possession of the peoples concerned over the lands they traditionally occupy,
 - having regard to its resolution of 13 June 2013 on the role of the EU in promoting a broader Transatlantic Partnership ⁽¹⁰⁾,
 - having regard to the recommendations made in the European Court of Auditors Special Report on the effectiveness of blending regional investment facility grants with financial institution loans to support EU external policies,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A8-0268/2017),
- A. whereas the Latin American and Caribbean region (LAC) constitutes a key partner for the EU when it comes to jointly facing current global challenges, such as the eradication of poverty, access to drinking water, universal respect for human rights, peace and security, socioeconomic development, lack of good governance, sustainability, the fight against climate change, the digital transformation and managing migration;

⁽¹⁾ Texts adopted, P8_TA(2017)0297.

⁽²⁾ OJ C 274, 27.7.2016, p. 28.

⁽³⁾ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/montevideo_2016/adopted_docs/trade_en.pdf

⁽⁴⁾ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/montevideo_2016/adopted_docs/poverty_en.pdf

⁽⁵⁾ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/montevideo_2016/adopted_docs/pparties_en.pdf

⁽⁶⁾ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/montevideo_2016/adopted_docs/china_en.pdf

⁽⁷⁾ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/athens2014/adopted_docs/femicide/1026102en.pdf

⁽⁸⁾ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/montevideo_2016/adopted_docs/migration_en.pdf

⁽⁹⁾ OJ C 81 E, 15.3.2011, p. 54.

⁽¹⁰⁾ OJ C 65, 19.2.2016, p. 120.

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- B. whereas the EU-LAC partnership is founded on close historical and cultural ties, extensive people-to-people exchanges, strong and growing trade and investment flows and shared values such as democracy, human rights and the rule of law;
- C. whereas the 33 LAC countries have diverse political, economic and cultural realities that require different approaches within a coherent and consistent framework in the context of EU external action, while always defending EU values on democracy and human rights;
- D. whereas the long-lasting partnership between the EU and LAC countries is founded on historical, cultural, human and economic ties, which must not be taken for granted and should be more horizontally oriented, common principles and values, including respect for human rights and fundamental freedoms, the rule of law, international peace and security, and a shared support for a multilateral system of global governance based on common norms and dialogue;
- E. whereas the EU and LAC countries together make up a third of the total population of the members of the United Nations and account for around 25 % of global GDP;
- F. whereas stepping up the political dialogue and cooperation on migration, climate change, energy and countering organised crime as well as investing in deeper socio-economic ties through visa facilitation, student exchanges and research cooperation are priorities for the EU external action with LAC countries;
- G. whereas the Bi-regional Strategic Partnership between the European Union and Latin America and the Caribbean that was launched in June 1999 to strengthen relations between the two regions is not yet a consolidated achievement;
- H. whereas the LAC region has undergone significant changes in the past decade, such as the elevation of a large part of the population to the middle class through economic reforms and social policies, greater redistribution of the wealth generated in the countries in the region, allowing for improved access to education, health and decent housing, as well as the overall consolidation of democracy, but also the end of the commodities super-cycle that made millions of people at risk of falling back into poverty;
- I. whereas, after a decade of impressive economic growth, the end of the cycle of high prices for raw materials, on which the majority of LAC countries depend, combined with the economic slowdown in China, which is now their second largest trading partner after the US, has led to economic stagnation and even recession in various countries in the region, jeopardising much of the progress made and leaving millions of people at risk of falling back into poverty;
- J. whereas in some Latin American countries there is strong public demand for greater democracy and participation and for sustainable economic policies;
- K. whereas the rule of law reflected in a stable legal framework with the guarantee of legal certainty is crucial for attracting the investments needed to promote economic recovery;
- L. whereas respect for the rule of law and for a stable legal and political framework enables the two regions to exercise a free enterprise and supportive investment environment that include safeguards of the principle of legal certainty;
- M. whereas high inflation levels hinder growth and must therefore be addressed immediately; whereas reliable exchange rates are vital for a country's economic development; whereas it is vital to implement an industrial policy that increases productivity, diversifies the economy and attracts investments;

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- N. whereas the Association Agreements between the EU and LAC countries help to improve the political and trade dialogue as well as the investment climate, opening up the service sector and public procurement markets and allowing the implementation of infrastructure projects;
- O. whereas it is of high importance that Latin America and the EU develop a shared agenda;
- P. whereas the EU has experienced major shifts in recent years, namely the economic crisis, the challenges linked to Brexit and the refugee crisis;
- Q. whereas the main geopolitical shifts currently in play in LAC countries, marked by the increasing presence, among other things, of Asian states seeking economic partnership in the region, require the EU to reinforce its position as a truthful ally to its partners in the LAC region, not only in terms of economic exchange, but as a partner in social progress and in the defence of common values;
- R. whereas current the EU-Mexico Global Agreement, the EU-Chile Association Agreement and the EU-Mercosur Interregional Framework Cooperation Agreement entered into force in 1997, 2003 and 1999 respectively; whereas, due to their importance to the EU and LAC countries, ongoing negotiations on updating these agreements need an ambitious impetus in order to achieve the most modern and progressive outcome;
- S. whereas the EU is the main source of development assistance, as reflected in the Development Cooperation Instrument (DCI) 2014-2020, the main investor and one of the main trading partners with the LAC region, and whereas European cooperation is strong as a result of financial and triangular cooperation;
- T. whereas the Commission is drafting a new development agenda as part of the 2030 Agenda, and whereas the concept of sustainable development must be applied in and include all the countries in Latin America (including middle-income countries), and whereas that new approach must take account of other criteria in addition to per capita income;
- U. whereas LAC countries have been systematically relegated to second place when defining the main priorities of the EU's external policy, despite the obvious cultural and linguistic ties that historically link it to the LAC countries, and despite the need to find new allies in the face of its growing loss of geopolitical influence in the world;
- V. whereas the Atlantic region as a whole — including the EU, North America, Central America, South America and the countries along the Atlantic coast of Africa — is very important, as is the need for cooperation between the Atlantic regions and countries, to enable them all to address the shared challenges faced by this very large area;
- W. whereas the next WTO Ministerial Conference is to be held in Buenos Aires in December 2017, and whereas parliamentary delegations from the member countries will also be meeting at that conference;
- X. whereas the implementation of the 2030 Agenda for Sustainable Development ensures universal access to information and protection of freedom of expression;
- Y. whereas the 10 best countries in terms of energy governance and 20 % of the world's oil reserves are in Latin America;
- Z. whereas two Latin American countries, Mexico and Brazil, have been identified as strategic partners of the EU;
- 1. Underlines that the EU-LAC bi-regional partnership is based on common principles, values and interests such as democracy, human rights, peace and solidarity, the rule of law and an independent judiciary as well as a commitment to uphold them in a horizontal relationship and has become critical to the advancement of the bi-regional and cooperation exchanges; stresses that in the wake of the economic crisis, the EU and LAC countries are facing common challenges in the areas of sustainable economic growth and the fight against unemployment, digital transformation, social inclusion and gender equality, while at the same time sharing common values;

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2. Highlights the fact that the new geopolitical scenario reinforces the LAC region as a strategic priority and opportunity for the EU's foreign policy, as both regions share a common vision of the world based on multilateralism, dialogue, sustainability, the rule of law, respect for human rights and inclusive open societies; acknowledges the positive and rich diversity of actors in the relations between EU and LAC countries, including states, cities and local entities as well as universities, civil society, corporations and the European Economic and Social Committee; calls for further coordination of the agreements, cooperation actions and high-level political contacts;
3. Considers the expansion of political and economic cooperation and the building of stronger partnerships with LAC countries to be crucial at bi-regional, sub-regional and bilateral level as complementary actions; stresses the need for this cooperation to contribute effectively to the consolidation of economic growth via sustainable socio-economic development policies while ensuring social inclusion, civil liberties and human rights and the reduction of poverty; believes that the EU-LAC partnership and the association agreements should take into account the economic differences between the regions and be mindful of not worsening existing asymmetries; notes that the presence of European companies is very important for the national economies of the countries of Latin America and stresses that their activities must be subject to existing rules and monitoring processes;
4. Underlines the importance of the EU-CELAC summits as an instrument of the strategic bi-regional partnership as a new framework for political dialogue; calls for the EU and for CELAC to also reinforce this partnership and political dialogue within the framework of its thematic dialogues and main initiatives, such as the Joint Initiative on Research and Innovation, the Structured Dialogue on Migration and the Coordination and Cooperation Mechanism on Drugs and by working on clearly identified common interests in order to jointly address key global challenges in the areas of good governance, economic growth, social cohesion, culture, innovation and the environment in multilateral forums, such as the United Nations, the G-20, and the WTO;
5. Reiterates the EU and the LAC's commitment to stepping up cooperation on the global agenda and advocates a multilateral approach in the WTO as the basis for an open trading system, based on predictable, more inclusive rules that are effective in achieving the objectives of reducing poverty and promoting sustainable development, and are also transparent and democratic, with an enhanced parliamentary dimension;
6. Reiterates its support for regional integration in the LAC region, and stresses the need for greater coordination between the different regional integration schemes in the region, while respecting differences in the pace of integration; recommends enhanced dialogue, cooperation and the exchange of best practices with CELAC, Mercosur, the Andean Community of Nations (ACN), the Central American Integration System (SICA) and the Pacific Alliance, to increase dialogue on areas of common interest and to make its institutional framework stronger; recommends enhancing regional initiatives on political dialogue, cooperation and the exchange of best practices such as the Union of South American Nations (UNASUR), the Organisation of American States (OAS), and the Caribbean Community (CARICOM) to advance democracy in South America; stresses the importance of boosting interparliamentary cooperation between the EU and LAC, in particular between the European Parliament and the various regional parliaments, through exchanges of political and institutional experience and knowledge; welcomes the dialogue recently launched between Mercosur and the Pacific Alliance with a view to gradual convergence and a scale up in the context of consulting on future regional and global challenges;
7. Stresses that political stability, economic rules and institutional strength guaranteeing respect for the rule of law and transparency are cornerstones of an environment that attracts long-term investment, through legal certainty; emphasises that such a legal framework requires strong democratic institutions and responsible economic planning as well as efforts to strengthen political dialogue and economic partnerships within the region and with external partners; recalls, in this context, that the partnership with the EU plays a central role;
8. Highlights how dynamic the Pacific Alliance — comprising Chile, Colombia, Mexico and Peru — is, and calls for the Vice-President / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to look into the possibility of the EU participating in the Alliance as an observer, as a number of EU Member States already do;

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9. Stresses that current global challenges, including human rights, peace, security, the fight against corruption and impunity, lack of good governance, socioeconomic sustainable development, the eradication of poverty, the digital transformation, mass migration, gender equality, cybersecurity, organised crime and terrorism, drug trafficking, climate change, geopolitical shifts, inequality within countries and across borders, informal work and growing unemployment, offer new opportunities and cooperation channels for the EU-LAC partnership to operate strategically where a common vision and agenda should be shared;

10. Stresses that even having experienced a significant economic development, which has led to poverty and inequality levels falling, inequality remains a significant obstacle to the LAC region's development, where 175 million people are living in poverty and exclusion, especially women and minors; stresses that economic growth, inclusive social development, the fair distribution of wealth and the universal provision of essential public services are the key to addressing this issue;

11. Recalls that the goal of eradicating poverty and reducing inequality must be addressed through economic, social cohesion and inclusion policies, increased work opportunities, access to education, and highlights the need to protect all its citizens and enlarge the middle class irrespective of the effects of economic cycles, to consolidate the achievements on improving the living conditions, including through the establishment of social protection floors, and to respect democratic values and human rights;

12. Underlines the need to integrate economies into global value chains, based on a circular economic model, and to recognise the importance of developing bilateral and multilateral commercial agreements as an effective tool that can contribute to tackling common global challenges, while promoting decent work and social dialogue among other things, as drivers of sustainable development; stresses the importance of creating conditions allowing the economies of both regions to diversify, making them less dependent and vulnerable on global cyclical variations; highlights the importance of promoting the transfer of scientific and technological knowledge, enhancing human capital and diversifying employment, to which end it is essential to increase investment in education, training and skills;

13. Welcomes the protocol of 11 November 2016 on the accession of Ecuador to the EU's Free Trade Agreement with Colombia and Peru signed by the EU, its Member States, Ecuador, Colombia and Peru; recalls that this agreement removes high customs tariffs and technical barriers to trade, liberalises service markets, opens public procurement markets and includes obligations concerning fast and efficient dispute resolution mechanisms;

14. Points out that the EU is the largest foreign investor in LAC and its second largest trading partner, creating a bidirectional economic relation based on the values of quality, social responsibility, job creation, technology transfer and research and innovation;

15. Encourages further public and private partnerships to foster economic development, entrepreneurship, growth and foreign investment; stresses the need for combating the informal economy and the underdevelopment and low competitiveness of SMEs; calls for facilitating and improving mobility between both regions, while ensuring the mutual consistency of labour rights and enhancing the coordination of the social security systems;

16. Stresses the need to develop sustainable and effective tax systems in both regions, together with an appropriate tax culture, including the establishment of effective general accounting offices that could foster economic growth and the development of welfare states providing and assuring public goods and services, such as access to public education, health, social protection infrastructure and security to all citizens, and reiterates that tax havens and tax avoidance are detrimental to economic and social development, progress and prosperity and the proper functioning of economic and social redistributive policies;

17. Stresses that economic growth and trade are key elements in achieving sustainable development but are not sufficient to reduce poverty, inequality and exclusion; calls for effective policies that contribute to reducing these issues through diversified, sustainable and inclusive growth, with a strong emphasis on social issues, institutional support and respect for human rights;

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18. Takes the view that achieving the Sustainable Development Goals (SDGs) must be the foremost objective of cooperation between Latin America and the Caribbean (LAC) and the EU; urges the Union to boost budget support programmes;

19. Supports the Commission's new development agenda as part of the 2030 Agenda; reiterates that the 2030 Agenda for Sustainable Development and the Sustainable Development Goals should be the main tools of EU-LAC cooperation, including all dimensions of economic, social and sustainable development, and not limited to poverty eradication; underlines that the EU must continue supplying official development assistance to all LAC countries, including the middle and higher income countries that no longer qualify for bilateral development cooperation under the differentiation principle, on the basis of a new approach, beyond per capita income; strongly requests that the Commission continue, on an exceptional basis and in accordance with the DCI Regulation, to provide bilateral cooperation to middle and higher income countries during the complete validity of the financing instrument for development cooperation for the period 2014-2020 and beyond, in order to continue support for their efforts in the face of current challenges;

20. Urges better coordination between policies and programmes supporting the LAC region, as well as the outermost regions and overseas countries and territories; calls for political commitments made at EU-LAC regional summits to be met and accompanied by the allocation of the necessary financial resources;

21. Calls on the Commission to identify the instruments available and endow them with sufficient resources, taking suitable action to align them with the principles of effectiveness, appropriability, harmonisation, mutual responsibility, accountability and alignment with LAC countries' development strategies, to help LAC to address the challenges facing it and to prepare itself for a possible future reduction in official development assistance (ODA); calls for such instruments to incorporate the transferring of know-how and training, and to assist in fiscal and public finance management reforms that contribute to boosting growth and to the provision of high-quality public services;

22. Calls on the Commission to apply enforceable criteria on development effectiveness principles to its blending programmes, particularly in terms of ownership, alignment with partner countries, development and financial additionality, transparency and accountability;

23. Points out that as a result of its geographical and geological characteristics LAC is highly vulnerable to natural disasters, and that this situation is aggravated as a result of climate change, which must be addressed globally in accordance with the principle of common but differentiated responsibility; calls on the Commission and the LAC countries to tackle the underlying causes, take climate-resilience measures and adopt risk-prevention strategies and protocols for a speedy mobilisation of humanitarian assistance in the event of emergencies;

24. Urges the effective implementation of gender equality, the empowerment of women, and policies in favour of the inclusion of women in all spheres of political, economic and social life, with a view to enhancing their active participation in society, strenuously combating femicides, guaranteeing their physical and psychological security, facilitating equal access to the job market, land ownership, and employment, and ensuring their sexual and reproductive health and rights; stresses the importance of improving the lives of girls and women; highlights that access to education is therefore vital and could lead to social and economic transformation; welcomes the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ('Belém do Pará Convention'), and calls for the secretariat in its follow-up mechanism, MESECVI, to be given a more significant role; welcomes the entry into force in 2016 of the Council of Europe's Istanbul Convention, and calls on countries in both regions that have not yet done so to sign up to it;

25. Considers public policies, in particular on health, education and training, as well as private initiatives, opening up opportunities for the nearly 30 million young people not in employment, education or training to be fundamental; stresses that development programmes must tackle high levels of conflict, violence, organised crime and homicides, which affect young people and adolescents in particular and are one of the main challenges for LAC countries;

26. Reiterates the importance of quality work and education opportunities being available for young people, as they embody the future hopes for, and are a key factor in, the continent's long-term political stability; encourages further cooperation with economic funds in the form of bilateral university participation, scholarships, knowledge exchange, and international mobility between EU and LAC students, in particular through boosting the Erasmus+ programme as part of

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the higher-education partnership with CELAC, launched in 2015; notes with satisfaction that in 2015, the Erasmus+ program was successfully launched offering 6 200 mobility possibilities and 3 500 scholarships mostly for CELAC students until 2020; points out the need to advance the full and mutual recognition of university degrees and to strengthen bi-regional cooperation in the quality and accreditation system;

27. Points out the key role of EU-CELAC cooperation in the field of science, technology and innovation and the importance of creating a EU-CELAC common research area to strengthen the cooperation on mobility of researchers and professors;

28. Underlines the fundamental importance of children's rights and the need for strict compliance, by all EU-LAC countries, with the United Nations Convention on the Rights of the Child;

29. Encourages further cooperation in the area of promoting technological development and enhancing the population's access to information and communication technologies in order to adapt our societies to the digital transformation;

30. Highlights the general trend and common challenges of the last decade on advancing freedoms and social rights, and the great efforts made to draw up inclusive public policies to protect vulnerable groups and to distribute wealth and economic growth on an equal basis, which has made a decisive contribution to lifting almost 60 million Latin Americans out of poverty in the past 15 years; calls on the authorities to respect and guarantee democratic principles, fundamental rights, the freedoms and safety of all citizens, including religious minorities, indigenous people, environmental activists, the LGBTBI community, disabled citizens, forcibly displaced and stateless people, and populations in rural areas; underlines the importance of ensuring freedom of assembly, association and expression both online and offline;

31. Underlines the need to guarantee the rights and safety of religious minorities and the LGBTBI community; urges LAC governments to pass laws and take measures capable of protecting human rights defenders and journalists against the persecution, threats, defamation campaigns, arbitrary arrest, torture, forced disappearance and murder of which they are frequently the target; calls for the rights and interests of indigenous peoples and populations in rural areas to be safeguarded in the face of development projects with a major environmental impact and the operations of extractive industries, implementing prior consultation and consent mechanisms in such cases;

32. Regrets the attacks against democratically elected opposition leaders, journalists, human rights defenders, in particular those working on environmental issues, and their lawyers; calls on the authorities to take all the necessary measures to guarantee their physical and psychological integrity and to ensure immediate, thorough and impartial investigations in order to bring those responsible to justice in accordance with international standards;

33. Reiterates that the active involvement and consultation of civil society and NGOs during the negotiation and implementation process of trade or association agreements should be guaranteed;

34. Highlights the need for agreements to make reference to the right to freedom of expression and freedom of assembly in the LAC countries;

35. Encourages EU Member States to consider adopting legislation providing for the possibility of the freezing of assets and visa restrictions targeting individuals who have been involved in serious human rights violations;

36. Reiterates that policies and practices on migration must guarantee respect for human rights, with special attention given to women and vulnerable groups such as minors, the elderly and disabled people, while keeping in mind the challenges related to the protection of borders and the non-criminalisation of migrants; stresses the need for a comprehensive approach aimed at recognising the economic and social contribution of migrant workers for hosting countries, the significance of transit countries and the importance of establishing legal paths for citizenship in the host countries, and giving special consideration to displaced persons in need of asylum; calls for measures to facilitate and improve mobility between the countries, while ensuring the coherence of labour rights and enhancing the coordination of social security systems;

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37. Urges the LAC countries to make sure that social, environmental and labour rights are fully respected; calls for full and effective implementation of the ILO conventions and the respect for core labour standards, which, inter alia, include the freedom of association and the right to collective bargaining; highlights, furthermore, the need to ensure the elimination of all forms of forced or compulsory labour;

38. Highlights the challenges both regions face in terms of defence and security, which include terrorism and the fight against drug trafficking and organised crime, and encourages continued efforts to strengthen defence and security cooperation through police and military coordination, paying particular attention to information sharing; urges Latin American countries to participate in EU crisis management and peacekeeping missions, as they are already doing in Colombia and Chile; encourages the fostering of further military cooperation for developing special emergency aid corps for natural and humanitarian disasters; calls for further cooperation in maritime security, disarmament, non-proliferation and arms control;

39. Calls for unequivocal respect for the principle of the territorial integrity of states;

40. Deplores the cuts in humanitarian aid and rejects the fact that these continue to occur in the areas most in need of this aid (Northern Triangle of Central America, Haiti and Colombia), as well as in areas particularly affected by the impact of climate change and natural disasters;

41. Condemns the action taken by the governments of some countries which have refused to accept international humanitarian assistance, thereby making it impossible for those countries' most basic needs to be addressed; calls on the VP/HR to urge the relevant authorities to allow the entry of such assistance and to put forward an assistance plan for each country;

42. Calls on the EU to strive to support LAC countries suffering endemic violence, with unacceptable rates of homicide, extrajudicial execution and forced disappearances, since without security there can be no genuine prosperity, dignity and happiness; urges LAC countries to take steps to put an end to prison overcrowding and improve prison conditions, to guarantee that the physical and psychological integrity of detainees is safeguarded, to investigate and punish torture and ill-treatment and to promote the more humane treatment of prisoners so as to prevent the mutinies that regularly occur in prisons and that result in loss of life;

43. Highlights the need to step up cooperation among all countries in the Atlantic region in the fight against drug trafficking, also involving the countries concerned in West Africa, which are a major hub for consignments of drugs between Latin America and Europe;

44. Asks the EU to support the Central American countries afflicted by organised crime that threatens their social and political structures;

45. Emphasises the need for the EU to continue supporting the Central America Security Strategy (CASS) and the Caribbean Security Strategy;

46. Stresses the urgent need to step up efforts to combat corruption, tax fraud and impunity, as these are among the main obstacles preventing development, to ensure respect for the rule of law, the holding of free and transparent elections, the separation of powers and equal access to an independent, impartial and professionalised judicial system, to support good governance, to address institutional weaknesses and to strengthen administration; acknowledges the work carried out by EUROsocial in this area;

47. Calls on the EU and LAC countries to address and combat the problem of corruption through measures ranging from prevention to law enforcement and criminal prosecution, the effective implementation of multilateral and international anti-corruption conventions, and points out that the existence of corruption undermines not only social and economic welfare and social equality, but also political legitimacy and good governance; stresses that the absence of an independent judiciary and public administration fosters distrust in public institutions, undermining the rule of law and fuelling violence; underlines that transparency, free media and civic participation are necessary to strengthen the fight against corruption; takes into consideration that new international provisions to push for the end of tax havens should be introduced, such as the automatic exchange of tax information and the lifting of bank secrecy;

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48. Calls for further cooperation on environmental issues, a major mutual interest, with special emphasis on the energy transition and decarbonisation process, which will have an impact on the economies of both regions; highlights the need to support research on and the deployment of renewable energies, the protection of nature, forest management, and policies to address the causes and consequences of climate change in a region that is acutely affected by its effects, taking into account the rights of local and indigenous communities in areas where natural resources are extracted; stresses the need to further support initiatives such as EUROCLIMA or the RIOCC, in line with the Lima Agenda on sustainable development, environment, climate change and energy; recognises the common need to implement an energy transition in order to successfully fulfil the Paris Agreements; underlines the need for further investment and cooperation between EU-LAC institutions and companies to commonly address the energetic transition, de-carbonisation and the improvement of the basic infrastructures; stresses the importance of improving governance and judicial procedures to protect forests and to expand agro-ecological farming practices;

49. Considers it crucial to speed up EU-Mercosur negotiations in order to get a comprehensive, balanced and mutually beneficial association agreement, as referred to in the European Council conclusions of 9 March 2017, so as to make it possible to complete the network of agreements in force between the EU and Latin America; stresses the need to end the negotiations and to achieve a final agreement to be ratified by the European Parliament before the end of the current term which will contribute positively to economic growth and employment creation in both economic areas as well as strengthening the historical, cultural, political and cooperation relationships and trust between our peoples;

50. Highlights the importance of speeding up the ongoing negotiations for the updating of the EU-Mexico Global Agreement, and calls for that agreement to be concluded by the end of 2017; points out the importance of finalising the updated EU-Chile Association Agreement before the first trimester of 2018; calls on the Member State parliaments that have not yet done so to ratify the EU-Central America Association Agreement;

51. Stresses the importance of Ecuador's recent accession to the Multisectoral Agreement with Colombia and Peru and recalls that the door is also open for Bolivia should it decide to participate; welcomes the implementation of the short-stay Schengen visa waiver for Peru and Colombia; requests, in this context, the same visa waiver for Ecuador; points out that these actions contribute to improving the EU's economic and cultural ties with those countries;

52. Stresses the vital importance of systematically including rules on corporate responsibility and clauses safeguarding human rights and social rights in association, trade and investment agreements between the EU and LAC countries;

53. Points out that Mexico and Brazil have been identified as strategic partners of the EU and calls for Argentina to be granted this status as an outstanding player in the region, and as a member of Mercosur and the G20, and for the institutional relations framework to be renewed;

54. Recognises the importance of the Ibero-American summits, the operating mechanisms of which have been strengthened over the past few years, and, at the same time, highlights the role that the Ibero-American General Secretariat (SEGIB) plays in supporting the rotating presidency; highlights the added value that it brings to the overall partnership between the two regions as a forum for dialogue, coordination and cooperation; calls, in that regard, for the establishment of a cooperation mechanism — that could take the form of a memorandum of understanding or a framework cooperation agreement between the Commission and/or the EEAS and SEGIB — that is able to optimise the relationship and place it on a more structured, orderly and systematic footing between the two bodies; welcomes the fact that, at the most recent summit, close attention was paid to important areas including youth, education and entrepreneurship;

55. Reiterates that the EuroLat Assembly and the Parliamentary Delegations are very successful and useful forums for the parliamentary dimension of the strategic partnership, and for political dialogue between the EU and LAC countries, including civil society, whose role should be reinforced, as well as being important in terms of transmitting citizens' demands to the EU-CELAC summits; stresses the importance of ensuring the visibility and dissemination of its discussions and conclusions, both via interaction with EU-CELAC summits and national and regional institutional channels;

56. Underlines the role of the EU-Latin America and Caribbean Foundation as an international organisation, and calls for the agreement establishing it to be swiftly ratified by all of its sixty-two members, which would play an important role in supporting the bi-regional partnership, and requests the establishment of permanent channels of cooperation between the Foundation and the EuroLat Assembly;

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57. Supports an increase of the external lending mandate of the European Investment Bank for Latin America in order to maintain and develop operations to respond to the need for financing priority areas, such as climate change mitigation, the development of social, economic and environmental infrastructure and support for SMEs;

58. Calls for better and multilateral coordination of the EU Member States in the Inter-American Development Bank (IDB) and the Development Bank of Latin America (CAF), in order to maximise their economic impact in the development programs for LAC countries;

59. Reiterates its support for the peace process in Colombia, which is decisive for the future of Colombians and for stabilisation in the region of which this country is a part, and undertakes to support the Colombian Government in its implementation; stresses, in this regard, the importance of involving the whole of Colombian society, in particular victims and civil society organisations, as well as forcibly displaced people, and of leaders of the government guaranteeing the safety and protection of human rights activists and community leaders; urges the EU and its Member States to continue their political and financial support, including through the DCI Regulation, in particular Article 5(2) thereof, and the EU Trust Fund for Colombia, and supports the role of the VP/HR's Special Envoy for Colombia; express its wish that the National Liberation Army would also commit to the ongoing peace process; welcomes the fact that, under UN supervision, the Revolutionary Armed Forces of Colombia (FARC) have completed the handover of individual weapons; supports the new mission established by the UN Security Council in order to help FARC members reintegrate into society; welcomes the bilateral ceasefire agreement between the National Liberation Army and the Government of Colombia;

60. Expresses its grave concern at the seriously deteriorating situation as regards democracy, human rights and the socio-economic situation in Venezuela, in a climate of growing political and social instability; calls on the Venezuelan Government to safeguard the separation and independence of branches of government and to restore full constitutional authority to the National Assembly; calls furthermore on the Venezuelan Government to ensure the immediate and unconditional release of all political prisoners and to present as soon as possible an electoral calendar that will allow free and transparent electoral processes to take place; calls on the international community, the regional actors and the VP/HR to promote and support a broad national agreement as the only possible solution; asks the VP/HR to actively explore other measures to constructively promote the political stabilisation of the country; rejects, in this context, any attempt to divert its constitutionally recognised powers to any other body; strongly condemns the elections to a Constituent Assembly of 30 July 2017 as being in breach of the separation of powers and respect for citizens' rights to freely express their political opinion through democratically elected and legitimate institutions; recalls that the European Parliament, along with many other international actors, does not recognise those elections or any actions and decisions taken by the newly established Assembly due to its lack of legitimacy, and regrets the violent circumstances resulting in many people being killed and injured; expresses its grave concerns about the illegal prosecution and repression of democratically elected members of the National Assembly; rejects the dismissal of the Prosecutor General Luisa Ortega Díaz and her political persecution, as well as all of the members of the Supreme Court appointed by the legitimate National Assembly of Venezuela; fully supports the ICC investigations into the extensive crimes and acts of repression perpetrated by the Venezuelan regime, and calls for the EU to play an active role in this regard; calls on the VP/HR and the European Council to give consideration to the freezing of assets, as well as placing restrictions on access to EU territory for all those involved in the serious violations of human rights in Venezuela, including the members of the non-recognised Constituent Assembly;

61. Welcomes the signing on December 2016 of the Political Dialogue and Cooperation Agreement between the EU and Cuba; stresses the importance of speeding up its implementation, which can have a positive impact on the overall EU-CELAC partnership; points out that the political dialogue and cooperation agreement should contribute to improving the living conditions and social rights of Cuban citizens, progress towards democracy, and the respect for and promotion of fundamental freedoms; emphasises that its validity will depend on the effective implementation by the Cuban Government of the human rights provisions established in the agreement and on the basis of European Parliament resolutions;

62. Instructs its President to forward this resolution to the Council and the Commission and to the governments and parliaments of the CELAC countries.

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P8_TA(2017)0346

Corruption and human rights in third countries

European Parliament resolution of 13 September 2017 on corruption and human rights in third countries (2017/2028(INI))

(2018/C 337/12)

The European Parliament,

- having regard to the United Nations Convention against Corruption (UNCAC), which entered into force on 14 December 2005 ⁽¹⁾,
- having regard to the Universal Declaration of Human Rights and the UN Declaration on Human Rights Defenders,
- having regard to the Charter of the United Nations,
- having regard to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to the 2009 Recommendation of the Council for Further Combating Bribery, the 2009 Recommendation on the Tax Deductibility of Bribes to Foreign Public Officials and other related instruments ⁽²⁾,
- having regard to the EU Strategic Framework on Human Rights and Democracy adopted in 2012 and the Action Plan on Human Rights and Democracy (2015-2019) adopted by the Foreign Affairs Council on 20 July 2015,
- having regard to the EU Guidelines on Human Rights Defenders as adopted at the 2914th General Affairs Council meeting of 8 December 2008 ⁽³⁾,
- having regard to the UN Resolution on Transforming our world: the 2030 Agenda for Sustainable Development, adopted by the UN General Assembly on 25 September 2015 ⁽⁴⁾,
- having regard to the report of the European Investment Bank (EIB) entitled 'Policy on preventing and deterring prohibited conduct in European Investment Bank activities' ('EIB Anti-Fraud Policy') adopted on 8 November 2013 ⁽⁵⁾,
- having regard to the Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework ⁽⁶⁾,
- having regard to the Council conclusions on business and human rights of 20 June 2016 ⁽⁷⁾,
- having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ⁽⁸⁾,

⁽¹⁾ <https://www.unodc.org/unodc/en/treaties/CAC/>

⁽²⁾ http://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf

⁽³⁾ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133601>

⁽⁴⁾ http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

⁽⁵⁾ http://www.eib.org/attachments/strategies/anti_fraud_policy_20130917_en.pdf

⁽⁶⁾ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁽⁷⁾ <http://www.consilium.europa.eu/en/press/press-releases/2016/06/20-fac-business-human-rights-conclusions/>

⁽⁸⁾ Texts adopted, P8_TA(2016)0405.

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- having regard to its resolution of 25 October 2016 on the fight against corruption and follow-up of the CRIM resolution ⁽¹⁾,
- having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect ⁽²⁾,
- having regard to its resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect ⁽³⁾,
- having regard to its resolution of 8 July 2015 on tax avoidance and tax evasion as challenges for governance, social protection and development in developing countries ⁽⁴⁾,
- having regard to its resolution of 11 June 2015 on recent revelations on high-level corruption cases in FIFA ⁽⁵⁾,
- having regard to its resolution of 23 October 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken ⁽⁶⁾,
- 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 ⁽⁷⁾,
- having regard to the Council of Europe Criminal Law Convention on Corruption, the Council of Europe Civil Law Convention on Corruption, and to resolutions (98) 7 and (99) 5, adopted by the Council of Europe's Committee of Ministers on 5 May 1998 and 1 May 1999 respectively, establishing the Group of States against Corruption (GRECO),
- having regard to the Jakarta Statement on Principles for Anti-Corruption Agencies, adopted on 26-27 November 2012 ⁽⁸⁾,
- having regard to the Panama Declaration on the Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA), adopted on 22-24 November 2013,
- having regard to the UN General Assembly resolution on national institutions for the promotion and protection of human rights adopted on 17 December 2015 and the Human Rights Council resolution on national institutions for the promotion and protection of human rights adopted on 29 September 2016 ⁽⁹⁾,
- having regard to the final report of the United Nations Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights of 5 January 2015 ⁽¹⁰⁾,
- having regard to the African Union Convention on Preventing and Combating Corruption (AUCPCC) ⁽¹¹⁾,
- having regard to the UN Global Compact initiative to base strategies and measures on universal principles of human rights, employment, the environment and fighting corruption ⁽¹²⁾,
- having regard to Transparency International's annual Corruption Perceptions Index,
- having regard to Rule 52 of its Rules of Procedure,

⁽¹⁾ Texts adopted, P8_TA(2016)0403.

⁽²⁾ Texts adopted, P8_TA(2016)0310.

⁽³⁾ Texts adopted, P8_TA(2015)0408.

⁽⁴⁾ OJ C 265, 11.8.2017, p. 59.

⁽⁵⁾ OJ C 407, 4.11.2016, p. 81.

⁽⁶⁾ OJ C 208, 10.6.2016, p. 89.

⁽⁷⁾ OJ C 181, 19.5.2016, p. 2.

⁽⁸⁾ https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf

⁽⁹⁾ <http://nhri.ohchr.org/EN/AboutUs/Governance/Resolutions/A.HRC.RES.33.15%20EN.pdf>

⁽¹⁰⁾ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_73_ENG.doc

⁽¹¹⁾ http://www.eods.eu/library/AU_Convention%20on%20Combating%20Corruption_2003_EN.pdf

⁽¹²⁾ <https://www.unglobalcompact.org/what-is-gc/mission/principles>

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- 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 (A8-0246/2017),
- A. whereas corruption is a complex global phenomenon, affecting both North and South, that can be defined as the abuse of entrusted power for individual, collective, direct or indirect private gain, which poses a serious threat to the public interest and social, political and economic stability and security by undermining public trust and the efficiency and effectiveness of institutions, and the values of democracy and human rights, ethics, justice, sustainable development and good governance;
- B. whereas corruption can range from small-scale efforts to influence individuals, public officials or the implementation of public services, to large-scale attempts to subvert political, economic and/or legal systems, and in order to promote and fund terrorism, encourage extremism, decrease tax revenues and support organised crime networks;
- C. whereas corruption is caused by the failure of political, economic and judicial systems to provide robust, independent oversight and accountability;
- D. whereas reducing corruption is vital for economic growth, poverty reduction, wealth creation, education, welfare, healthcare, infrastructure development and conflict resolution, as well as to build trust in institutions, business and politics;
- E. whereas in many countries corruption not only constitutes a significant systemic obstacle to the realisation of democracy, respect for the rule of law, political freedom and sustainable development, and of all civil, political, economic, social and cultural human rights, but may also cause many human rights violations; whereas corruption is one of the most neglected causes of human rights violations as it fuels injustice, inequality, *inter alia* as regards financial and economic resources, impunity, arbitrary action, political and religious extremism and conflict;
- F. whereas corruption, by threatening the consolidation of democracy and enforcement of human rights, and by undermining state authorities, may lead to social upheaval, including violence, civil protest and major political instability; whereas corruption remains a systematically overlooked catalyst of conflict in developing countries, leading to widespread violations of human rights, including international humanitarian law, and the impunity of perpetrators; whereas the status quo of corruption and illicit enrichment in positions of state power has led to power-grabbing and the perpetuation of kleptocrats in power;
- G. whereas in many countries high levels of corruption lead to low rates of human, social and economic development, low levels of education and other public services, limited civil and political rights, little or no political competition and freedom of the media both online and offline, and deficiencies in the rule of law;
- H. whereas corruption has an impact on the enjoyment of human rights, has specific negative repercussions and disproportionately affects the most disadvantaged, marginalised and vulnerable groups in society, such as women, children, persons with disabilities, the elderly, the poor, indigenous people or people belonging to minorities, namely by barring them from equal access to political participation, public and social programmes and services, justice, safety, natural resources, including land, jobs, education, health and housing; whereas corruption also affects progress towards ending discrimination, gender equality and women's empowerment, by limiting the capacity of women to claim their rights; whereas corruption distorts the size and composition of government expenditure, seriously harming the state's capacity to fully harness all available resources in order to secure economic, social and cultural rights, the proper functioning of democracy and the rule of law, and the development of a common ethic;
- I. whereas the UN Sustainable Development Goal (SDG) 16 focuses on peace, justice, the building of strong institutions and the fight against corruption; whereas in order to achieve SDG 16 universally, the EU needs to urgently and directly address diverse issues in which corruption plays a key role, ranging from human rights violations to poverty, hunger and injustice;

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- J. whereas addressing corruption requires concerted efforts to tackle both high-level corruption and petty corruption in third countries and EU Member States, having regard, on a case-by-case basis, to the hierarchical patronage, reward systems and clientelism in power structures, which often link corruption crimes and impunity at the highest level to petty corruption directly affecting the lives of the population and their access to basic services;
- K. whereas corruption cannot be tackled without strong political commitment at the highest level, regardless of the prowess, skill and willingness of national oversight and law enforcement bodies;
- L. whereas the economic consequences of corruption are extremely negative, especially in terms of its impact on increasing poverty and inequality among the population, the quality of public services, security, access to comprehensive healthcare and to a high standard of education, infrastructure, socio-economic opportunities for individual and economic emancipation, particularly economic growth, job creation and employment opportunities, and in terms of discouraging entrepreneurship and loss of investment;
- M. whereas, for example, corruption costs the EU between EUR 179 billion and EUR 990 billion in GDP terms per year ⁽¹⁾;
- N. whereas, according to the World Bank, about USD 1 trillion is paid each year in bribes around the world and the total economic loss from corruption is estimated to be many times that number;
- O. whereas organised crime, which is a serious problem in many countries and has a cross-border dimension, is often linked to corruption;
- P. whereas acts of corruption and human rights violations typically involve the misuse of power, lack of accountability, the obstruction of justice, the use of improper influence and the institutionalisation of various forms of discrimination, clientelism, and the distortion of market mechanisms; whereas corruption shows a strong correlation with deficiencies in the rule of law and good governance, and whereas it often undermines the effectiveness of the institutions and entities entrusted with ensuring checks and balances and respect for democratic principles and human rights, such as parliaments, law enforcement authorities, the judiciary and civil society; whereas in countries where the rule of law is undermined by corruption, both the implementation and strengthening of legal frameworks are impeded by corrupt judges, lawyers, prosecutors, police officers, investigators and auditors;
- Q. whereas corruption and human rights violations are a phenomenon involving a lack of integrity of conduct and failing authorities, and whereas the credibility and legitimacy of public and private organisations can only be guaranteed if their day-to-day management is based on a culture of strict integrity;
- R. whereas practices such as electoral fraud, illicit funding of political parties, cronyism or the perceived disproportionate influence of money in politics erode confidence and trust in political parties and elected representatives, the electoral process and governments, undermine democratic legitimacy and public trust in politics and may significantly weaken civil and political rights; whereas inadequate regulation and a lack of transparency and monitoring of political financing can create opportunities for undue influence and interference in the conduct of public affairs; whereas corruption allegations can also be used as a political instrument in order to discredit the reputation of politicians;
- S. whereas corruption in the judicial sector breaches the principles of equality, non-discrimination, access to justice and the right to a fair trial and to an effective remedy, which are instrumental in the enforcement of all other human rights and in preventing impunity; whereas the absence of an independent judiciary and public administration fosters distrust in public institutions, undermining respect for the rule of law and occasionally fuelling violence;

⁽¹⁾ http://www.europarl.europa.eu/RegData/etudes/STUD/2016/579319/EPRS_STU%282016%29579319_EN.pdf

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- T. whereas it is difficult to measure corruption as it usually involves illegal practices that are deliberately covered up, although some mechanisms to identify, monitor, measure and combat corruption have been developed and implemented;
- U. whereas new technologies such as distributed ledgers or open source investigation techniques and methodologies offer new opportunities to increase the transparency of governmental activities;
- V. whereas strengthening the protection of human rights, and the principle of non-discrimination in particular, is a valuable instrument in combating corruption; whereas fighting corruption through criminal law and private law means taking repressive and remedial measures; whereas the promotion and strengthening of human rights, the rule of law and good governance are essential components of successful and sustainable anti-corruption strategies;
- W. whereas creating synergies between the criminal justice approach and the human rights-based approach to tackling corruption could result in addressing the collective and general effects of corruption and could prevent a systemic erosion of human rights as a direct or indirect impact of corruption;
- X. whereas international anti-corruption efforts have an evolving institutional and legal framework but a significant implementation gap exists due to lack of political will or of robust enforcement mechanisms; whereas a human rights approach to anti-corruption efforts would provide a paradigm shift and could contribute to closing this implementation gap by using existing national, regional and international mechanisms to monitor compliance with human rights obligations;
- Y. whereas the United Nations Convention against Corruption is the only legally binding universal anti-corruption instrument, covering five main areas: preventive measures, criminalisation and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange;
- Z. whereas existing international obligations are good mechanisms for taking appropriate and reasonable measures in order to prevent or punish corruption in the public and private sectors, in particular under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other relevant human rights instruments;
- AA. whereas the judiciary, ombudsmen, and national human rights institutions (NHRIs) as well as civil society organisations play a vital role in addressing corruption and their potential can be boosted by close cooperation with national and international anti-corruption agencies;
- AB. whereas action should be taken to combat corruption by improving transparency, accountability and measures to fight impunity within states and by prioritising the development of strategies and specific policies which not only fight corruption but also help to develop and/or build up public policies in this regard;
- AC. whereas both civil society and the private sector can play a determining role in shaping institutional reform to strengthen transparency and accountability; whereas lessons can be learned from the experience of human rights movements in raising civil society's awareness of the adverse consequences of corruption and in building alliances with state institutions and the private sector in support of anti-corruption efforts;
- AD. whereas the absence of free media, both online and offline, not only restricts the fundamental right to freedom of expression, but also creates favourable conditions for opaque practices, corruption and misbehaviour to flourish; whereas independent media and a diverse and pluralistic media landscape play an important role in ensuring transparency and scrutiny, by reporting, investigating and exposing corruption and increasing public awareness of the link between corruption and human rights violations; whereas defamation laws, such as the criminalisation of acts deemed to be 'defamation', are in place in several countries, including EU Member States, possibly undermining freedom of speech and the media and dissuading whistleblowers and journalists from denouncing corrupt activity;

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- AE. whereas many civil society organisations, including anti-corruption associations and human rights associations, trade unions, investigative journalists, bloggers and whistle-blowers expose corruption, fraud, mismanagement and human rights violations despite laying themselves open to the risk of retaliatory measures, including at the workplace, libel or defamation charges and to personal danger; whereas lack of protection against reprisals, libel and defamation laws and lack of independent and credible investigation can all deter people from speaking out; whereas the EU has a duty to protect them, in particular by offering public support, including by attending and observing trials of human rights defenders and making the most effective use of its instruments such as the European Instrument for Democracy and Human Rights (EIDHR); whereas ensuring compliance with, and proper implementation of, existing legislation is indispensable; whereas those exposing corruption should be entitled to have the confidentiality of their identity maintained, subject to fair trial guarantees; whereas whistle-blowers should be granted international protection from prosecution;
- AF. whereas the fight against corruption should also include measures to eradicate organised crime, tax havens, money laundering, tax evasion and illicit financial flows, as well as the schemes enabling them, as they hinder the sustainable development, progress, prosperity and accountability of the countries;
- AG. whereas many third countries do not yet have the capacity to exchange tax information with EU countries and thus do not receive any information from EU countries on their citizens who are potentially evading tax;
- AH. whereas EU funds to third countries, including in emergency situations, need to be properly monitored through clear checks and balances in the beneficiary countries in order to prevent opportunities for corruption that might emerge, to expose any abuses and to reveal corrupt officials;
- AI. whereas controlling corruption and illegal financial flows is a political matter, which needs to be tackled comprehensively, worldwide and across borders (G20, UN, OECD, WB, IMF);
- AJ. whereas the International Forum for Sports Integrity (IFSI) held in Lausanne, Switzerland, in February 2017 promoted collaboration between governments, international sports bodies, and other organisations in order to tackle corruption in sport;
1. Calls for collective action to be taken at national and international level to prevent and combat corruption, given that corruption spreads across borders and that enhanced cooperation between countries and between regions needs to be encouraged alongside the work of civil society organisations in the fight against corruption; calls on states to be actively engaged within international fora to discuss and reach joint decisions on good practices and policies suited to the specific situation in each region, with a view to tackling corruption as an interlinked, complex and cross-cutting phenomenon that obstructs political, economic and social development and fuels international crime, including terrorism-related activities;
2. Resolves to prepare a regular updating report on corruption and human rights during every legislative term;
3. Believes that the fight against corruption must involve a partnership approach between the public and private sectors and warns that failure to do so will entrench poverty, inequality and reputational damage, reduce external investment, undermine the life opportunities of young people, and fail to break the link between corrupt practices and terrorism;
4. Is concerned about the lack of implementation and enforcement of the existing national and international anti-corruption instruments such as the UN Convention against Corruption, the UN Guiding Principles on Business and Human Rights (Ruggie Guidelines), the Council of Europe's Criminal Law Convention on Corruption and the OECD Anti-Bribery Convention; calls on the signatory countries to apply them in full in order to better protect their citizens; pledges to work with international partners to increase the number of states opting to strengthen democratic processes and build accountable institutions;

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5. Is concerned about the harassment, threats, intimidation and reprisals suffered by members of civil society organisations, including anti-corruption associations and human rights movements, journalists, bloggers and whistleblowers who expose and denounce corruption cases; calls on the authorities to take all necessary measures to guarantee their physical and psychological integrity and to ensure immediate, thorough and impartial investigations in order to bring those responsible to justice in accordance with international standards;
6. Urges the participants of the 2016 London Anti-Corruption Summit to fulfil the commitments made to address the causes of corruption and methods needed to promote transparency, as well as to provide support for those most affected;
7. Recalls that the development of an EU external anti-corruption strategy is essential to combat corruption and financial crime effectively;
8. Emphasises that States are bound to fulfil their human rights obligations under the terms of the United Nations Convention against Corruption, and encourages those countries which have yet to do so to become party to it; underlines that States are responsible for preventing and, ultimately, reacting to any negative impact of corruption in their jurisdiction;
9. Acknowledges the responsibility of political stakeholders and of business operators to respect human rights and tackle corruption; stresses the need to integrate a human rights perspective into anti-corruption strategies in order to implement compulsory and effective preventive policies relating to matters such as transparency, laws on access to public information, whistleblower protection and external controls;
10. Recommends that the EU steps up support for international instruments to increase transparency in economic sectors most prone to human rights abuses and corruption;
11. Supports the establishment of modern, transparent and effective policy and legal frameworks for the management of natural resources and believes such measures can serve as powerful weapons against corruption; welcomes in this sense the Extractive Industries Transparency Initiative (EITI) and calls on the EU to upgrade its support to help resource-rich countries implement it as a powerful global tool in promoting the transparency and accountability of the management of revenues from natural resources; believes that the establishment of an effective legal framework to ensure the proper application of the EITI principles by the companies and other stakeholders involved in the oil, gas and mining sector supply chains is a crucial measure that should be fostered by the EU;
12. Recommends that, in tackling and curbing illegal financial capital flows from Africa, special attention should be devoted to those capital flows which result from the extraction of ores and minerals from mines in conflict areas;
13. Notes that corruption is a complex phenomenon that is rooted in a wide variety of economic, political, administrative, social and cultural factors, and power relations, and recalls, therefore, that development policy, in order to contribute to the fight against corruption, while focusing on the reduction of poverty and inequalities, and on better integration, must also promote human rights, democracy, the rule of law and public social services, in order to boost good governance and build social capital, social inclusion and social cohesion, taking into account cultural and regional particularities;
14. Stresses that one of the most effective ways to prevent corruption is to reduce state intervention and bureaucratic intermediation and to put forward simpler regulations;

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15. Underlines the need to mainstream the principle of local and democratic ownership of projects financed under EU assistance programmes to ensure a minimum standard of transparency; highlights that the EU external financial instruments should be based on anti-corruption norms, on conditionality focused *inter alia* on results and including clear milestones, indicators and annual reporting of progress, and on commitments made by partner countries in order to enhance the absorption of the EU financial support;

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16. Recalls the need for permanent monitoring of EU-funded projects and that recipient country authorities should be held accountable if EU funds are not used appropriately, and stresses the need to involve local CSOs and human rights defenders in monitoring the implementation of the contracts; further emphasises the need for any contractor receiving EU funds to fully disclose all requested information, including its beneficial ownership and corporate structure;
17. Recommends that the EU and other international grant and loan providers conduct audits on grants, loans and assistance packages, and perform rigorous due diligence on recipient governments and organisations to avoid providing 'rents' to kleptocratic authorities and organisations controlled by them and their associates; takes the view, in this context, that peer reviews should also be encouraged;
18. Highlights the crucial importance of anti-corruption agenda during the process of EU accession negotiations;
19. Calls on the EU to include an anti-corruption clause alongside human rights clauses in agreements with third countries that should require monitoring and consultations and, as a last resort, to impose sanctions or suspend such agreements in the event of serious and/or systemic corruption leading to serious human rights violations;
20. Calls on the EU to develop principles to combat grand corruption as a crime in national and international law, address ongoing cases of impunity for grand corruption by stronger enforcement of anti-corruption laws, and implement reforms to close the systemic gaps in national legal frameworks that allow the proceeds of grand corruption to cross borders and evade the oversight of national financial regulators and tax authorities;
21. Stresses the need to pay particular attention to the continuous and structured monitoring and evaluation of the effective implementation of the UNCAC in EU Member States and countries with which the EU has or is planning to have any agreement;
22. Calls on the Commission, the European External Action Service and the Member States, taking into account the body of EU law in the area of combating corruption, to take the lead internationally and to promote the fight against corruption among the EU's partner countries;
23. Calls on the EU to promote anti-corruption measures and effective mechanisms for public participation and public accountability — including the right to access to information and implementation of open data principles — in all relevant human rights dialogues and consultations with third countries and to finance projects that aim for the establishment, implementation and enforcement of these measures;
24. Stresses the importance of open source investigation with regard to anti-corruption research; calls on the EU to adequately fund organisations that work on open source investigation and digital collection of evidence of corruption, in order to expose corrupt officials and ensure accountability;
25. Calls on the EU to fund research into distributed ledger applications which could be used to improve the transparency of sales of government assets, track and trace donor money in EU foreign aid, and help address voter fraud;
26. Welcomes the persistent efforts under the Development Cooperation Instrument and the Neighbourhood Programming Instrument to establish and consolidate independent and effective anti-corruption institutions;
27. Calls on the EEAS and the Commission to devise joint programming on human rights and combatting corruption, in particular initiatives for improving transparency, fighting impunity and strengthening anti-corruption agencies; considers that these efforts should include supporting national human rights institutions with a proven record of independence and impartiality to act also in corruption cases, including through investigative capacity to establish links between corruption and human rights violations, cooperation with anti-corruption agencies and referrals to prosecution or law enforcement agencies; calls, furthermore, on the EU and the Member States to step up their judicial cooperation programmes with third countries so as to promote the exchange of best practices and effective tools in the fight against corruption;

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28. Calls on the EU to continue supporting anti-corruption institutions established in third countries with a proven track record of independence and impartiality, such as the Guatemalan International Commission against Impunity (CICIG), as well as initiatives aimed at sharing information, exchanging best practices and enhancing capacity building; urges these countries to provide the institutions with all the necessary tools, including investigative power, in order to be effective in their work;

29. Calls on the Commission and the EEAS to channel further funds to assist with enacting and implementing protection programmes addressed to civil society organisation members, including anti-corruption associations and human rights movements, journalists, bloggers and whistle-blowers that expose and denounce corruption cases and human rights violations; insists that any future update of the EU guidelines on Human Rights Defenders (HRDs), development aid or any guidance note on their implementation should include explicit references and measures to foster human rights protection and combat corruption in order to make it easier for people, without fear of reprisal, to report suspected acts of corruption, and to support communities that have suffered from it; welcomes the Commission's recently launched consultation process on whistle-blower protection; stresses that human rights focal points in EU delegations should also pay special attention to these target groups and maintain close contact with local CSOs and human rights defenders, ensuring their international visibility and protection, thereby also triggering safe channels for reporting wrongdoing;

30. Stresses that oversight bodies, local enforcement officers and prosecutors with a track record of independence and impartiality, as well as whistle-blowers and witnesses of specific cases, should all benefit from assistance and support from the EU through representation on the ground and by inviting them to take part in training programmes in Europe; emphasises that, whenever appropriate, this support should be made public;

31. Calls on EU Delegations to make use of demarches and public diplomacy at local and international level to denounce cases of corruption and impunity, in particular when they lead to serious human rights violations; further calls on EU Delegations and Member States' embassies to include reports on corruption (be it systemic analysis or specific cases) in briefings to the EEAS and Member States;

32. Recommends that the EEAS and EU Delegations include a specific benchmark on the link between corruption and human rights in the Human Rights and Democracy Country Strategy papers whenever appropriate and, moreover, that this matter be treated as one of the priorities for EU special representatives when carrying out their tasks; asks namely that the EU address corruption directly in programming and country strategy papers and link any budget support to third countries with concrete reforms towards transparency and other anti-corruption measures;

33. Recommends that the European Endowment for Democracy and the EU's comprehensive HRD mechanism (protectdefenders.eu) should focus specific programmes on the protection of anti-corruption activists who also contribute to upholding human rights;

34. Calls on the EU to set up grievance mechanisms whereby people affected by its external actions can complain about human rights abuses and corruption cases;

35. Reiterates its call made in previous resolutions that the EU should bring the Magnitsky sanctions list against the 32 Russian state officials responsible for the death of Russian whistle-blower Sergei Magnitsky to the Council as soon as possible for its adoption, and impose targeted sanctions against these officials such as an EU-wide visa ban and a freezing of the financial assets that they hold inside the European Union;

36. Encourages EU Member States to consider adopting legislation with a view to establishing clear criteria allowing for blacklisting and the imposition of similar sanctions against third country individuals and their family members who have committed serious human rights violations or have been responsible for, or complicit in, ordering, controlling or otherwise directing acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption

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related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of ill-gotten assets to foreign jurisdictions; stresses that criteria for inclusion on the list should be built up on the basis of well-documented, converging and independent sources and convincing evidence, allowing for mechanisms of redress for those targeted; highlights the importance of this list being public in order to feed into the information needed by obliged entities to perform, among other things, customer due diligence under the EU Anti-Money Laundering Directive ⁽¹⁾;

37. Calls on the EU to comply with the principle of policy coherence for development (Article 208 TFEU) and to actively contribute to the reduction of corruption, and to fight impunity directly and explicitly through its external policies;

38. Calls on the EU to enhance the transparency and accountability of its Official Development Assistance in order to comply effectively with the standards set out in the International Aid Transparency Initiative (IATI) and with internationally agreed development effectiveness principles; calls on the EU also to develop a strong holistic risk management system to prevent development aid from contributing to corruption in recipient countries, i.e. by linking budget support to clear anti-corruption objectives; to this end, stresses the need to set up robust mechanisms to monitor budget support implementation;

39. Calls on the Commission, in order to eradicate high-level corruption, to pay attention in the context of budget support to the transparency of operations involving privatisation and deals of public assets, notably land, and to participate in OECD support programmes for developing countries in corporate governance of state-owned enterprises;

40. Calls on the Commission to support developing countries fighting tax evasion and avoidance by helping them to build balanced, efficient, fair and transparent tax systems;

41. Maintains that the EU, as the world's leading donor, should promote forms of linkage whereby the supply of EU external aid would be subject to fiscal reforms aimed at increasing transparency, making data more accessible and encouraging approaches pursued jointly with other donors;

42. Stresses the profound negative impact of corruption on trade and its benefits, economic development, investment and public procurement processes, and urges the Commission to take into consideration this link in all trade agreements and to include enforceable human rights and anti-corruption clauses therein;

43. Points out that trade policy contributes to the protection and promotion of the values for which the EU stands, as set out in Article 2 of the Treaty on European Union, including democracy, the rule of law, respect for human rights, fundamental rights and freedoms, and equality; stresses that consistency between the Union's external and internal policies is vital, particularly in relation to combating corruption; underlines that in this regard European legislators have a particular role to play when facilitating trade relations, as they have to avoid these serving as a gateway for corruption practices;

44. Views trade agreements as a key mechanism for promoting anti-corruption measures and good governance; welcomes the measures that the EU has already taken to combat corruption in its trade policy, for instance through GSP+, sustainable development chapters and the inclusion of commitments to ratify international anti-corruption conventions with trading partners; reaffirms the aim stated in the Trade for All Strategy to include ambitious provisions on anti-corruption in all future trade agreements; in this regard, calls for commitments in future trade agreements to multilateral anti-corruption conventions such as the UNCAC and the OECD Anti-bribery Convention and for horizontal provisions to be included as part of a comprehensive approach and to be integrated into existing trade agreements during revision;

⁽¹⁾ OJ L 141, 5.6.2015, p. 73.

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45. Stresses that signatory parties of trade agreements should take measures to promote the active participation of the private sector, civil society organisations and domestic advisory groups in the implementation of anti-corruption programmes and clauses in international trade and investment deals; believes that whistle-blower protection should be considered for inclusion in future trade deals once an EU-wide system is in place;

46. Recognises the importance of providing clear guidance and support for businesses to create effective anti-corruption compliance procedures within their operations, particularly for SMEs through special provisions in trade agreements to enable them to tackle corruption; stresses that there is no one-size-fits-all approach to compliance; calls on the Commission to consider developing assistance to capacity-building projects on combating corruption, such as best practice sharing and training to help States and the business sector overcome any challenges they may come across in this field;

47. Welcomes the entry into force of the WTO Trade Facilitation Agreement in February 2017 which provides measures to combat corruption in global trade; believes, however, that passing or reforming legislation is in itself insufficient and that implementation is the key; points out that legislative reform needs to be accompanied by training of the judiciary, public access to information and transparency measures, and calls on the EU Member States to cooperate on these matters in their fight against corruption; also points out that trade agreements could help in monitoring domestic reform in relation to anti-corruption policies;

48. Calls on the Commission to negotiate enforceable anti-corruption and anti-money-laundering provisions in all future trade agreements, with effective monitoring of the implementation of anti-corruption provisions; calls on the Member States, to that end, to support the inclusion of anti-corruption provisions in negotiating mandates, in line with the Commission's proposals in draft mandates submitted to them; welcomes the presence of anti-corruption provisions in the negotiating mandate on modernising the EU-Mexico agreement; calls on the Commission to continue the efforts to combat corruption through enhanced transparency in trade agreements negotiations and the inclusion of provisions aimed at greater regulatory cooperation and integrity of customs procedures and global value chains (GVCs); believes that cooperation clauses must be in place to tackle corruption, such as exchange of information, and administrative and technical assistance, with the purpose of sharing and promoting best practices that will contribute to strengthening the rule of law and respect for human rights; encourages the Commission to set clear and relevant conditions and performance indicators allowing better assessment and demonstration of results;

49. Points out the importance of maintaining ongoing and regular dialogue with EU trade partners throughout the implementation of agreements in order to ensure that the agreements generally, as well as the anti-corruption provisions, are monitored and implemented properly; notes the Commission's proposal in its Trade for All Strategy to introduce mechanisms for consultation in cases of systemic corruption and failures of governance, and calls on the Commission to envisage suspending the benefits of an agreement in such cases of systemic corruption and failure to comply with anti-corruption commitments or with international standards in the field of anti-corruption, such as the OECD Common Reporting Standard, the OECD Action Plan on Base Erosion and Profit Shifting, the central register of beneficial ownership and FATF recommendations; calls on the Commission to set clear and relevant conditions and performance indicators allowing better assessment and demonstration of results; calls, furthermore, on the Commission to respond firmly, proportionally and quickly where the beneficiary government fails to comply with what has been agreed; calls on the Commission to set up consultation mechanisms with trading partners in cases of systemic corruption and to provide exchanges of expertise to assist countries implementing anti-corruption measures;

50. Notes that trade deals must include mandatory and enforceable human rights clauses ensuring that private companies and state authorities respect human rights and the highest social and environmental standards, which are essential to fight corruption;

Development of EU intelligence on corruption networks and intermediaries

51. Calls on the EEAS to lead on the formation of task forces between Member States' embassies and EU Delegations in third countries, through which diplomatic officials can analyse and share information on the structure and operation of local corrupt networks to the highest level of power and build enough intelligence to prevent the collusion of the EU with kleptocratic regimes; believes that such information should be conveyed to EU institutions through diplomatic and safe

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channels; suggests, additionally, that EU Delegations and Member States' embassies foster close contacts with the local population, namely through regular dialogue with genuine and independent civil society organisations, journalists and human rights defenders, in order to gather reliable information on local corruption, crucial enablers and officials arrested;

52. Takes the view that corporations should also report to EU bodies whenever they are asked for bribes and/or required to invest in third countries using local intermediaries or shell companies as partners;

53. Stresses that, in light of the information gathered, country-specific guidelines should be shared with civil and military deployments and EU donor agencies to raise awareness of the risks involved in dealing with local contractors, private security companies and service providers whose beneficial owners might be linked with human rights violations and corrupt networks;

Internal-external coherence

54. Believes that the EU can only become a credible and influential leader in the fight against corruption if it addresses the problems of organised crime, corruption and money laundering within its own borders in an adequate manner; regrets in this context that the Commission decided not to follow up its 2014 EU anti-corruption report, providing a new analysis of corruption within the EU Member States, which would have also reinforced the EU's credibility to promote an ambitious anti-corruption agenda in its external policies; stresses that the Commission and other EU institutions should undertake regular, ambitious and rigorous reporting and self-assessment in line with the provisions of the UN Convention against Corruption and its review mechanism, and invites the Commission to present further policy and legislative initiatives to combat corruption and push for greater integrity and transparency in Member States;

55. Notes that decriminalisation of corruption in any EU Member State would diminish public policy credibility and also erode the EU's ability to push for an ambitious anti-corruption agenda worldwide; supports closer cooperation between EU Member States and the European Court of Auditors;

56. Reiterates its request to Member States to amend their criminal laws, where necessary, to establish the jurisdiction of national prosecutors and courts to investigate and try crimes of bribery or embezzlement of public funds, regardless of where the crime occurred, as long as the proceeds of those criminal activities are found in the Member State in question or have been laundered there, or the person has a 'close connection' with the Member State, namely through citizenship, residence or beneficial ownership of a company headquartered or with subsidiaries in the Member State;

EU contribution to a human rights-based approach to anti-corruption at multilateral fora

57. Calls on the EU Member States to launch a discussion at UN level on strengthening standards on the independence and the mandates of anti-corruption agencies, drawing on the experience of the OHCHR, the International Coordinating Committee for National Human Rights Institutions and UN bodies, in particular the Human Rights Council (HRC), with regard to NHRIs (Paris Principles);

58. Stresses the need to strengthen links between anti-corruption agencies and NHRIs based on the mandate of NHRIs to address corruption as a potential source of direct and indirect human rights violations;

59. Recalls its request to the EU Member States to support the establishment of a UN Special Rapporteur on financial crime, corruption and human rights with a comprehensive mandate, including an objectives-oriented plan and a periodic evaluation of the anti-corruption measures taken by States; calls on the EU Member States to take the lead in mobilising support among HRC Member States, and to become joint sponsors of a resolution that will bring about the mandate;

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60. Calls for the UN to adopt a standard-setting instrument on illicit financial flows so as to make for greater effectiveness;

61. Emphasises the need to step up national and international corruption-related communication and awareness-raising campaigns targeting citizens' participation in order to highlight the fact that corruption has a negative impact on human rights and leads, *inter alia*, to social inequalities, lack of social justice and increased levels of poverty; encourages the EU to develop and implement specific programmes on the existing criminal and procedural laws and grievance mechanisms; stresses that education and impartial, independent public information play a crucial role in teaching social skills and principles of integrity which serve the public interest and contribute to the rule of law and the social and economic development of a society;

62. Recommends that examination of the issue of corruption as a cause of human rights violations, as well as a result of human rights abuses and a weak rule of law, be integrated into the universal periodic review as a way to tackle corruption and promote transparency and best practice; stresses the role that civil society could play in contributing to this process;

63. Encourages a deepening of international commitments to put tackling corruption at the heart of the UN Sustainable Development Goals as a mechanism for fighting global poverty;

Corruption and Trafficking in Persons

64. Is concerned that trafficking of humans can be facilitated through the corruption of actors holding different levels of entrusted power, such as police, customs officers, border control authorities and immigration services, who can ignore, tolerate, participate in and organise trafficking of persons;

65. Stresses, in this regard, the importance of anti-corruption actions, such as fostering transparency and accountability in administrations, by introducing a mainstream mechanism to combat corruption and ensuring better coordination of anti-trafficking strategies;

66. Underlines the prominent role that can be played by gender-sensitive approaches when developing policies to combat corruption within the field of the trafficking of persons;

Business and human rights

67. Encourages all UN Member States, in particular EU members, to fully implement the UN Guiding Principles on business and human rights and to include specific commitments on anti-corruption measures in their national action plan on human rights (as required under the EU's Action Plan on Human Rights and Democracy) or to enact specific anti-bribery legislation;

68. Welcomes the fact that some EU Member States' National Action Plans make references to corruption and, in this sense, suggests specific measures to prevent and punish corrupt practices and bribery that may lead to human rights violations; recommends that the EU supports additional measures to promote the adoption and implementation of compliance, anti-bribery/anti-corruption codes and standards in companies, and that those bidding for public contracts should have in place a robust anti-bribery and anti-corruption code and good tax governance principles; is of the view that misuse of public funds, illicit enrichment or bribery should be punishable by specific additional sanctions under criminal law, in particular when they lead directly to human rights violations caused by the act of corruption;

69. Welcomes the revised Accounting Directive on disclosure of non-financial and diversity information⁽¹⁾ regarding reporting requirements of large companies and groups, including on their efforts related to human rights and anti-corruption; encourages companies to disclose all relevant information in line with the forthcoming guidance note to be issued by the Commission;

⁽¹⁾ OJ L 330, 15.11.2014, p. 1.

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70. Renews its call on all states and the EU to engage actively and constructively in the on-going work of the UN's open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, with a view to producing a legally binding instrument to prevent, investigate, seek redress and have access to remedy when human rights violations, including those resulting from corruption, occur; calls on States to do everything necessary to enable civil proceedings for damages against those who commit acts of corruption, in accordance with Article 35 of the UNCAC;

71. Calls on the EU and its Member States to apply the OECD Guidelines for Multinational Enterprises;

Land grabbing and corruption

72. Remains concerned about the situation with respect to land grabbing as a result of corrupt practices by corporations, foreign investors, national and international State actors, officials and authorities; underlines that corruption enables land grabbing, often with forced evictions, by, inter alia, granting third parties tainted control of land without the consent of the people who live on that land;

73. Highlights that surveys show that corruption is widespread in land administration and is increasingly tainting all phases of land deals, resulting in a wide range of adverse human rights impacts, ranging from forced displacement of communities without adequate compensation to the killing of land defenders⁽¹⁾; notes with concern, furthermore, that there is a risk of human rights violations intensifying in a context of rising demand for food, fuel and commodities and increasing large-scale land investments in developing countries;

74. Recalls that the financial sector has a key role to play in preventing corrupt practices that facilitate land grabbing in particular; reiterates that banks and financial institutions should undertake 'customer due diligence' to combat money laundering linked to corruption and ensure that the investors they support take effective human rights due diligence measures; calls on the EU and its Member States to require disclosure of details about companies' land acquisitions in third countries and to upgrade their support to developing countries to ensure effective implementation of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) as a means to address corruption in land deals;

Elections and functioning of democratically elected bodies

75. Emphasises that one of the objectives of the fight against corruption should be to put an end to grave abuses that distort democracy and political processes and to promote an independent, impartial and effective judiciary; calls for political parties to be strengthened in their role as channels of democratic representation and political participation by being efficiently equipped; notes in this sense that the regulation of political financing, including the identification of donors and other financial sources, is therefore central to the preservation of democracy;

76. Notes with concern that electoral fraud and corruption linked to electoral processes and the functioning of elected representative bodies and assemblies seriously undermine trust in democratic institutions and weaken civil and political rights by preventing equal and fair representation and by calling into question the rule of law; notes the positive role of election observation missions in contributing to the proper conduct of elections and supporting electoral law reform; encourages further cooperation with specialised international bodies such as the Council of Europe or the OSCE in this field;

77. Underlines the specific need to uphold the highest possible ethical and transparency standards in the functioning of international organisations and regional assemblies in charge of protecting and promoting democracy, human rights and the rule of law, by linking up institutions and professions around the world to build capacity and foster a shared culture of

⁽¹⁾ Olivier De Schutter, 'Tainted Lands: Corruption in Large-Scale Land Deals', in International Corporate Accountability Roundtable & Global Witness (November 2016). <https://www.globalwitness.org/en/campaigns/land-deals/tainted-lands-corruption-large-scale-land-deals/>

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integrity; underlines the need to promote transparent practices by elaborating codes of conduct and specific transparency measures to prevent and investigate any fraud or misconduct;

78. Stresses the need for lobbying to be strictly regulated in accordance with the principles of openness and transparency, with a view to ensuring that all interest groups have equal access to decision-makers and ending corruption and the risk of human rights violations; calls for the EU and the Member States to identify and condemn all forms of hidden, unethical and illegal lobbying; calls for the EU to promote transparent decision-making and legislative processes, both in the Member States and in relations with third countries;

79. Strongly denounces, following the recent 'Azerbaijani Laundromat' revelations, attempts by Azerbaijan and other autocratic regimes in third countries to influence European decision-makers through illicit means; calls for a comprehensive Parliament investigation into the abovementioned allegations and, more broadly, into the influence exerted by such regimes; calls for the adoption by Parliament of robust measures to prevent the occurrence of such corruption, which would undermine the credibility and legitimacy of Parliament's work, including on human rights;

Large sporting events and links with human rights violations and corruption

80. Remains concerned about serious human rights violations, including labour rights and high-level corruption linked to major international sporting events and the related large-scale infrastructure projects; encourages cooperation between sporting governing bodies and international anti-corruption agencies and NGOs in order to establish transparent and verifiable commitments on human rights by organisers of large sporting events and those bidding to host them; stresses that these criteria should be part of award criteria to host such events;

81. Is of the opinion that large international nongovernmental sports federations, too, must play their role in combating and stemming corruption and should step up their efforts to do so, that those federations should also acknowledge that they have a human rights responsibility, and that government anti-corruption agencies should therefore be given greater powers to investigate cases of corruption, and impose penalties, in connection with large international nongovernmental sports federations;

82. Believes high-level corruption in sports administration, match fixing, procurement, endorsement deals, site selection, illegal betting and doping, and the involvement of organised crime, have damaged the credibility of sporting bodies;

83. Believes that integrity in sport can contribute to the global development agenda and good governance internationally;

Tax havens

84. Urges the implementation of zero-tolerance policies towards tax havens and money laundering, raising international standards of transparency, and encourages deeper international cooperation to determine the ownership of secretive shell companies and trusts used as conduits for evading tax, fraud, illicit trade, capital flows, money laundering and to benefit from corruption;

85. Strongly advocates the implementation of public country-by-country reporting standards in Europe and in third countries, whereby multinational corporations should be required to submit reports with basic financial information for each jurisdiction in which they operate in order to prevent corruption and tax avoidance;

86. Recalls the EU's responsibility in combatting tax evasion by transnational corporations and individuals and in addressing the scourge of illicit financial flows from developing countries which greatly hamper their ability to harness sufficient resources to fulfil human rights obligations;

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87. Welcomes European-led initiatives to develop a global exchange of beneficial ownership information to bolster the effectiveness of Common Reporting Standards which can help expose financial wrongdoing;

88. Encourages global cooperation to track down stolen assets and return them safely to their legitimate owners; reiterates that the EU has a duty to help third countries to repatriate ill-gotten assets stashed in EU Member States' financial systems and real estate, and to prosecute perpetrators, enablers and intermediaries; urges the EU to prioritise this issue of great relevance in third countries going through democratisation processes, namely by addressing legal barriers and the lack of willingness to cooperate by financial centres; stresses, in this regard, the importance of de-linking seizure of assets from conviction in the requesting state for the purposes of providing mutual legal assistance and proceeding with prosecutions where sufficient evidence of wrongdoing exists;

89. Recalls that corruption is closely related to activities such as money laundering, tax evasion and illicit trade; stresses, in this light, that transparency should be the cornerstone of all anti-corruption strategies;

90. Stresses that the EU must promote the fight against tax havens, banking secrecy and money laundering, the lifting of excessive professional secrecy, the achievement of public country-by-country reporting for all multinational enterprises, and public registries of beneficial owners of companies as a priority in all relevant international fora; points out that most of the tools to fight tax avoidance and evasion are suitable to combat corruption and money laundering;

Freedom of media

91. Underlines the great importance of independent media, both online and offline, in the fight against corruption and in denouncing human rights violations; calls on the Commission to address and counter the possible negative impact of defamation laws in third countries and reiterates its call on all Member States to consider decriminalising defamation and merely using civil lawsuits as means of protecting one's reputation; underlines that digital security is an important element for the protection of activists; highly recommends that the transparency of media ownership and sponsorship be ensured through national legislation;

92. Calls for greater prominence to be given to respect for media freedom, in view of its importance, in the EU's international relations with third countries; believes that political dialogue and cooperation conducted by the EU with third countries with a view to securing media reforms should be open, transparent and subject to scrutiny; calls, in this context, for the EU to ensure that EU projects in third countries serve, *inter alia*, to uphold media freedoms and involve civil society organisations; calls for the EU publicly to condemn the introduction of laws placing restrictions on media freedoms and the activities of civil society organisations;

93. Promotes the values of an open and secure internet in raising awareness of corrupt practices by individuals, organisations and governments, and expresses concern that those seeking to restrict online freedoms do so in order to avoid accountability;

94. Insists that public contracting should be fair, accountable, open and transparent in order to prevent and expose the theft or misuse of taxpayers' money;

95. Points out that, in all forums for dialogue with third countries, including bilateral forums, the EU should emphasise how important it is to uphold the right of access to public information; emphasises, in particular, the need to set standards ensuring both the fullest and the swiftest possible access to such information, as speed of access is of key importance in efforts to uphold human rights and combat corruption; calls for the EU to promote access to public information in both Member States and third countries;

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

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Cambodia, notably the case of Kem Sokha**European Parliament resolution of 14 September 2017 on Cambodia, notably the case of Kem Sokha (2017/2829(RSP))**

(2018/C 337/13)

The European Parliament,

- having regard to its previous resolutions on Cambodia,
 - having regard to the local EU statements of 5 September 2017 on the closure of the Cambodia Daily, of 30 June 2017 on the release of five human rights defenders, and of 22 February 2017 on the political situation in Cambodia, and to the statements by the Spokesperson of the EU Delegation of 3 September 2017 and 25 August 2017 on restrictions of the political space in Cambodia,
 - having regard to the report of 5 September 2016 and the statement of 18 August 2017 by the UN Special Rapporteur on the situation of human rights in Cambodia,
 - having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report of Cambodia,
 - having regard to the report of March 2017 by ASEAN Parliamentarians for Human Rights,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to the 2008 EU Guidelines on Human Rights Defenders,
 - having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
 - having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,
 - having regard to the resolution adopted by the UN General Assembly on 8 March 1999 on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,
 - having regard to the 1991 Paris Peace Accords, in Article 15 of which a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories, is enshrined,
 - having regard to the Cambodian Constitution, in particular Article 41 thereof, which enshrines the rights and freedoms of expression and assembly, Article 35 thereof on the right to political participation, and Article 80 thereof on parliamentary immunity,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas there is an increasing number of arrests of political opposition members, human rights activists and civil society representatives being carried out in Cambodia;
- B. whereas Cambodian opposition leader Kem Sokha was arrested on 3 September 2017, in a move that appears to have been carried out with no respect for the guarantees of due process, including respect for his parliamentary immunity;
- C. whereas Kem Sokha faces charges of 'colluding with foreigners' under Article 443 of Cambodia's penal code, which is considered an act of treason by the Phnom Penh Municipal Court; whereas he could face up to 30 years in prison if convicted;

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- D. whereas, reportedly, Kem Sokha was arrested without a warrant, and has not had access to a lawyer; whereas he has been charged on the basis of a video of a speech he gave in 2013 and which has been publicly available ever since; whereas human rights organisation have expressed concern that statements by the Cambodian Government put in jeopardy his right to a fair trial and the presumption of innocence;
- E. whereas former Khmer Rouge army commander and current Prime Minister Hun Sen has been in power for over 30 years; whereas Sam Rainsy, the former president of the leading opposition party, the Cambodia National Rescue Party (CNRP), remains in a self-imposed exile driven by previous prosecutions on trumped-up politically motivated charges;
- F. whereas at the local elections which took place on 4 June 2017, the CNRP gained considerable ground on 2012, despite fundamental flaws in the electoral process, most notably the intimidation of free media and critical citizens, no equitable access to radio and television for the opposition, control of election-related institutions by the ruling party, death threats against opposition candidates, and the lack of an independent dispute settlement mechanism; whereas the general elections are scheduled for July 2018;
- G. whereas two other opposition legislators have also been imprisoned and at least eight more have criminal charges pending against them; whereas 11 opposition party members and supporters are currently serving prison terms ranging from seven to 20 years on trumped-up charges for leading or participating in an insurrection in connection with a July 2014 demonstration;
- H. whereas amendments passed by the Cambodian parliament in 2017 to the Law on Political Parties allow parties to be dissolved if their leaders hold criminal convictions; whereas the Cambodian Ministry of the Interior holds sweeping powers to suspend political parties based on vaguely-defined criteria; whereas on 11 September 2017, Cambodian Prime Minister Hun Sen threatened the dissolution of the CNRP if it continues to back detained leader Kem Sokha;
- I. whereas an arrest warrant has been issued for the head of the youth group of the CNRP;
- J. whereas the arrest of Kem Sokha took place against a backdrop of increasing restrictions on NGOs, human rights organisations and civil society, including tax and regulatory probes, intimidation and threats of violence; whereas the 2015 Law on Associations and Non-governmental Organisations (LANGO) has been heavily criticised by the international community for its wide-ranging and arbitrary powers to repress NGOs;
- K. whereas a significant number of radio stations airing programming from other reputable radio stations have been closed in recent weeks; whereas these stations have been closed by the government for violations as 'outside programmes without requesting authorisation'; whereas their closure severely limits access to independent media broadcasts, particularly outside Phnom Penh; whereas these independent media outlets have been covering politically sensitive topics such as corruption, illegal logging and human rights violations;
- L. whereas in April 2016 five human rights defenders of the Cambodian Human Rights and Development Association (ADHOC) were detained for over 400 days on charges of bribery in connection with a case against Kem Sokha, and are currently awaiting trial; whereas the land rights activist Tep Vanny has been repeatedly targeted and harassed by the authorities and is currently serving a jail sentence on politically motivated charges;
- M. whereas on 4 September 2017, the Cambodia Daily, an independent newspaper founded in 1993, was forced to close after it received a tax bill amounting to USD 6,3 million;
- N. whereas on 23 August 2017, the Cambodian Government announced the expulsion under the LANGO of the non-governmental, US-based National Democratic Institute (NDI), and ordered its international staff to leave the country within seven days;
- O. whereas the Cambodian Government recently put the Situation Room, a consortium of NGOs that worked together as the election watchdog, under investigation for allegedly violating the new law on non-governmental groups and for serving as a base for a possible 'colour revolution' to topple the government;

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1. Expresses its deep concerns about the worsening climate for opposition politicians and human rights activists in Cambodia, and condemns all acts of violence, politically motivated charges, arbitrary detention, questioning, sentences and convictions in respect of these individuals;
 2. Strongly condemns the arrest of CNRP President Kem Sokha on a number of charges that appear to be politically motivated; calls for the immediate and unconditional release of Kem Sokha, for all charges against him to be dropped, and for an end to threats of arrest against other opposition lawmakers;
 3. Deplores the public statements made by the Prime Minister and high-ranking officials about Kem Sokha's supposed guilt, which breach the presumption of innocence and the right to a fair trial, to which he is entitled under Cambodian and international human rights law; appeals to the Prime Minister to protect the parliamentary immunity of Members of Parliament;
 4. Urges the Cambodian authorities to revoke the arrest warrant for, and drop all charges against, opposition leader and lawmaker Sam Rainsy, and to release and drop charges against other opposition officials and human rights defenders who have been convicted, charged, and imprisoned, notably National Assembly Member Um Sam An, Senator Hong Sok Hour and land rights activist Tep Vanny;
 5. Urges the Cambodian Government to guarantee the freedoms of expression and the media in the country, while any tax or other issues should be resolved through appropriate due process; urges the government to reinstate the radio stations that have been closed down; expresses its concern about the closure of the National Democratic Institute (NDI) without due process;
 6. Urges the Cambodian Government to ensure due process in all measures taken, including the right to appeal, and to respect the rights to freedom of association and expression;
 7. Calls on the Cambodian Government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which include full compliance with the constitutional provisions concerning pluralism and freedom of association and expression;
 8. Reminds the Cambodian Government that it has to fulfil its obligations and commitments regarding democratic principles and fundamental human rights, which are an essential element of the Cooperation Agreement;
 9. Expresses its serious concern at ongoing land-grabbing, and the recent launch by the Cambodian Government of a limited and partial compensation scheme; calls on the Cambodian Government to resume dialogue with partners, including the European Union and civil society, with a view to establishing comprehensive and inclusive compensation;
 10. Stresses that a credible democratic process leading up to the National Assembly election in July 2018 requires an environment in which political parties, civil society and the media are able to carry out their legitimate roles without fear and without being subjected to threats or arbitrary restrictions;
 11. Urges the Cambodian Government to implement the recommendations of the UN High Commissioner for Human Rights, and to engage meaningfully with the upcoming Report of the UN Special Rapporteur on the situation of human rights in Cambodia;
 12. Highlights the importance of EU and international election observation missions and their contribution to fair and free elections; calls on the National Election Committee of Cambodia (NEC) and the relevant government authorities to ensure that all eligible voters, including migrant workers and detainees, have access to, and sufficient time to take advantage of, registration opportunities;
 13. 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, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia.
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P8_TA(2017)0349

Gabon, repression of the opposition

European Parliament resolution of 14 September 2017 on Gabon: repression of the opposition (2017/2830(RSP))

(2018/C 337/14)

The European Parliament,

- having regard to its previous resolutions on Gabon, notably that of 2 February 2017 on the rule of law crisis in the Democratic Republic of the Congo and in Gabon⁽¹⁾,
 - having regard to the joint statement issued on 24 September 2016 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the Commissioner for International Cooperation and Development, Neven Mimica, following the announcement by the Gabonese Constitutional Court of the official results of the 2016 presidential election,
 - having regard to the press release issued by the African Union on 1 September 2016 condemning the violence and calling for the peaceful resolution of the post-electoral conflict in Gabon,
 - having regard to the Council conclusions of June 2017 on a renewed impetus for the Africa-EU Partnership,
 - having regard to the joint statement of 11 September 2016 on Gabon by the spokespersons of the VP/HR, Federica Mogherini, and the Commissioner for International Cooperation and Development, Neven Mimica,
 - having regard to the EU's intervention of 9 March 2017 at the 34th Session of the United Nations Human Rights Council, under Item 2 of the Interactive Dialogue with the High Commissioner,
 - having regard to Resolution 359(LIX) 2016 of the African Commission on Human and Peoples' Rights on the Human Rights Situation in the Gabonese Republic of 4 November 2016,
 - having regard to the Gabonese Constitution,
 - having regard to the revised Cotonou Partnership Agreement,
 - having regard to the African Charter on Human and Peoples' Rights of June 1981,
 - having regard to the International Covenant on Civil and Political Rights of December 1966,
 - having regard to the final report of the EU Electoral Observation Mission,
 - having regard to the African Charter on Democracy, Elections and Governance,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the August 2016 presidential elections in Gabon raised allegations of a rigged vote; whereas in the days following the elections, the country's parliament was razed by fire and several protesters were killed and hundreds arrested; whereas although the security situation has largely stabilised, political and social tensions remain high across the country and are compounded by a poor economic situation;
- B. whereas one of the characteristics of a democracy is respect for the constitution, which underlies the state, the institutions and the rule of law; whereas peaceful, credible and transparent elections in Gabon would have contributed greatly to addressing the challenge of democratic progress and alternation of power faced by the Central African region; whereas Gabon's parliamentary elections, originally scheduled for December 2016, have been postponed twice to April 2018, beyond the constitutional deadline;

⁽¹⁾ Texts adopted, P8_TA(2017)0017.

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- C. whereas in Gabon since, in particular the post-electoral violence in August 2016, during which arrests, killings and enforced disappearances took place, as has been reported by several international and non-governmental organisations; whereas Gabon has witnessed an increase in political violence, especially in the capital, Libreville, where several homes belonging to members of the political opposition were reportedly attacked;
- D. whereas the authorities have clamped down on members of the opposition and of civil society opposing the power in place; whereas human rights groups continuously report on the worsening situation with regard to human rights and freedom of expression and assembly, including the use of excessive force against peaceful demonstrators, arbitrary arrests and detentions, and politically motivated trials;
- E. whereas numerous allegations before and after the 2016 elections have linked Ali Bongo's regime to human rights violations such as arbitrary arrest and long-term detention in inhuman conditions, torture, extrajudicial killings and enforced disappearances of civilians and journalists who have expressed opposition to his regime or his re-election;
- F. whereas Gabon is a party to the International Convention for the Protection of All Persons from Enforced Disappearance, is in the process of implementing its provisions into national law and has the obligation to share with the United Nations information concerning the progress made since the ratification of the Convention in 2011 and about the post-electoral events in 2016; whereas the UN Committee on Enforced Disappearances is currently considering Gabon's report and reviewing the progress of this implementation;
- G. whereas President Ali Bongo launched a 'national dialogue' as part of efforts to resolve the crisis sparked by his re-election, which was attended by representatives from 1 200 groups from civil society, and around 50 political parties according to Prime Minister Emmanuel Issoze Ngondet; whereas the talks were boycotted by Jean Ping and other main opposition leaders;
- H. whereas on 18 August 2017 presidential candidate Jean Ping launched an appeal to the people of Gabon for 'civil disobedience' and called for the president to be ousted;
- I. whereas dozens of people have been detained in recent weeks on the fringes of peaceful, unauthorised demonstrations in support of Jean Ping, and several of them remain in detention;
- J. whereas on 2 September 2017, political opposition leader and former presidential candidate Jean Ping and the leaders of more than twenty opposition parties were prevented from leaving the country without having been notified of this restriction and without any list of individuals affected having been published; whereas this measure was lifted on 8 September 2017;
- K. whereas the government has forbidden political opponents who contest the victory of Ali Bongo to speak in public and private media;
- L. whereas individual cases targeting several high-profile Gabonese individuals have been filed before French courts with regard to serious human rights violations and 'ill-gotten gains' (biens mal-acquis);
- M. whereas the French judiciary has just concluded an investigation into ill-gotten gains from Gabon invested in France and has identified and seized goods worth between EUR 50 and 60 million following complaints filed by the French branch of Transparency International and a Gabonese national; whereas the inquiry revealed that a bank account used to acquire goods in France for the Bongo family also received a payment of EUR 1,3 million;
- N. whereas the EU Election Observation Mission (EOM), invited by the Gabonese Government to monitor the presidential elections, concluded in its final report that the election process, and specifically the consolidation of the election results and the appeals process, lacked transparency; whereas the EOM concluded that these anomalies call into question the integrity of the process of consolidating the results and the final result of the election;

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1. Recalls that Gabon made a commitment under the Cotonou Agreement to respect democracy, the rule of law and human rights principles, which include freedom of expression, assembly and access to the media, good governance and transparency in political office;
2. Reminds Gabon of its duties and responsibilities as a State Party, including to provide clear and tangible information on the reforms undertaken since the ratification, on the post-electoral violence, and on action taken to establish the truth and ensure that those responsible are brought to justice;
3. Underlines the fundamental role the opposition plays in a democratic society; strongly condemns the pressure and intimidation being exerted on the opposition in Gabon; deems it unacceptable that several leaders of the Gabon opposition, including the candidate in the 2016 presidential election, Jean Ping, were denied temporarily the right to leave the country; recalls that Gabonese law provides for this exceptional measure only for persons under criminal investigation; considers this measure, therefore, to be of an arbitrary nature;
4. Strongly condemns the constant threats, attacks, use of force and severe restrictions and intimidations faced by the opposition, human rights defenders and journalists in Gabon; calls on the authorities to respect the opposition's right to a peaceful protest and immediately release anyone still wrongfully held, to stop all harassment, intimidation and persecution of the opposition and to take concrete measures in order to guarantee freedom of expression;
5. Urges the Government of Gabon to conduct a thorough and expeditious reform of the electoral framework, taking account of the recommendations made by the EU EOM, in order to improve it and make it fully transparent and credible; stresses that the Gabonese authorities must guarantee full and sincere cooperation with all relevant national and international stakeholders in order to ensure that the next parliamentary elections, already overdue, are fully transparent and credible and take place in a free, democratic, inclusive and peaceful environment;
6. Recognises that an Intensified Political Dialogue between the EU and Gabon is ongoing, in accordance with the provisions of the Cotonou Agreement; urges all parties involved to cooperate fully and to work towards a tangible success of this process;
7. Voices reservations about the inclusivity and therefore the credibility and relevance of the national dialogue initiated by the government; notes that Jean Ping and his Coalition for the New Republic declined to take part in the dialogue;
8. Believes that the current deep political and social divisions in Gabon require a clear political response in order to preserve the stability of the country, to increase Gabonese citizens' confidence and to give real legitimacy to the institutions; calls for an international inquiry, led by the UN, into the elections and the abuses that have been committed since, in order to determine how to establish a political dialogue enabling the crisis to be resolved, while guaranteeing the democratic rights of the Gabonese people;
9. Strongly urges France in particular, owing to its strong and historic ties to Gabon, to make use of all its political and economic leverage towards the Gabonese Government and to play a constructive role in the EU institutions in this regard;
10. Calls on the Delegation of the European Union to Gabon to continue its close monitoring of developments in Gabon and to use all appropriate tools, instruments and the Intensified Political Dialogue to promote the essential elements of the Cotonou Agreement and to support pro-democracy movements;
11. Calls on the VP/HR, the Commission and the Member States to review their policies towards Gabon and to consider targeted sanctions for individuals responsible for the electoral fraud and the subsequent violence perpetrated in Gabon;
12. Reiterates its call on the Gabonese Government to put in place a judicial regime and a sanction regime which would ensure that arrests and sentences are proportionate to the seriousness of the crime;

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13. Urges the government to respond concretely to the concerns of the international community by launching a prompt, genuinely inclusive, transparent and impartial consultative forum for dialogue; calls also on the opposition to assess the credibility of such a process;
 14. Calls on all political actors to show responsibility and restraint, and in particular to refrain from inciting violence;
 15. Calls on the participants of the next EU-Africa Summit in Abidjan to put the situation in Gabon on the agenda and to remind Gabon of its commitments towards human rights, democracy and the rule of law;
 16. Welcomes the investigation conducted in France on the ill-gotten gains from Gabon and expresses its hope that all those involved in illegal activities will be brought to justice; calls for the utmost transparency regarding the EUR 1,3 million payment made into a French bank account linked to the Bongo family;
 17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the President and Parliament of Gabon, the Secretary-General of the United Nations, the UN Human Rights Council and the ACP-EU Joint Parliamentary Assembly.
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P8_TA(2017)0350

Laos, notably the cases of Somphone Phimmasone, Lod Thammavong and Soukane Chaithad

European Parliament resolution of 14 September 2017 on Laos, notably the cases of Somphone Phimmasone, Lod Thammavong and Soukane Chaithad (2017/2831(RSP))

(2018/C 337/15)

The European Parliament,

- having regard to its previous resolutions on Laos,
 - having regard to the outcome of the 8th meeting of the European Union-Lao PDR Joint Committee held in Vientiane on 17 February 2017,
 - having regard to the statement by the Delegation of the European Union to the Lao PDR made in Vientiane on the World Freedom of the Press Day, 3 May 2017,
 - having regard to the UN Declaration on Human Rights Defenders of 1998,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to the Cooperation Agreement between the EU and the Lao People's Democratic Republic of 1 December 1997,
 - having regard to the ASEAN Charter,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas in March 2017 three Lao workers, Mr Somphone Phimmasone, Mr Soukane Chaithad and Ms Lod Thammavong, were sentenced to prison terms of between 12 and 20 years and the equivalent of tens of thousands of euros in fines for criticising the government on social media in relation to alleged corruption, deforestation, and human rights violations, while working in Thailand; whereas the three also stood accused of participating in an anti-government demonstration outside the Lao Embassy in Thailand in December 2015;
- B. whereas on 25 May 2016, state-run TV showed Phimmasone, Chaithad, and Thammavong in custody at police headquarters in Vientiane; whereas the news report said the three had been arrested for threatening national security by using social media to tarnish the Government's reputation;
- C. whereas Mr Sombath Somphone, a civil society activist, was stopped by Vientiane police in 2012 and has not been accounted for since; whereas in the case of Mr Sompawn Khantisouk, an entrepreneur active on conservation issues, who was subjected to forced disappearance in 2007, no progress on his whereabouts has been made to date; whereas Mr Bounthanh Thammavong, a Polish national, was sentenced in 2015 to four and a half years in prison for online criticism of the Government;
- D. whereas severe restrictions are placed on civil society space in Laos; whereas Laos was ASEAN's chair in 2016, but refused to host the traditional parallel civil society meeting, obliging the ASEAN People's Forum to meet in Timor-Leste instead;
- E. whereas the Government of Laos has taken no significant steps to improve the poor human rights situation, including the treatment of minorities, and continues to severely restrict freedom of speech, association, and peaceful assembly; whereas the lack of fair trial standards, judicial corruption and entrenched impunity for human rights violations continue unhampered;

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- F. whereas the Lao authorities continue to harass and repress religious minorities, particularly Christians; whereas there have been numerous cases of confiscation of property, arson attacks against churches and homes, beatings of Christians for celebrating Christmas, and forced renunciations of the Christian faith;
- G. whereas Laos has signed but not ratified the International Convention for the Protection of all Persons from Enforced Disappearance;
- H. whereas there is a lack of media plurality in Laos and existing media output is strictly controlled by the state; whereas the media law of 2008 was amended in November 2016, introducing further constraints preventing media criticism of government policies and requiring journalists to submit their reports to a government censor before publication;
- I. whereas in 2014 the Government of Laos issued a decree prohibiting online criticism of the Government and the ruling Lao People's Revolutionary Party (LPRP);
1. Strongly condemns the prison sentences against Somphone Phimmason, Soukane Chaithad and Lod Thammavong, and calls for their immediate release;
 2. Notes with concern that these verdicts add to a list of arrests and forced disappearances of activists and protesters who have expressed critical views on issues ranging from land disputes to allegations of corruption and abuse of power;
 3. Reiterates its call on the Government of Laos to stop the harassment and arbitrary arrest and detention of human rights defenders, independent journalists and social activists, and to respect the rights of free expression and association and the rights of minorities; reminds Laos of its international obligations under the human rights treaties it has ratified;
 4. Urges the Laotian Government to respect its international commitments and protect freedom of expression and peaceful assembly, and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance which Laos signed in 2008;
 5. Is gravely concerned at the widespread human rights abuses, including enforced disappearances and absence of fair trial; calls on the Lao authorities to meet their international human rights obligations by immediately accounting for the whereabouts of at least 10 missing individuals, including Sombath Somphone and Sompawn Khantisouk, and providing details of the charges brought and evidence produced against imprisoned activists;
 6. Calls for transparent, thorough and impartial investigations into all pending cases of enforced disappearance, the disclosure of information on the whereabouts of the disappeared, and the prosecution of the perpetrators;
 7. Condemns the persecution of religious minorities, in particular Christians; calls on the Government to immediately cease any activities aimed at Christians and to bring to justice those responsible for arson attacks and beatings;
 8. Calls on the Lao authorities to allow specialised UN agencies and representatives of humanitarian organisations unrestricted access, so that they can visit political prisoners and all ethnic and religious minorities in Laos;
 9. Calls on the Lao Government to take measures to promote a multi-party political system and ensure the right of individuals to stand for election without the approval of the LPRP;
 10. Supports efforts to increase levels of internet connectivity in Laos; urges the Government of Laos to foster an environment supportive of freedom of expression and to cease the monitoring and targeting of individuals online; urges the Government in this regard to repeal the repressive elements of the 2015 Law on Prevention and Combating of Cybercrime;

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11. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to urgently raise the case of Somphone Phimmasone, Lod Thammavong and Soukane Chaithad with the Government of Laos; calls on the EU Delegation to Laos to closely monitor the human rights situation in the country and, specifically, to be present at any proceedings held against Phimmasone, Thammavong and Chaithad, and to continue to raise the cases of jailed and missing individuals with the Lao authorities;
 12. Calls on the EEAS to put these issues high on the agenda of the future meetings of the EU-Lao PDR Joint Committee and of the next Asia-Europe Meeting (ASEM) summit, to be held in Brussels in 2018;
 13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Laos, the Secretary-General of ASEAN and the UN Human Rights Council.
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P8_TA(2017)0351

Myanmar, in particular the situation of Rohingyas**European Parliament resolution of 14 September 2017 on Myanmar, in particular the situation of Rohingyas (2017/2838(RSP))**

(2018/C 337/16)

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of Rohingya Muslims, in particular those of 7 July 2016 ⁽¹⁾ and of 15 December 2016 ⁽²⁾, and to its resolutions of 16 March 2017 on EU priorities for the UN Human Rights Council sessions in 2017 ⁽³⁾ and of 13 June 2017 on statelessness in South and South East Asia ⁽⁴⁾,
- having regard to the Council conclusions on the EU strategy with Myanmar/Burma of 20 June 2016,
- having regard to the joint communication of 1 June 2016 by 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 entitled 'Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity' (JOIN(2016)0024),
- having regard to the statement of 30 March 2016 by VP/HR Federica Mogherini on the entry into office of the new Government of the Union of Myanmar,
- having regard to the statement of 2 December 2016 by the spokesperson of the VP/HR on the recent escalation of violence in Myanmar, and to the statement of 6 September 2017 by the VP/HR on the situation in Rakhine State,
- having regard to the joint press release of 25 November 2016 on the third EU-Myanmar Human Rights Dialogue,
- having regard to the Council conclusions of 4 December 2015 on statelessness,
- having regard to the recent briefings of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the UN Special Rapporteur on the situation of human rights in Myanmar of 29 and 18 November 2016 respectively, on the deteriorating human rights situation in northern Rakhine State,
- having regard to the OHCHR report entitled 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', of 20 June 2016 and to the report of the UN Special Rapporteur on the situation of human rights in Myanmar of 18 March 2016,
- having regard to the 1951 UN Convention on the Status of Refugees and to the 1967 Protocol thereto,
- having regard to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness,
- having regard to the UN Refugee Agency (UNHCR) Global 2014-24 Action Plan to End Statelessness of November 2014,
- having regard to the Universal Declaration of Human Rights (UDHR) of 1948,

⁽¹⁾ Texts adopted, P8_TA(2016)0316.

⁽²⁾ Texts adopted, P8_TA(2016)0506.

⁽³⁾ Texts adopted, P8_TA(2017)0089.

⁽⁴⁾ Texts adopted, P8_TA(2017)0247.

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- having regard to the end-of-mission statement of 20 January 2017 by the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, concluding that ‘the situation is now worse than at any point in the past few years’;
 - having regard to the final report of the Advisory Commission on Rakhine State of August 2017,
 - having regard to the International Covenant on Civil and Political Rights of 1966 and to the International Covenant on Economic, Social and Cultural Rights of 1966,
 - having regard to the Association of South-East Asian Nations (ASEAN) Charter,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas, according to the UN Refugee Agency (UNHCR), more than 300 000 Muslim Rohingya fleeing violence in Rakhine State have sought refuge in Bangladesh over the past two weeks;
- B. whereas Rakhine State in Myanmar is home to approximately one million Rohingya, a predominantly Muslim minority group facing repression and continued serious human rights violations, including threats to life and security, denial of the rights to health and education, forced labour, sexual violence and limits to their political rights;
- C. whereas the Rohingya people have been officially stateless since the 1982 Burmese Citizenship Law was enacted, which has led to severe restrictions on freedom of movement and has confined them to camps;
- D. whereas a group of Rohingya insurgents staged an attack on police posts and an army base in Rakhine State on 25 August 2017; whereas this resulted in a significant military counteroffensive, with serious and large-scale human rights violations, including killings, rape and torture; whereas human rights organisations, notably Human Rights Watch, using satellite imagery, have reported large-scale destruction of homes and other buildings in parts of northern Rakhine State currently inaccessible to NGOs and independent observers;
- E. whereas under the current Constitution of Myanmar the military retains autonomy from civilian oversight and extensive power over the government and national security;
- F. whereas those fleeing Myanmar, many of whom are women and children, travel through treacherous routes, facing gun fire and dangerous paths, as well as starvation and a lack of medical assistance; whereas dozens have died en route; whereas Bangladesh Coast Guards personnel have found the bodies of at least 20 people fleeing;
- G. whereas Bangladesh has lodged a complaint against the Myanmar authorities about the laying of landmines across a section of its border with Bangladesh which would prevent the return of Rohingya Muslims fleeing violence;
- H. whereas the international staff members of the UN and international non-governmental organisations are prohibited from entering the areas affected by the conflict, and whereas UN agencies are unable to deliver humanitarian aid, including food, water and medicine to the Rohingya;
- I. whereas on 10 September 2017 the UN High Commissioner for Human Rights, Zeid Raad Al Hussein, announced that the situation in Myanmar ‘seems a textbook example of ethnic cleansing’;
- J. whereas China and Russia blocked the adoption of a statement by the UN Security Council on the situation of the Rohingya minority in Myanmar in March 2017;
1. Strongly condemns all the attacks in Rakhine State; is gravely concerned about the increasing gravity and scale of human rights violations, including killings, violent clashes, destruction of civilian property and the displacement of hundreds of thousands of civilians;

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2. Strongly urges the military and security forces to immediately cease the killings, harassment and rape of the Rohingya people, and the burning of their homes;
3. Recalls that the Myanmar authorities have a duty to protect, without discrimination, all civilians from abuse, and to investigate grievous human rights violations and prosecute those responsible, in accordance with human rights standards and obligations;
4. Calls on the Myanmar authorities to grant immediate and unhindered access to independent monitors, international human rights organisations, journalists and other international observers, and the United Nations, notably the UN Fact-Finding Mission established by the UN Human Rights Council in March, with a view to ensuring independent and impartial investigations into allegations of serious human rights violations by all parties;
5. Urgently calls for humanitarian aid organisations to be granted access to all conflict areas and displaced people, without discrimination, to allow aid workers to assist people in danger;
6. Calls on the Government of Myanmar to immediately remove all landmines on the border with Bangladesh;
7. Urges the Government of Myanmar, and State Counsellor Aung San Suu Kyi in particular, to condemn unequivocally all incitement to racial or religious hatred and to combat social discrimination and hostilities against the Rohingya minority; urges the Government of Myanmar, furthermore, to uphold the universal right to freedom of religion or belief; reminds the State Counsellor to push for the implementation of the recommendations given in the final report of the Advisory Commission on Rakhine State, which was drawn up at her own request; deplores the dramatic deterioration of the situation since the statement of 18 May 2015 by the spokesperson of Ms Suu Kyi's party that the Government of Myanmar should restore citizenship to the Rohingya minority;
8. Reminds 1990 Sakharov Prize laureate Aung San Suu Kyi that the prize is awarded to those who defend human rights, safeguard the rights of minorities and respect international law, among other criteria; draws attention to the need to consider whether the Sakharov Prize could be revoked in cases where laureates violate those criteria after the prize has been awarded;
9. Acknowledges the effort by Bangladesh, in the face of this humanitarian catastrophe, to facilitate protection for hundreds of thousands of Rohingya refugees; strongly encourages the authorities of Bangladesh and other neighbouring countries to admit all those fleeing violence in Rakhine State, and to respect the principle of non-refoulement; calls on the Commission and the Member States to increase financial and material support for these refugees;
10. Recalls its recommendation that the governments of the countries dealing with the influx of Rohingya refugees cooperate closely with the UNHCR, which has the technical expertise to screen for refugee status and the mandate to protect refugees and stateless people; calls for the EU and UN to support Myanmar's neighbouring countries in this regard;
11. Calls furthermore on ASEAN and regional governments to take immediate action to increase pressure on the Myanmar Government to halt rights abuses, protect all civilians in Rakhine State and lend support to refugees fleeing;
12. Supports efforts to intensify a political process based on implementing the Annan recommendations; calls on the UN Security Council and General Assembly to adopt effective diplomatic and political measures to ensure compliance by the Government of Myanmar with its obligations vis-à-vis the Rohingya minority in terms of ensuring protection and access to aid; calls in this regard for a resolution of the UN General Assembly and Security Council condemning the rights abuses, insisting on access to Rakhine State and demanding accountability for the serious violations of international law by all parties; further calls for a resolution to be adopted at the September 2017 UN Human Rights Council extending the mandate of the Fact-Finding Mission;
13. Urges China and other international and regional actors to use all channels to demand an end to the atrocities and bring about a peaceful resolution;

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14. Calls on the VP/HR and the EU Member States to significantly increase their pressure on the Myanmar Government and security forces to halt the rights abuses, to fully cooperate with UN investigators and international humanitarian agencies and to ensure accountability for grave violations of international law; calls in this regard for the VP/HR and the EU Member States to take an active role in supporting immediate action at UN level and making clear that the EU stands ready to consider targeted punitive sanctions against individuals and entities, and to consider consequences in the context of the trade preferences Myanmar enjoys, should grave violations in international law continue with impunity;
 15. Calls on the VP/HR to report back to Parliament on EU initiatives at the UN and in the context of the EU Foreign Affairs Council;
 16. Calls for the EU and its Member States to welcome reporting and statements from Rohingya representatives on the situation on the ground;
 17. Supports efforts to have independent and UN-led monitors on the ground to alleviate the humanitarian crisis; calls on the Myanmar authorities to grant immediate and unhindered access to independent monitors, notably the UN Fact-Finding Mission established by the UN Human Rights Council in March 2017;
 18. Supports the establishment of an office of UN High Commissioner for Human Rights in Myanmar with a full mandate;
 19. Calls for the EU and its Member States to support the UNHCR Global 2014-24 Action Plan to End Statelessness;
 20. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the EU Member States, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN High Commissioner for Refugees and the UN Human Rights Council.
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P8_TA(2017)0354

Modernisation of the trade pillar of the EU-Chile Association Agreement

European Parliament recommendation of 14 September 2017 to the Council, the Commission and the European External Action Service on the negotiations of the modernisation of the trade pillar of the EU-Chile Association Agreement (2017/2057(INI))

(2018/C 337/17)

The European Parliament,

- having regard to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, which was concluded in 2002, and to its trade pillar which entered into force on 1 February 2003 ⁽¹⁾ (hereafter the AA),
- having regard to the outcome of the sixth EU-Chile Association Council meeting held in April 2015 ⁽²⁾,
- having regard to the Final Declaration adopted by the Joint Consultative Committee (JCC) on 5 October 2016 ⁽³⁾,
- 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) and to the Commission reflection papers of May 2017 on ‘Harnessing Globalisation’ ⁽⁴⁾ and of April 2017 on ‘Social Dimension of Europe’ ⁽⁵⁾,
- having regard to the judgments and opinions of the Court of Justice of the European Union (C-350/12 P, 2/13, 1/09) and the decision of the European Ombudsman of 6 January 2015 closing her own-initiative inquiry OI/10/2014/RA on dealing with information and access to documents ⁽⁶⁾, and having regard to the Opinion 2/15 of the Court of Justice of 16 May 2017,
- having regard to its resolution of 3 February 2016 containing the European Parliament’s recommendations to the Commission for the negotiations for the Trade in Services Agreement (TiSA) ⁽⁷⁾,
- having regard to the amendments that it adopted on 4 July 2017 ⁽⁸⁾ on the proposal for a directive on the disclosure of income tax information by certain undertakings and branches,
- having regard to its resolutions of 5 July 2016 on the implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility ⁽⁹⁾, and of 25 November 2010 on international trade policy in the context of climate change imperatives ⁽¹⁰⁾,
- having regard to its EPRS study on ‘The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement’ ⁽¹¹⁾,
- having regard to the Organisation for Economic Cooperation and Development (OECD) Guidelines on Multinational Enterprises, the UN Guiding Principles on Business and Human Rights and the International Labour Organisation (ILO), the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy and the ILO Decent Work Agenda,

⁽¹⁾ OJ L 352, 30.12.2002, p. 3.

⁽²⁾ Council Press Release 197/15, 21.4.2015.

⁽³⁾ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eu-chile-jcc-01-declaration>

⁽⁴⁾ https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-globalisation_en.pdf

⁽⁵⁾ https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-social-dimension-europe_en.pdf

⁽⁶⁾ <https://www.ombudsman.europa.eu/en/cases/decision.faces/en/58668/html.bookmark>

⁽⁷⁾ Texts adopted, P8_TA(2016)0041.

⁽⁸⁾ Texts adopted, P8_TA(2017)0284.

⁽⁹⁾ Texts adopted, P8_TA(2016)0298.

⁽¹⁰⁾ OJ C 99 E, 3.4.2012, p. 94.

⁽¹¹⁾ http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_STU%202017%29558764

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- having regard to the 2015 United Nations Framework Convention on Climate Change (Paris Agreement), which entered into force on 4 November 2016 ⁽¹⁾, and which Chile has also ratified,
 - having regard to the Joint Declaration of the EU-Chile Joint Parliamentary Committee (JPC) of 3 November 2016 ⁽²⁾,
 - having regard to Article 21 of the Treaty on European Union (TEU) and Articles 8, 207(3) and 217 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the draft negotiating guidelines adopted by the Commission on 24 May 2017,
 - having regard to the article on Chile in the yearbook of the International Work Group for Indigenous Affairs (IWGIA) entitled 'The Indigenous World 2016' ⁽³⁾,
 - having regard to Rule 108(4) and 52 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A8-0267/2017),
- A. whereas the 'Trade for All' strategy states that the 'Commission must pursue a trade policy that benefits society as a whole and promotes European and universal standards and values alongside core economic interests, putting a greater emphasis on sustainable development, human rights, tax evasion, consumer protection, and responsible and fair trade';
- B. whereas the EU and Chile are close partners with common values and a shared commitment to promoting effective multilateral trade governance and respect for human rights, as well as shared prosperity and security within a rules-based global system; whereas the Union is Chile's third biggest trading partner; whereas Chile, for its part, is an important regional player and one of South America's fastest-growing economies in recent decades, and reform efforts in the country are still ongoing;
- C. whereas the current AA, including its trade pillar, was concluded in 2002 and has been greatly beneficial to both parties since its implementation in 2003, doubling trade in goods and seeing an increasing trade in services and investments ⁽⁴⁾; considering, however, that both the EU and Chile have concluded more modern and ambitious trade agreements since;
- D. whereas in 2016 the EU exported goods to Chile to a value of more than EUR 8,6 billion, while Chile exported goods to the EU to a value of EUR 7,4 billion; whereas in 2015 the value of the EU's trade in services with Chile accounted for EUR 3,8 billion and Chile's EUR 2 billion; whereas the EU's stocks of foreign direct investment (FDI) in Chile accounted for EUR 42,8 billion ⁽⁵⁾;
- E. whereas the current AA does not include, inter alia, separate chapters on investment, SMEs, intellectual property rights (IPR), energy and gender, nor does it include a trade and sustainable development chapter (TSDC), including obligations to enforce labour and environmental standards, and the promotion of best practices in areas such as corporate social responsibility (CSR) and sustainability assurance;
- F. whereas any EU trade negotiation must preserve the right and ability of governments to regulate in the public interest, such as the protection and promotion of public health, social services, social and consumer protection, public education, safety, environment, animal welfare, public morals, privacy and data protection, and the promotion and protection of cultural diversity;

⁽¹⁾ http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

⁽²⁾ <http://www.europarl.europa.eu/cmsdata/113103/1107500EN.pdf>

⁽³⁾ http://www.iwgia.org/publications/search-pubs?publication_id=740

⁽⁴⁾ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/chile/>

⁽⁵⁾ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113364.pdf

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- G. whereas any EU trade negotiation must guarantee the highest levels of social, labour and environmental protection achieved by the parties, and may serve as a tool to promote an agenda of social justice and sustainable development, both in the EU and throughout the world; whereas the modernisation of the AA should be seen as an opportunity for the EU and its Member States to further promote common high standards and commitments in their trade agreements, especially in the areas of labour rights, environmental protection, consumer rights and public welfare; whereas the Commission has announced a reflection on different ways to enforce these commitments which will also consider a sanctions-based mechanism;
- H. whereas the EU-Chile JCC, comprising civil society organisations from both parties, held its first meeting on 4 and 5 October 2016 with a view to monitoring the implementation of the existing AA, as well as the negotiations for its update, by channelling the input from civil society and promoting dialogue and cooperation between the EU and Chile beyond governmental channels; whereas the significant delay in establishing the JCC must not be repeated with respect to the modernised agreement; whereas once the modernised agreement enters into force, the participation of civil society must be based on clear structures, a balance of membership and reporting mandates;
- I. whereas the EU and Chile have been engaged in plurilateral negotiations to further liberalise trade in services (TiSA);
- J. whereas Chile is not a party, but an observer, to the WTO Agreement on Government Procurement (GPA), and is not participating in the plurilateral negotiations on an Environmental Goods Agreement (EGA);
- K. whereas Article 45 of the 2002 EU-Chile AA includes provisions in the cooperation chapter specifying that it should 'contribute to strengthening policies and programmes that improve, guarantee and extend the equitable participation of men and women in all sectors of political, economic, social and cultural life';
- L. whereas Chile is a signatory to the Trans Pacific Partnership (TPP), the future of which appears currently uncertain, has signed FTAs with all TPP signatories and is widely considered a stable and reliable partner;
- M. whereas in 2010 Chile became the first South American country to become a member of the OECD and has a sound macroeconomic framework;
- N. whereas it is important to maximise the opportunities offered by the modernisation of the AA's trade pillar in the most inclusive manner for businesses, in particular SMEs, and citizens in both EU and Chile; whereas more could be done in this regard, including, inter alia, the dissemination of accessible information, which could trigger an important multiplying effect of benefits for the parties of the AA;
- O. whereas Chile has bilateral investment treaties (BITs) with 17 EU Member States, the content of which does not reflect the latest developments and best practice in investment policy, and which would be replaced and cease to apply once an agreement containing an investment chapter between the Union and Chile enters into force;
- P. whereas disproportionately strict conditions in Chilean legislation, with which EU fishing vessels must comply, impede those vessels when using port facilities in Chile in order to land, tranship, refuel or obtain fishing gear;
- Q. whereas the current export pattern of Chile contrasts sharply with the European export pattern, as it is heavily dominated by exports of raw materials, such as copper, fruit and vegetables;
1. Recommends the following to the Council, the Commission and the EEAS:

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- (a) to ensure that the European Parliament receives full, immediate and accurate information throughout the negotiations for the purposes of its role of deciding whether or not to grant consent to the conclusion of the modernised AA with Chile, including the agreement's trade pillar; to bear in mind that, while AAs struck in accordance with Article 217 TFEU are traditionally of a mixed nature and cover areas beyond common commercial policy, following the opinion of the Court of Justice on the EU-Singapore FTA, a deep reflection on the path forward of the modernisation of the EU-Chile AA is necessary, in order to separate and safeguard the areas of exclusive and shared competence in trade, and to fully respect the distribution of competences between the Union and its Member States throughout the negotiation process, as well as with a view to the signature and conclusion of the agreements; to conclude, therefore, two separate agreements, clearly distinguishing between a trade and investment agreement which only contains issues under the Union's exclusive competence and a second agreement which covers subjects whose competences are shared with Member States;
- (b) to note that both the EU and Chile have concluded more modern, ambitious and comprehensive trade agreements since their bilateral AA entered into force and that a number of areas remain unaddressed by it, which are important to ensure that it contributes to shared growth, equal opportunities, decent jobs and sustainable development, including the respect and promotion of labour and environmental standards, animal welfare, and gender equality for the benefit of citizens on both sides;
- (c) to consider it important and necessary to seek to modernise the EU-Chile AA to take into account the economic and political development over the last 15 years, in particular its trade component, in the spirit of reciprocity, mutual benefit and balance, and to note the consistent support for a modernisation expressed by the EU-Chile JPC, as well as the fact that the JCC welcomed the steps taken towards an update;
- (d) to recall that globalisation and trade policy have recently been the subject of intense debate in Europe and elsewhere, because of the potentially unequal distribution of its gains; to consider that it is necessary to anticipate trends and possible consequences, to guarantee a more inclusive distribution of the benefits of trade and to provide adequate protection to those who do not benefit from the agreement and who may be disadvantaged in the subsequent process; to develop policy action, therefore, primarily at national but also Union level in other spheres, beyond the provisions of the trade agreements themselves, ranging from industrial, fiscal and social policies;
- (e) to recall the importance of the multilateral agenda and that any bilateral negotiation must not undermine the ambition to achieve progress multilaterally; to consider that reinforced bilateral relations and joint cooperation between the EU and Chile should also facilitate greater collaboration and synergy among the parties in multilateral and plurilateral settings; to encourage, in this regard, full participation of Chile in the negotiations for the WTO EGA and the WTO Revised GPA;
- (f) to put shared values at the core of the modernisation process and to continue the practice of including a human rights clause, as is done in all AAs;
- (g) to ensure that a modernised AA guarantees, throughout the entire text, and enshrines explicitly and unequivocally, the right and ability of the parties to adopt and apply their own laws and regulations in the public interest, in order to achieve legitimate public policy objectives such as the protection and promotion of human rights, including access to water, public health, social services, public education, safety, the environment, public morals, social or consumer protection, privacy and data protection, and the promotion and protection of cultural diversity; to ensure that no investor claim can successfully undermine these objectives; to underline, in this regard, that the EU's FTAs do not aim to restrict the legitimate interests of the Union, its Member States or sub-federal entities to regulate in the public interest;
- (h) on the negotiations on trade in goods, to seek ambitious improvements to market access across tariff lines, lifting unnecessary barriers, including with regard to access to port facilities for EU vessels, while respecting that there are a number of sensitive agricultural, manufacturing and industrial products which should be given appropriate treatment, for example through tariff-rate quotas (TRQs), adequate transition periods or outright exclusion, if necessary; to include a usable and effective bilateral safeguard clause enabling the temporary suspension of preferences, if, as a result of the entry into force of the modernised AA, a rise in imports causes or threatens to cause serious injury to sensitive sectors;

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- (i) to include in its negotiating directives the objective to simplify rules of origin and customs procedures with a view to adapting them to the reality of increasingly complex global value chains; to ensure that a modernised AA includes anti-fraud provisions and measures, and commitments to standardise customs' rules and practices, with a view to increasing transparency, effectiveness, legal certainty and cooperation between customs authorities, while modernising and simplifying procedures, as enshrined in the WTO Trade Facilitation Agreement (TFA) and the revised Kyoto Convention;
- (j) on trade in services, to consider that the potential of the service sector is not fully accomplished in the current AA, and that a modernised AA should address unnecessary barriers for the purposes of market access and national treatment; to consider that commitments should be taken by building on the General Agreement on Trade in Services (GATS) and that rules should be updated as necessary to account for new developments; to exclude audiovisual services from the scope of application of the agreement; to ensure and explicitly foresee that the modernised AA does not hinder the parties' ability to define, regulate, provide and support public services in the public interest, that it will by no means require governments to privatise any service, neither will it prevent governments from providing public services previously supplied by private service suppliers or from bringing back under public control services that governments have previously chosen to privatise, nor will it preclude governments from expanding the range of services they supply to the public by excluding any clauses, provisions or commitments that would undercut the necessary flexibility to bring current and future services of general economic interest back into public control;
- (k) to ensure that a modernised agreement establishes the necessary steps providing for increased regulatory transparency and mutual recognition, including provisions to ensure impartiality and respect for the highest standards of protection with regard to requirements, qualifications and licences, and to foresee, in this regard, institutional mechanisms for consultation that involve various stakeholders such as SMEs and civil society organisations;
- (l) to ensure that, while commitments are made to facilitate the entry and stay of natural persons for business purposes, foreign service-providers have to comply with EU and Member State social and labour legislation, and with applicable collective agreements when workers benefit from Mode 4 commitments;
- (m) to ensure that ambitious regulatory cooperation and the harmonisation of standards remain voluntary, respect the autonomy of regulatory authorities, are based on enhanced information exchange and administrative cooperation with a view to identifying unnecessary barriers and administrative burdens, and preserve the precautionary principle; to recall that regulatory cooperation must aim to benefit governance of the global economy by intensified convergence and cooperation on international standards, guaranteeing the highest level of consumer, environmental, social and labour protection;
- (n) to consider that the modernised AA include for financial services a prudential carve-out building upon that contained in the EU-Canada Comprehensive Economic and Trade Agreement (CETA) to enshrine the policy space for the parties to regulate their financial and banking sectors with a view to ensuring the stability and integrity of the financial system; to include safeguard measures and general exceptions with regard to capital movements and payments, to be applied when these may cause, or threaten to cause, serious difficulties for the smooth operation of the economic and monetary union or the balance of payments of the EU;
- (o) to include provisions on tax good governance and transparency standards that reaffirm the parties' commitment to implementing international standards in the fight against tax fraud, evasion and avoidance, in particular the relevant OECD Base Erosion and Profit Shifting recommendations, and that include requirements for automatic exchanges of information and the establishment of public registers of beneficial ownership for business trusts and concrete provisions in the chapters on financial services, capital movement and establishment, towards the exclusion of undetected tax planning by corporations;
- (p) to recall that corruption undermines human rights, equality, social justice, trade and fair competition, impeding economic growth; to explicitly commit the parties, through the inclusion of a specific section outlining clear and strong commitments and measures, to combat corruption in all its forms and to implement international standards and multilateral anti-corruption conventions;

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- (q) to consider that strong provisions on the opening of public procurement, promoting the most advantageous tender principle which includes social, environmental and innovative criteria, simplified procedures and transparency for bidders, including effective access for those from other countries, can also be effective tools to combat corruption and foster integrity in public administration, while providing value for money to taxpayers; to deliver in a modernised AA improved access to public procurement markets, including at sub-central level, and transparent procedures based on national treatment, impartiality and fairness;
- (r) to ensure that investment policy includes good governance and investment facilitation, and to develop and enshrine investors' obligations while improving the protection of investors;
- (s) to ensure that the negotiating directives instruct the Commission to negotiate a modern investment chapter, taking into account best practices internationally, such as the United Nations Conference on Trade and Development (UNCTAD) Investment Policy Framework for Sustainable Development and the latest opinion of the Court of Justice on the EU-Singapore FTA;
- (t) to make progress towards a necessary international reform of the dispute settlement regime; to seek a commitment by all parties to prioritise recourse to competent courts and replace investor-to-state dispute settlement (ISDS) with a public investment court system (ICS) with an appeal mechanism, strict rules on conflict of interest and an enforceable code of conduct; to consider investors' obligations and to preserve the right to regulate to achieve legitimate public policy objectives such as those related to health and water distribution, as well as labour and environmental protection; to aim to prevent frivolous litigation and include all democratic procedural guarantees, such as the right to non-discriminatory access to justice (with particular attention to SMEs), judicial independence, and transparency and accountability, while working towards the establishment of a multilateral investment court (MIC);
- (u) to ensure that the modernised AA contains a robust and ambitious TSDC that includes binding and enforceable provisions which are subject to suitable and effective dispute settlement mechanisms, which consider, among various enforcement methods, a sanctions-based mechanism, and which enable social partners and civil society to participate appropriately; to consider that the TSDC should cover, inter alia, the parties' commitment to adopting and maintaining in their national laws and regulations the principles enshrined in core ILO conventions and to implementing up-to-date ILO instruments effectively, especially the governance conventions, the Decent Work Agenda, ILO Convention No 169 on the rights of indigenous peoples, the Convention on Equal Opportunities and Equal Treatment for Men and Women Workers, the Convention on Domestic Workers, and the Workers with Family Responsibilities Convention, labour standards for migrant workers, and CSR, including the uptake of sectoral OECD guidelines and UN Guiding Principles on Business and Human Rights and a procedure whereby the social partners and civil society assembled in the JCC can call for the launch of government consultations;
- (v) to ensure, with reference to the progress achieved by Chile in bilateral trade negotiations with Uruguay and Canada, that the parties include a specific chapter on trade and gender equality and women's empowerment, beyond the parties' adherence to and respect for international human rights, labour and social standards, foreseeing active measures aiming to enhance opportunities for women to benefit from the opportunities provided by the AA; to provide for measures aimed at, inter alia, a better work-family life balance and access to social and health services; to ensure, inter alia, that the parties commit to collecting disaggregated data allowing for thorough ex ante and ex post analysis on the impact of the modernised AA on gender equality; to pursue an enhanced participation of women enterprises (particularly micro-enterprises and SMEs) in public procurement, building on the experience of the Chilean Ministry of Gender Equality which, in 2015, established a supporting programme to strengthen women entrepreneurs' participation as suppliers in the public procurement market of 'Chile Compras'; to support the internationalisation of women enterprises and the participation of women in Mode 4 opportunities; to ensure the inclusion of gender equality expertise in the negotiating teams and periodic discussions on the implementation of this chapter within the JCC, which should also integrate organisations that promote gender equality;

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- (w) to include, moreover, a comprehensive chapter on micro-enterprises and SMEs foreseeing substantial progress in terms of trade facilitation, the elimination of trade barriers and unnecessary administrative burdens, as well as active measures aiming to ensure that the resulting opportunities are sufficiently usable and communicated to all main and potential actors (i.e. through the establishment of single windows, dedicated websites and the publication of sectoral guidebooks with information on procedures and new opportunities for trade and investment);
 - (x) to include an energy chapter that would cover, inter alia, renewable energy and raw materials; to acknowledge the importance of the implementation of multilateral environmental agreements, notably the Paris Agreement on Climate Change, to include trade-related provisions and commitments to engage in international instruments, negotiations and mutually supportive trade and environmental policies responding to the objectives of the circular economy, including commitments on green growth, and to support and further promote trade and investment in environmental goods and services and renewable energies, as well as climate-friendly technologies;
 - (y) to adopt negotiating directives which reinforce the animal welfare provisions included in the current AA through the establishment of effective bilateral cooperation on the matter and conditional liberalisation for when animal welfare is put at risk in the production of certain products;
 - (z) to adopt negotiating directives that spell out requirements to address enforcement of competition law, provisions on sanitary and phytosanitary (SPS) measures, to reflect the principles of transparency, procedural fairness and non-discrimination as well as rules regarding subsidies;
 - (aa) to bear in mind that any trade agreement must enshrine consumer welfare as one of the overall objectives and to ensure that the AA commits the parties to a high level of consumer safety and protection, and adherence to the highest international standards, and to develop coherent best practice, particularly regarding the protection of consumers in the fields of financial services, product labelling and e-commerce;
 - (ab) to accept that the negotiations must result in strong and enforceable provisions covering the recognition and protection of all forms of intellectual property rights, including ambitious provisions on geographical indications (GIs) building upon but extending those contained in the existing AA, ensuring better market access, an enhanced enforcement and the possibility to add new GIs; to ensure that the revised AA includes an IPR chapter that guarantees the necessary flexibility and that IPR-related provisions do not undermine access to affordable, essential medicines and medical treatment under domestic public health programmes; to ensure that this chapter goes beyond the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS);
 - (ac) to ensure that the parties guarantee the highest possible level of transparency and participation, ensuring that the objectives of the negotiations are fulfilled, and that this involves constant and duly informed dialogues with all the parties concerned, which comprise both stakeholders, such as business and trade unions, and civil society, including indigenous representatives; to involve systematically, in this regard, both the competent parliamentary bodies, particularly the EU-Chile JPC and the JCC, throughout the full life cycle of the AA, from negotiations to implementation and evaluation, and to support, with regard to the implementation phase, the creation of an official Chilean civil society participation body reflecting the pluralism of Chilean society, attaching particular attention to its indigenous peoples; to ensure to this end, without undermining the EU's negotiating strategy, together with Chile, that all relevant information is published in the most accessible way to the general public, including fact sheets translated into Spanish as the shared official language;
 - (ad) to bear in mind Parliament's calls for mandates for trade negotiations to be made accessible to the public and to publish the negotiating directives for the modernisation of the AA immediately after their adoption;
 - (ae) to ensure that the AA provides the necessary mechanisms so that it is respected in practice during implementation, including a modern, effective state-to-state dispute settlement mechanism;
2. Instructs its President to forward this recommendation to the Council, the Commission, the EEAS, the Governments and Parliaments of the Member States, and to the Government and Parliament of the Republic of Chile.
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P8_TA(2017)0358

Transparency, accountability and integrity in the EU institutions

European Parliament resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions (2015/2041(INI))

(2018/C 337/18)

The European Parliament,

- having regard to its decision of 15 April 2014 on the modification of the interinstitutional agreement on the Transparency Register ⁽¹⁾,
 - having regard to the Treaty on European Union (TEU), in particular Articles 9 and 10,
 - having regard to the Treaty on the Functioning of the European Union (TFEU),
 - having regard to its resolution of 8 May 2008 on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions ⁽²⁾,
 - having regard to the Commission's decision of 25 November 2014 not to meet unregistered lobbyists and to publish information on lobby meetings,
 - having regard to its resolution of 11 March 2014 on public access to documents (Rule 104(7)) for the years 2011-2013 ⁽³⁾,
 - having regard to the Organisation for Economic Cooperation and Development (OECD) Principles for Transparency and Integrity in Lobbying,
 - having regard to its decision of 13 December 2016 on the general revision of Parliament's Rules of Procedure ⁽⁴⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on International Trade, the Committee on Budgetary Control, the Committee on the Environment, Public Health and Food Safety, the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A8-0133/2017),
- A. whereas the Union 'shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions' (Article 9 of the TEU); whereas 'every citizen shall have the right to participate in the democratic life of the Union' and 'decisions shall be taken as openly and as closely as possible to the citizen' (Article 10(3) of the TEU and expressed similarly in the 13th recital in the preamble thereto and Articles 1(2) and 9 thereof); whereas 'the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible' (Article 15(1) of the TFEU);
- B. whereas the EU institutions have already made progress in becoming more open and are in most respects already ahead of national and regional political institutions in terms of their transparency, accountability and integrity;
- C. whereas dialogue between law-makers and society is an essential part of democracy, as is representation of interests, and whereas the adequate representation of different interests in the legislative process provides Members with information and expertise and is crucial for the proper functioning of pluralistic societies;

⁽¹⁾ Texts adopted, P7_TA(2014)0376.

⁽²⁾ OJ C 271 E, 12.11.2009, p. 48.

⁽³⁾ Texts adopted, P7_TA(2014)0203.

⁽⁴⁾ Texts adopted, P8_TA(2016)0484.

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- D. whereas, in view of the growing distance between the EU and its citizens and the need to increase media interest in EU affairs, the EU institutions must strive for the highest possible standards of transparency, accountability and integrity; whereas these principles are key and complementary components in promoting good governance within the EU institutions and in ensuring greater openness in the functioning of the EU and its decision-making process, and whereas these should be the leading principles of the culture within the institutions;
- E. whereas citizens' trust in the EU institutions is fundamental for democracy, good governance and effective policy-making; whereas there is a need to reduce accountability gaps within the EU and to move towards more collaborative modes of scrutiny which combine democratic oversight, control and auditing activities, while also providing more transparency;
- F. whereas non-transparent, one-sided interest representation can lead to a risk of corruption and may pose a significant threat and serious challenge to the integrity of policy-makers and to public trust in the EU institutions; whereas corruption has significant financial consequences and constitutes a serious threat to democracy, the rule of law and public investment;
- G. whereas a legal act as a new basis for a mandatory Transparency Register necessitates a legal definition of the activities falling under the remit of the register, which would help clarify existing ambiguous definitions and interpretations of transparency, integrity and accountability;
- H. whereas in some Member States national transparency registers have already been established;
- I. whereas, in accordance with the requirement of transparency laid down in Article 15(3) of the TFEU in conjunction with Article 42 of the Charter of Fundamental Rights and the settled case-law of the Court of Justice of the EU (CJEU), all citizens of the Union have the right of access to documents of the Union's institutions, bodies and other agencies ⁽¹⁾;

Making the Transparency Register as mandatory as possible

1. Welcomes the decision of its Bureau to request that its administration develop a template for all rapporteurs and draftspersons for opinions to produce a voluntary legislative footprint, setting out what interest representatives and organisations they have consulted; the template should be also provided as an IT tool;
2. Recalls its revision of the Rules of Procedure of 13 December 2016, according to which Members should adopt the systematic practice of only meeting interest representatives that have registered in the Transparency Register, and calls for meetings between interest representatives and Secretary-Generals, Director-Generals and Secretary-Generals of political groups to be included; asks Members and their staff to check whether the interest representatives they intend to meet are registered and, if not, ask them to do so as possible prior to the meeting; urges the Council to introduce a similar provision which includes permanent representations; deems it necessary to oblige registrants in the Transparency Register to produce documents to demonstrate that the information submitted is accurate;
3. Recalls the definitions of what constitutes a 'meeting with interest representatives' set out in the Commission's decision of 25 November 2014 on the publication of meetings; recalls the provisions on what information may be withheld under Regulation (EC) No 1049/2001; believes that the provisions on such meetings should not be restricted to 'bilateral' ones, and should include those with international organisations;
4. Believes that rapporteurs, shadow rapporteurs and committee chairs should publish their meetings with interest representatives falling under the scope of the Transparency Register regarding files under their responsibility through a legislative footprint and that any exceptions should protect the life and liberty of informants acting in good faith;

⁽¹⁾ Judgment of the Court of Justice of 21 September 2010, *Kingdom of Sweden v Association de la presse internationale ASBL (API) and European Commission* (C-514/07 P), *Association de la presse internationale ASBL (API) v European Commission* (C-528/07 P) and *European Commission v Association de la presse internationale ASBL (API)* (C-532/07 P), Joined cases C-514/07 P, C-528/07 P and C-532/07 P, ECLI:EU:C:2010:541.

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5. Calls on its Bureau to create the necessary means to enable Members to publish on their Parliament online profiles their meetings with interest representatives if they wish to do so;
6. Calls on the Commission to extend to all relevant Commission staff (from Head of Unit level and above) the practice of meeting only organisations or self-employed individuals that are registered in the Transparency Register;
7. Urges the Commission to publish meetings of all relevant Commission staff involved in the EU's policy-making process with external organisations, while taking account of necessary data protection rules; for other staff present at these meetings, reference to the unit or service should be published;
8. Supports the Commission's call for the EU institutions and their staff, and its agencies, to refrain from inviting as speakers unregistered interest representatives falling within the scope of the Transparency Register, from giving their events patronage or hosting such events on EU premises and from allowing them to participate in Commission advisory bodies;
9. Calls on the Commission to make all information on interest representation towards the EU institutions, declarations of interest, confirmed conflicts of interest and expert groups easily accessible to the public through an online one-stop shop;
10. Encourages the Commission to develop measures to achieve a better balance by empowering underrepresented interests;
11. Considers that, among the Members of the European Parliament, those appointed rapporteur, shadow rapporteur or committee chair have a special responsibility to be transparent about their contacts with interest representatives in view of their role in EU legislation;
12. Believes that entities registered in the Transparency Register should, in a timely manner, introduce mandatory updates in the register on expenditure for activities falling within the remit of the register by its registrants when this expenditure exceeds the level set for the category in question;
13. Believes all registered entities should be obliged to publish in the Transparency Register a list of all donors and their corresponding donations exceeding EUR 3 000, indicating both the nature and the value of the individual donations annually; single donations of a value exceeding EUR 12 000 must be reported immediately;
14. Reiterates its longstanding call to back up the EU Transparency Register with a legislative act, if it is not possible to close all loopholes and achieve a fully mandatory register for all interest representatives with an interinstitutional agreement; considers that the proposal for this legal act could take into account the progress achieved by changes in the interinstitutional agreement and Parliament's Code of Conduct; reminds the Commission of its call in its decision of 15 April 2014 for an appropriate legislative proposal on a mandatory transparency register to be submitted pursuant to Article 352 of the TFEU by the end of 2016;
15. Reiterates its call on the Council, including its preparatory bodies, to join the Transparency Register as soon as possible; calls on all Member States to introduce legislation advancing the transparency of interest representation; calls on the Member States to introduce rules whereby interest representatives should make transparent where their contacts with national politicians and public administration are aimed at influencing European legislation;

Transparency, accountability and integrity in dealing with interest representatives

16. Recalls its decision of 13 December 2016 to withdraw privileges from those who are unwilling to cooperate with inquiries or hearings and committee meetings which have a fact-finding mission; calls on the Commission to further amend the code of conduct for registered entities to incentivise them not to provide, in utmost good faith, insufficient or misleading information during such hearings or committees; considers that entities registered in the Transparency Register should be prohibited under the code of conduct from employing individuals or organisations disguising the interests or the parties they serve;

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17. Considers that professional consultancies, law firms and self-employed consultants should indicate the exact volume of the activities covered by the register, while acknowledging that certain individuals may be hindered by national legislation in some Member States from meeting the requirements of the Transparency Register;

18. Insists that registered entities, including law firms and consultancies, should declare in the Transparency Register all clients on whose behalf they perform interest representation activities that fall within the remit of the Transparency Register; welcomes the decisions taken by various bars and law societies in recognising the differences between court-related activities of lawyers and other activities falling within the scope of the Transparency Register; moreover, invites the Council of Bars and Law Societies of Europe to encourage its members to adopt similar measures, while acknowledging that certain individuals may be hindered by national legislation in some Member States from meeting the requirements of the Transparency Register;

19. Notes that, in some Member States, statutory provisions exist on the rules governing the exercise of professions, which in particular objectively prevent law firms from registering themselves in the Transparency Register and in the process revealing the information about their clients which the register requires; also perceives, however, a substantial risk in that such statutory provisions may also be abused to avoid publishing information required for proper entry in the register; welcomes, in this connection, the perceptible readiness of lawyers' professional organisations to work in partnership to ensure that, in the interests of their profession, such withholding of information is confined exclusively to what the law objectively permits; calls on the Commission and the President of the European Parliament to secure a practical outcome from this readiness and to enshrine a result in the modified agreement as soon as possible;

20. Asks the Bureau, in accordance with Article 15 of the TFEU and Article 11 of the TEU, to require registration prior to access to Parliament's premises for non-registered organisations or individuals that undertake activities falling within the remit of the Transparency Register; considers that visitor groups should be exempted from this; emphasises that Parliament, as the chamber representing European citizens, should retain an open-door policy towards citizens and that no unnecessary obstacles should be created which could discourage citizens from visiting its premises;

21. Regrets that, according to Transparency International, more than half of the entries in the EU's lobbying disclosure register in 2015 were inaccurate, incomplete or meaningless;

22. Asks its Bureau and its Secretary-General to ease the reactivation process necessary for lobby badges by setting up a designated reactivation facility with a view to avoiding excessive waiting times to gain entry to premises; calls for the removal of the restriction of not more than four pass holders being able to access Parliament's premises at the same time;

23. Recalls its decision of 13 December 2016 as regards entourage passes, and calls on its Secretary-General to amend the rules governing passes and authorisations granting access to Parliament's premises as of 13 December 2013 to oblige anyone over the age of 18 applying for an entourage pass to sign a document guaranteeing that they will not engage in activities falling within the scope of the Transparency Register;

24. Believes it to be necessary, as a matter of urgency, to introduce a proper monitoring system for submissions in order to ensure that the information that registrants provide is meaningful, accurate, up-to-date and comprehensive; calls in this regard for a substantial increase in the resources of the Transparency Unit within the European Parliament and the Joint Transparency Register Secretariat;

25. Believes that declarations of registered entities should be checked by the Transparency Unit and the Joint Transparency Register Secretariat each year on the basis of random sampling in sufficient numbers so as to provide meaningful, accurate, up-to-date, comprehensive data;

26. Believes, with reference to Articles 4(2) and 5(2) of the TEU, that democratically elected and controlled state institutions at national, regional and local level and their representations towards the EU institutions, as well as their internal bodies and formal and informal associations and umbrella organisations composed exclusively thereof, should not fall under the EU Transparency Register if they act in the public interest, as they are part of the EU's multi-level system of governance;

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Defending integrity against conflicts of interest

27. Calls on those EU institutions and bodies which still do not have a code of conduct to develop such a document as soon as possible; considers it regrettable that the Council and the European Council have still not adopted a code of conduct for their members; urges the Council to introduce a specific code of ethics, including sanctions, which addresses the risks specific to national delegates; insists that the Council must be just as accountable and transparent as the other institutions; calls also for a code of conduct for members and staff of the EU's two advisory bodies, the Committee of the Regions and the European Economic and Social Committee; calls on the EU agencies to adopt guidelines for a coherent policy on the prevention and management of conflicts of interest for members of the management board and directors, experts in scientific committees, and members of boards of appeal, and to adopt and implement a clear policy on conflicts of interest, in accordance with the Roadmap on the follow-up to the Common Approach on EU decentralised agencies;

28. Believes that all EU officials, including temporary agents, accredited parliamentary assistants, contract agents and national experts, should be encouraged to attend training on how to deal with interest representatives and conflicts of interest;

29. Underlines the need to enhance integrity and improve the ethical framework through clear, reinforced codes of conduct and ethical principles, so as to allow the development of a common and effective culture of integrity for all EU institutions and agencies;

30. Recognises that the 'revolving door' effect can be detrimental to relations between the institutions and interest representatives; calls for the EU institutions to develop a systematic and proportional approach to this challenge; considers that all regulation regarding 'revolving doors' should also be applied to the President of the Council;

31. Calls for strengthening the restrictions on former Commissioners by extending the 'cooling-off period' to three years and making it binding for at least all activities falling within the remit of the Transparency Register;

32. Believes that decisions on senior officials' and former Commissioners' new roles must be taken by an authority appointed as independently as possible of those affected by its decisions;

33. Requests that all EU institutions should disclose, on an annual basis, in line with EU data protection rules, information about senior officials who have left the EU administration and the roles they have taken up;

34. Takes the view that consideration should be given to an 18-month cooling-off period at the end of the appointment of external and ad hoc members of the Regulatory Scrutiny Board in the context of better law-making and of members of the Board of Directors of the European Investment Bank, whereby, during this period, they must not lobby members of the EIB governing bodies and Bank staff for their business, client or employer;

Integrity and balanced composition of expert groups

35. Welcomes the Commission's intention to follow up on the Ombudsman's recommendations against conflicts of interest in expert groups, and explicitly supports the publication of a sufficiently detailed CV of each expert appointed in her or his personal capacity on the expert groups register, and of a declaration of interests of each expert appointed in his or her personal capacity on the expert groups register;

36. Supports the Ombudsman's call for entry in the Transparency Register to be made a requirement for appointment to expert groups for those Members who are not government officials and do not receive all or the vast majority of their other income from state institutions such as universities, assuming that the latter do not receive funding from interest representatives and economic and commercial stakeholders;

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37. Believes that a provision containing general criteria for the delimitation of economic and non-economic interests as recommended by the Ombudsman and based on the experts' declarations of interest would help the Commission to pick experts representing interests with a better balance;

38. Urges the Commission to make all minutes of expert group meetings available to the public on its website, including the diversity of opinions represented;

39. Urges the Commission to make sure that consultations explore open questions instead of merely seeking to confirm a chosen policy direction;

Integrity of the European elections

40. Believes that, under European electoral law, nominations of candidates within parties must be carried out democratically, in secret and with a proper say for Members, and that persons convicted by a final judgment of corruption against the EU's financial interests or within Member States should forfeit the right to stand for election for a period commensurate with the seriousness of the offence; notes that this disqualification procedure is already in place in some Member States; considers that a new instrument, such as a directive, could establish common minimum standards for different practices and legal frameworks within the different Member States regarding disqualification on account of corruption;

Strengthening the legal accountability of Commissioners

41. Calls on the Commission to draw on the good practice of Member States with laws for ministers by submitting a legislative proposal laying down the transparency obligations and rights of Commissioners, in accordance with the codecision procedure;

42. Calls for the decision fixing the remuneration of Commissioners, including their salaries, which has been taken exclusively by the Council since the European Communities were founded, to be transferred to the codecision procedure;

43. Points out that some Member States do not have laws on ministers that exclude the possibility of office-holders being sole or part-owners of businesses;

Conflicts of interest in shared management and in third countries in connection with the management of EU funds

44. Sees a serious conflict of interest in the possibility that businesses owned by EU office-holders may apply for EU funds or may receive such funds as subcontractors, while the owners and office-holders themselves bear responsibility for both the proper use of funds and for controlling their use;

45. Calls on the Commission to incorporate a clause in all future EU laws on payments to the effect that businesses owned by office-holders in the EU Member States and in third countries may not apply for or receive any EU funding;

Realising the objective of full access to documents and transparency for the purposes of accountability in the legislative process

46. Recalls its calls on the Commission and the Council in its resolution of 28 April 2016 on public access to documents for the years 2014-2015 ⁽¹⁾, in which it:

- called for the scope of Regulation (EC) No 1049/2001 to be broadened to include all the European institutions it currently does not cover, such as the European Council, the European Central Bank, the Court of Justice and all the EU bodies and agencies,
- called for full compliance with the obligation by the institutions, agencies and other bodies to keep complete registers of documents, as provided for in Articles 11 and 12 of Regulation (EC) No 1049/2001,

⁽¹⁾ Texts adopted, P8_TA(2016)0202.

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- considered that documents created in trilogues such as agendas, summaries of outcomes, minutes and general approaches in the Council are related to legislative procedures and should not, in principle, be treated differently from other legislative documents and should be made directly accessible on Parliament's website,
- called for a common interinstitutional register, including a dedicated joint database on the state of play of legislative files for which works are under way as agreed in the Interinstitutional Agreement on Better Law-Making,
- called on the Council to publish minutes of the meetings of Council working groups and other documents,
- called on the Commission to set up a register of all second-level legislation, in particular for delegated acts, and noted that work on its creation was under way as agreed in the Interinstitutional Agreement on Better Law-Making,
- expressed its belief in the need to introduce an independent oversight authority for the classification and declassification of documents,
- called for agendas and feedback notes of the meetings of Parliament's Committee Coordinators, Bureau and Conference of Presidents to be made available, and, in principle, for all documents referred to in those agendas to be made available too, by publishing them on Parliament's website;

Transparency of the external representation and negotiations of the EU

47. Welcomes the recent case law by the European Court of Justice which reinforces Parliament's right to information on international agreements, and the commitment by the institutions to follow up on paragraph 40 of the Interinstitutional Agreement on Better Law-Making by negotiating improved cooperation and information-sharing; takes note that the negotiations started at the end of 2016 and, in this respect, calls on the Council, the Commission and the European External Action Service to genuinely commit and make all necessary efforts to reach an agreement as soon as possible with Parliament on improved cooperation and information-sharing with Parliament throughout the whole life-cycle of international agreements, as this would help to increase the legitimacy and democratic scrutiny of the EU's external action;

48. Notes that, even though an interinstitutional cooperation agreement exists between Parliament and the Commission, an equivalent arrangement does not exist between Parliament and the Council;

49. Stresses recent efforts by the Commission to increase the transparency of trade negotiations; believes, nevertheless, that the Council and the Commission should still improve their working methods to cooperate better with Parliament as regards access to documents, information and decision-making for all issues and negotiations related to common commercial policy (such as information relating to negotiations — including scoping, mandates and evolution of negotiations — the mixed or exclusive nature of trade agreements and their provisional application, activities and decisions taken by bodies created by trade and/or investment agreements, expert meetings, and delegated and implementing acts); regrets, in this regard, that the Council has not made available to the Members of the European Parliament (MEPs) and the public the negotiating mandates for all agreements currently under negotiation, but welcomes the fact that, finally, after one year of negotiations between the Commission and Parliament on access to documents related to negotiations on the Trans-Atlantic Trade and Investment Partnership (TTIP) an operational agreement has been reached to grant access to all MEPs, making the TTIP negotiations the most transparent so far; welcomes, in this respect, the ambition of the Commission's Directorate-General for Trade to use the current transparency initiative on TTIP as a model for all trade negotiations, as outlined in the trade strategy 'Trade for All' and to implement this;

50. Stresses that, as pointed out by the CJEU, imperatives for transparency derive from the democratic nature of governance within the EU, and that, where confidential information is beyond the reach of public access, as in the case of trade negotiations, it must be available to parliamentarians who scrutinise trade policy on behalf of citizens; considers therefore that access to classified information is essential for scrutiny by Parliament, which in return should abide by its obligation to manage such information properly; considers that there should be clear criteria for labelling documents as

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'classified' to avoid ambiguity and arbitrary decisions, and also that the document should be declassified as soon as its classification is no longer necessary; calls on the Commission to assess whether a negotiating document can be made public as soon as the document in question has been finalised internally; notes that the case-law of the CJEU makes it clear that where a document originating in an EU institution is covered by an exception to the right to public access, the institution must clearly explain why access to this document could specifically and effectively undermine the interest protected by the exception, and that this risk must be reasonably foreseeable and not purely hypothetical; calls on the Commission to implement the recommendations of the European Ombudsman of July 2014 with particular regard to access to documents for all negotiations and on publishing meeting agendas and records of meetings held with individuals and organisations falling within the remit of the Transparency Register; calls on the Commission to inform Parliament and the public of draft agendas for negotiating rounds prior to the negotiations, final agendas and reports after negotiations;

51. Believes that the EU must take the lead in furthering the transparency of trade negotiations, not only for bilateral processes, but also for plurilateral and multilateral processes where possible, with no less transparency than the negotiations organised in the framework of the World Trade Organisation (WTO); stresses, however, that the Commission must also persuade its negotiating partners to increase transparency at their end, to make sure that this is a reciprocal process in which the EU's negotiating position is not compromised and to include the aspired level of transparency in its scoping exercises with potential negotiating partners; stresses that increased transparency is in the interest of all the EU's negotiating partners and stakeholders worldwide, and that it can strengthen global support for rules-based trade;

52. Recalls the importance for the common commercial policy legislative process to rely on Union statistics consistent with Article 338(2) of the TFEU and on impact assessments and sustainability impact assessments conforming to the highest standards of impartiality and reliability, a principle which should lead all respective revisions in the framework of the Commission's 'Better Regulation' policy; considers that sector-by-sector impact assessments would provide EU trade agreements with a higher level of reliability and legitimacy;

53. Reiterates its calls on the Commission in its resolution of 12 April 2016 ⁽¹⁾ to draft a European code of conduct on transparency, integrity and accountability, designed to guide the actions of EU representatives in international organisations/bodies; calls for better policy coherence and coordination among the global institutions through the introduction of comprehensive standards of democratic legitimacy, transparency, accountability and integrity; takes the view that the EU should streamline and codify its representation in multilateral organisations/bodies with a view to increasing the transparency, integrity and accountability of the Union's involvement in these bodies, its influence and the promotion of the legislation it has adopted through a democratic process; calls for the adoption of an interinstitutional agreement with the aim of formalising dialogues between EU representatives and Parliament, to be organised with the European Parliament for the purpose of establishing guidelines regarding the adoption and coherence of European positions in the run-up to major international negotiations;

Transparency and accountability in the domain of public spending

54. Believes that the data on budget and spending within the EU should be transparent and accountable through publication, including at the level of Member States as regards shared management;

Transparency and accountability of economic governance in the euro area

55. Believes that decisions taken in the Eurogroup, in the Economic and Financial Committee, 'informal' Ecofin Council meetings and Euro summits must be institutionalised, where necessary, and become transparent and accountable, including through the publication of their agendas and minutes, finding a balance between desirable transparency and the necessary protection of the financial, monetary or economic policy of the Union or a Member State;

⁽¹⁾ Texts adopted, P8_TA(2016)0108.

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Transparency and accountability concerning the EU budget

56. Notes that in 2014 a total of 40 cases into EU staff and members of the institutions were concluded; underlines that this figure is low and illustrates that fraud and corruption are not endemic within the EU institutions ⁽¹⁾;

57. Highlights that in 2014 the highest number of potential fraud cases reported to the European Anti-Fraud Office (OLAF) relate to the use of European Structural Funds (549 of 1 417 allegations); underlines that OLAF recommended the financial recovery of EUR 476,5 million in structural funds in 2014; notes that EUR 22,7 million were recovered by the relevant authorities following OLAF's recommendations in 2014; calls on the Member States to prioritise the proper allocation of EU funds and to maximise efforts to recover them when they are not properly allocated ⁽²⁾;

58. Calls on the Commission to submit a revision of the so-called six-pack and two-pack in order to provide Parliament with greater scrutiny powers over the adoption of key documents of the European Semester, and particularly effective means to guarantee respect for the principles of subsidiarity and proportionality;

59. Calls on the Eurogroup to include Parliament in monitoring the implementation of the contractual conditions agreed with beneficiaries of financial assistance granted by the European Stability Mechanism;

Protection of whistleblowers and the fight against corruption

60. Welcomes the European Ombudsman's investigation into whether the EU institutions are living up to their obligation of introducing internal whistleblowing rules; regrets the Ombudsman's finding that some EU institutions have not yet properly implemented rules to protect whistleblowers; points out that to date only Parliament, the Commission, the Ombudsman's Office and the Court of Auditors have adopted such rules; calls for a study by Parliament into a mechanism to protect Accredited Parliamentary Assistants in the event they become 'whistleblowers';

61. Considers effective whistleblower protection to be a key weapon in the fight against corruption and therefore reiterates its call of 25 November 2015 ⁽³⁾ on the Commission 'to propose, by June 2016, an EU legislative framework for the effective protection of whistleblowers and the like' ⁽⁴⁾, taking into account the assessment of the rules at national level in order to provide for minimum rules for protecting whistleblowers;

62. Calls on the Commission to apply the measures pertaining to discretion and exclusion in respect of public procurement strictly, with proper background checks being carried out in every instance, and to apply the exclusion criteria in order to debar companies in the event of any conflict of interest, this being essential to protect the credibility of the institutions;

63. Believes that whistleblowers have too often found more prosecution than support even in the EU institutions; calls on the Commission to propose an amendment to the regulation governing the Ombudsman's Office and to add to her remit being a focal point for whistleblowers who find themselves victims of ill-treatment; calls on the Commission to propose an appropriate increase in the budget of the Ombudsman's Office to allow this new demanding task to be put into effect;

64. Calls for the EU to advance its application for membership of the Council of Europe Group of States against Corruption (GRECO) as soon as possible, and for Parliament to be kept up to date with the progress of this application; calls on the Commission to include in the report an overview of the greatest corruption problems in the Member States, policy recommendations to tackle them and follow-up measures to be taken by the Commission, taking specific account of the detrimental impact of corrupt activities on the functioning of the internal market;

⁽¹⁾ The OLAF report 2014, Fifteenth report of the European Anti-Fraud Office, 1 January to 31 December 2014.

⁽²⁾ Ibid.

⁽³⁾ See resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect (Texts adopted, P8_TA(2015)0408).

⁽⁴⁾ Ibid., par. 144..

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65. Believes that persons convicted by a final judgment of corruption in the EU or companies led or owned by persons who committed acts of corruption or misappropriation of public funds for the benefit of their company and have been convicted by a final judgment on those grounds should, for at least three years, be effectively banned from entering into procurement contracts with the European Union and from benefiting from EU funds; calls on the Commission to revise its debarment system; stresses that companies excluded from tendering for EU funds by the Commission should be publicly listed by default to better protect EU financial interests and allow scrutiny by the wider public;

66. Notes that since becoming an approved member of the United Nations Convention against Corruption (UNCAC) on 12 November 2008, the European Union has not participated in the review mechanism provided for under the Convention, nor has it taken the first step of completing a self-assessment of how it is implementing its obligations under the Convention; calls on the European Union to fulfil its obligations under the UNCAC by completing a self-assessment of how it is implementing its obligations under the Convention and participating in the peer-review mechanism; calls on the Commission to publish its next EU Anti-Corruption Report as soon as possible and to include a chapter on the EU institutions in its EU Anti-Corruption Reports; calls for the Commission to carry out further analysis at the level of both the EU institutions and the Member States of the environment in which policies are implemented, in order to identify inherent critical factors, vulnerable areas and risk factors conducive to corruption;

67. Recalls its position of 16 April 2014 on the proposal for 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 ⁽¹⁾, and calls for a rapid decision in this regard;

Integrity in EU regulation

68. Calls on the Commission to explore systemic safeguards with a view to avoiding conflicts of interest in the area of the regulation of industry products and policy enforcement; calls on the Commission to address the current structural conflict of interests in the public risk assessment of regulated products, namely the situation in which the assessment of these products is largely or entirely based on studies performed by applicants or third parties paid by them, while independent research is all too often disregarded or dismissed; insists that producers should still provide studies, with cost-sharing between large companies and SMEs based on relative market share to ensure fairness, but that all assessors should be obliged to fully take into account peer-reviewed independent science in their assessments; calls on the Commission, in particular, to review its communication of 2002 on general principles and standards for consultation of interested parties; suggests, in order to address issues arising from the selective suppression of unfavourable research findings, that the prior registration of scientific studies and trials, specifying their scope and expected date of conclusion, could be a condition for input into regulatory and policy processes; emphasises, in the interests of sound and independent scientific advice for policy-making, the importance of adequate resources for the development of in-house expertise within the EU's specialised agencies, including the opportunity to conduct publishable research and testing, thus enhancing the attractiveness of public services in regulatory advice roles without disrupting scientists' academic career prospects;

Strengthening the parliamentary accountability of the Commission and its agencies

69. Calls on the Commission to draw up a regulation relating to all EU agencies, under which Parliament will be granted codecision powers in the appointment or dismissal of directors of such agencies and a direct right to question and hear them;

70. Highlights the need for independent experts in the EU agencies and for greater importance to be placed on eliminating conflicts of interest within the panels of the agencies; notes that at present experts from a number of agencies, including the European Food Safety Authority (EFSA), are not paid; calls for experts in regulatory agencies representing for example non-profit organisations or academics to receive adequate compensation; emphasises the importance of adequate resources for the development of in-house expertise within the EU's specialised agencies;

⁽¹⁾ Texts adopted, P7_TA(2014)0427.

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71. Calls on EFSA, the European Medicines Agency (EMA) and the European Chemicals Agency (ECHA) to urgently revise their independence policies so as to explicitly guarantee their strict independence from the economic sectors they are regulating and to avoid conflicts of interest among their staff and experts;

72. Supports the practice of national parliaments inviting Commissioners in order to question them;

73. Recalls that the power to set up committees of inquiry is an intrinsic feature of parliamentary systems around the world, and that the Treaty of Lisbon provides for a special legislative procedure for the adoption of a regulation on the right of inquiry in Article 226(3) of the TFEU; stresses that, in accordance with the principle of sincere cooperation, Parliament, the Council and the Commission should agree on the adoption of a new regulation;

74. Calls for a rapid decision of the Council and the Commission on Parliament's proposal of 23 May 2012 for a regulation of the European Parliament on the detailed provisions governing the exercise of Parliament's right of inquiry ⁽¹⁾;

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

⁽¹⁾ OJ C 264 E, 13.9.2013, p. 41.

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P8_TA(2017)0359

The future of the Erasmus+ programme**European Parliament resolution of 14 September 2017 on the future of the Erasmus+ programme (2017/2740(RSP))**

(2018/C 337/19)

The European Parliament,

- having regard to Articles 165 and 166 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the Charter of Fundamental Rights of the European Union, in particular Article 14 thereof,
 - having regard to Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing ‘Erasmus+’: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC ⁽¹⁾,
 - having regard to its resolution of 2 February 2017 on the implementation of Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing ‘Erasmus+’: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC ⁽²⁾,
 - having regard to its resolution of 12 April 2016 on Erasmus+ and other tools to foster mobility in vocational education and training (VET) — a lifelong learning approach ⁽³⁾,
 - having regard to its resolution of 19 January 2016 on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values ⁽⁴⁾,
 - having regard to the question to the Commission on the future of the Erasmus+ programme (O-000062/2017 — B8-0326/2017),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas, in the current context, the 30th anniversary of the Erasmus+ programme should be not only a moment for celebration, but also an opportunity to reflect on how the programme can be made more accessible and inclusive, and improve the development of European citizens and organisations active in the fields of education, training, youth and sport;
- B. whereas education is a fundamental human right and a public good which should be accessible to all applicants, especially students with a lower income;
1. Stresses that Erasmus is one of the most successful EU programmes and an essential tool to support activities in the fields of education, training, youth and sport, and in bringing Europe closer to its citizens; acknowledges the extremely positive impact it has had on the personal and professional lives of more than 9 000 000 participants in and outside Europe, including in neighbouring and candidate countries, over the last 30 years;
2. Underlines the role of Erasmus+, which, through mobility and strategic collaboration, has contributed to enhancing the quality of education and training institutions in the EU, increasing the competitiveness of the European education sector, creating a strong European knowledge economy and achieving the Europe 2020 goals;

⁽¹⁾ OJ L 347, 20.12.2013, p. 50.

⁽²⁾ Texts adopted, P8_TA(2017)0018.

⁽³⁾ Texts adopted, P8_TA(2016)0107.

⁽⁴⁾ Texts adopted, P8_TA(2016)0005.

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3. Believes that the Erasmus+ programme and its successor should focus, in particular, on lifelong learning and mobility, covering formal, non-formal and informal education, and that, in so doing, it can support the development of skills and key competences for personal, social and professional fulfilment, which goes together with the promotion of democratic values, social cohesion, active citizenship and the integration of migrants and refugees in enabling a wider intercultural dialogue;
4. Emphasises the need for a coherent approach to education, training, youth and sport policies across learning sectors, in particular through cross-action opportunities and synergies with other EU funds and programmes; notes, in this respect, that the upcoming renewal of the framework for European cooperation in the youth field is an ideal opportunity to align the priorities of the successor of Erasmus+ with the new EU Youth Strategy and other EU-funded programmes;
5. Believes that Erasmus+ should also be viewed as a key instrument of the EU strategy to promote the sustainable development goals worldwide;
6. Notes, given the high rate and importance of mobility between educational establishments and organisations on the continent and in the UK, that the Brexit negotiations should bring about a mutually satisfying agreement on the status of EU students and teachers participating in Erasmus+ mobility schemes in the UK and vice-versa;

Youth unemployment and personal and social fulfilment

7. Is of the opinion that the Erasmus+ programme has evolved significantly, enabling more participants to benefit from the programme and helping them to improve their knowledge and close their skills and competency gaps, in particular with the extension of Erasmus+ to the volunteering, informal and non-formal education and training sectors and the expansion of its geographic scope beyond the EU;
8. Recognises that mobile higher education students are twice as likely to be in employment one year after graduation than their non-mobile peers and that almost 90 % ⁽¹⁾ of all vocational education and training (VET) learners on mobility programmes say that their employability has increased as a result of this experience; notes with regret, however, that young people are most at risk of unemployment; recognises the need, therefore, for Erasmus+ to lend strong support to actions geared towards delivering better employment opportunities;
9. Stresses that volunteering encourages the development of civic participation and active citizenship, while also helping to boost participants' chances of finding a job; stresses, therefore, that funding under the Erasmus+ programme should be part of a wider policy strategy aimed at creating in Europe an environment conducive to volunteering, not duplicating but strengthening existing successful initiatives; recalls, however, that potential quality jobs can never be replaced with unpaid volunteering activities;
10. Outlines the fact that Erasmus+ should focus on innovation and development and place a greater emphasis on enhancing key skills and competences, such as self-confidence, creativity, entrepreneurship, adaptability, critical thinking, communication skills, team work and the ability to live and work in a multicultural environment; highlights the fact that those competences can be developed more fully through a balanced combination of formal, non-formal and informal learning, and that the acquisition of key competences is vital from a very young age and should be enhanced further through increased investment in actions targeting mobility during the earlier stages of education and training;
11. Notes that Erasmus+ should foster stronger links between educational and training establishments and the business community in order to increase the skills and employability of its participants and the competitiveness of the European economy;

⁽¹⁾ Erasmus+ dashboard, data extracted on 28 March 2017; see: <http://www.ecvet-secretariat.eu/en/system/files/documents/3727/eu-vet-policy-context.pdf>, p. 29.

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12. Emphasises the role of Erasmus+ VET in helping participants to develop skills and acquire the experience required in the labour market, thus contributing to higher employability and social integration; encourages improvements to Erasmus+ VET with a view to making it more modern, accessible, simplified and fit for the digital age;

13. Recognises the high potential for expanding the mobility of VET learners to short-term and longer-duration (Erasmus Pro) placements to reinforce the EU's contribution to the fight against youth unemployment; urges the Commission and the Member States to reinforce the opportunities for VET learner mobility and the professional apprenticeship dimension of the programme, both in recognition of the inherent value of apprenticeships and to foster national reforms to develop professional training and qualifications further and promote their recognition; reaffirms, at the same time, that an internship is a formative opportunity that is not a substitute for paid employment;

Social inclusion and accessibility

14. Regrets that fewer than 5 % of young Europeans benefit from the programme on account of socio-economic factors, limited funding, growing inequalities between and within Member States and the complexity of application processes and administrative management; calls on the Commission and the Member States to make the programme more open and accessible, delivering more for the final beneficiaries and maximising support, in particular for people from disadvantaged backgrounds and those with special needs;

15. Urges the Commission and the Member States to make Erasmus+ even more inclusive in order to reach more young people through different tools, digital in particular, and organisations, including formal and non-formal educational institutions at all levels, youth organisations, arts and grassroots sports organisations, volunteer organisations and other civil society stakeholders, by mainstreaming the Inclusion and Diversity Strategy through the programme and targeting those with special needs and fewer opportunities;

16. Recalls that a lack of coordination and portability of rights among EU social systems represents a serious barrier to the mobility of people with disabilities, despite efforts to make the Erasmus+ programmes and other mobility initiatives more inclusive; calls on the Commission and the Member States to strengthen collaboration and thus improve the mobility of vulnerable people;

17. Acknowledges that one of the main obstacles to involving more students in higher education mobility is the lack of clarity and consistency in the recognition of European Credit Transfer and Accumulation System (ECTS) credits gained during the mobility period; calls on the Member States and competent authorities, higher education institutions in particular, to fully implement learning agreements as a mandatory part of the mobility process and to ensure the smooth recognition of ECTS credits gained during Erasmus+ higher education mobility periods;

18. Believes that the younger generations should have better opportunities to design the future of the programme, as they are best placed to enhance its vision and take it to the next level, in accordance with their current and future needs and the challenges they face when working, volunteering and studying;

19. Encourages a certain degree of flexibility when designing the new programme to ensure that it is in a position to respond quickly to emerging challenges and strategic priorities at European and international level; highlights the fact that all new initiatives should complement existing ones and should be equipped with a budget that is sufficient to ensure their effective functioning;

European identity and active citizenship

20. Firmly believes that the Erasmus+ programme should continue to stimulate active citizenship, civic education and intercultural understanding and develop a sense of European identity; insists, therefore, that all education and training and formal and non-formal learning mobility activities financed by Erasmus+ also raise young people's awareness of the added value of European cooperation in the field of education and encourage them to engage in European issues;

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21. Believes that, where appropriate, incorporating educational mobility as part of higher education and vocational training programmes could be beneficial for both students' personal and career development and the promotion of intercultural understanding;

22. Calls on the Commission to develop a European student eCard giving students Europe-wide access to services;

Financing of the programme

23. Regrets that the low success rate of projects launched under some Erasmus+ actions, limited grants and high demand for programme participation may jeopardise the success of Erasmus+ as a flagship EU programme; strongly believes that Erasmus+ should ultimately be targeted towards all young people and that these higher sights for the next Erasmus+ programming period must be matched by significant additional funding which should be reflected in an increased budget so as to unlock the full potential of the programme; calls, therefore, on the Member States, the Commission and relevant stakeholders to generate stronger and more visible support for the Erasmus programme in anticipation of the upcoming multiannual financial framework (MFF) negotiations;

24. Stresses the importance of the smooth introduction of the new Erasmus+ programme, with a strategically planned budget from the outset; encourages the use of regional and social funds to increase the financial contribution of Member States to Erasmus+ mobility grants; recalls that the consistent application of programme rules across the national agencies, including compliance with shared quality standards and project evaluation and administrative procedures, is essential for guaranteeing the coherent implementation of the Erasmus+ programme;

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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)0360

A new skills agenda for Europe**European Parliament resolution of 14 September 2017 on a new skills agenda for Europe (2017/2002(INI))**

(2018/C 337/20)

The European Parliament,

- having regard to Articles 165 and 166 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 14 and 15 thereof,
- having regard to UN Convention on the Rights of Persons with Disabilities, ratified by the EU in 2010,
- having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') ⁽¹⁾,
- having regard to its resolution of 6 July 2010 on promoting youth access to the labour market, strengthening trainee, internship and apprenticeship status ⁽²⁾,
- having regard to the Council recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults ⁽³⁾,
- having regard to the Council recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market ⁽⁴⁾,
- having regard to the Council conclusions of 20 May 2014 on effective teacher education,
- having regard to the Council conclusions of 20 May 2014 on quality assurance supporting education and training,
- having regard to the Council recommendation of 22 April 2013 on establishing a Youth Guarantee ⁽⁵⁾,
- having regard to the Council recommendation of 20 December 2012 on the validation of non-formal and informal learning ⁽⁶⁾,
- having regard to the Council recommendation of 28 June 2011 on policies to reduce early school leaving ⁽⁷⁾,
- having regard to the Council resolution of 28 November 2011 on a renewed European agenda for adult learning ⁽⁸⁾,
- having regard to the Council conclusions of 15 June 2011 on early childhood education and care: providing all our children with the best start for the world of tomorrow,
- having regard to the Council resolution of 15 November 2007 on the new skills for new jobs ⁽⁹⁾,

⁽¹⁾ OJ C 119, 28.5.2009, p. 2.

⁽²⁾ OJ C 351 E, 2.12.2011, p. 29.

⁽³⁾ OJ C 484, 24.12.2016, p. 1.

⁽⁴⁾ OJ C 67, 20.2.2016, p. 1.

⁽⁵⁾ OJ C 120, 26.4.2013, p. 1.

⁽⁶⁾ OJ C 398, 22.12.2012, p. 1.

⁽⁷⁾ OJ C 191, 1.7.2011, p. 1.

⁽⁸⁾ OJ C 372, 20.12.2011, p. 1.

⁽⁹⁾ OJ C 290, 4.12.2007, p. 1.

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- having regard to the Council conclusions on reducing early school leaving and promoting success in school ⁽¹⁾,
- having regard to the Council conclusions of 17 February 2013 on investing in education and training — a response to ‘Rethinking Education: Investing in skills for better socio-economic outcomes’ and the ‘2013 Annual Growth Survey’ ⁽²⁾,
- having regard to the recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning ⁽³⁾ (EQF-LLL),
- having regard to its resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance ⁽⁴⁾,
- having regard to the references made to digital skills in the Commission communication of 19 April 2016 entitled ‘Digitising European Industry — Reaping the full benefits of a Digital Single Market’ (COM(2016)0180),
- having regard to the Commission communication of 20 November 2012 entitled ‘Rethinking Education: Investing in skills for better socio-economic outcomes’ (COM(2012)0669),
- having regard to its resolution of 12 April 2016 on Erasmus+ and other tools to foster mobility in VET — a lifelong learning approach ⁽⁵⁾,
- having regard to its resolution of 19 January 2016 on skills policies for fighting youth unemployment ⁽⁶⁾,
- having regard to its resolution of 8 July 2015 on the Green Employment Initiative: Tapping into the job creation potential of the green economy ⁽⁷⁾,
- having regard to its resolution of 8 September 2015 on promoting youth entrepreneurship through education and training ⁽⁸⁾,
- 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 ⁽⁹⁾,
- having regard to the Council conclusions on the European Pact for gender equality for the period 2011-2020 ⁽¹⁰⁾,
- having regard to the Council conclusions on the role of early childhood education and primary education in fostering creativity, innovation and digital competence,
- having regard to the draft Council conclusions of 20 February 2017 on Enhancing the Skills of Women and Men in the EU Labour Market ⁽¹¹⁾,
- having regard to its resolution of 19 January 2016 on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values ⁽¹²⁾,
- having regard to the Commission Social Europe guide of March 2013 on ‘Social Economy and Social Entrepreneurship’ ⁽¹³⁾,

⁽¹⁾ OJ C 417, 15.12.2015, p. 36.

⁽²⁾ OJ C 64, 5.3.2013, p. 5.

⁽³⁾ OJ C 111, 6.5.2008, p. 1.

⁽⁴⁾ Texts adopted, P8_TA(2016)0338.

⁽⁵⁾ Texts adopted, P8_TA(2016)0107.

⁽⁶⁾ Texts adopted, P8_TA(2016)0008.

⁽⁷⁾ OJ C 265, 11.8.2017, p. 48.

⁽⁸⁾ Texts adopted, P8_TA(2015)0292.

⁽⁹⁾ Texts adopted, P8_TA(2015)0321.

⁽¹⁰⁾ https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/119628.pdf

⁽¹¹⁾ <http://data.consilium.europa.eu/doc/document/ST-6268-2017-INIT/en/pdf>

⁽¹²⁾ Texts adopted, P8_TA(2016)0005.

⁽¹³⁾ Directorate-General for Employment, Social Affairs and Inclusion (ISBN: 978-92-79-26866-3); <http://www.euricse.eu/wp-content/uploads/2015/03/social-economy-guide.pdf>.

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- having regard to the International Labour Organisation (ILO) Decent Work Agenda,
 - having regard to its resolution of 25 November 2015 on the EU Strategic Framework on Health and Safety at Work 2014-2020 ⁽¹⁾,
 - having regard to European Economic and Social Committee Opinion SOC/546 of 22 February 2017,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Employment and Social 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 Employment and Social Affairs and the Committee on Culture and Education and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0276/2017),
- A. whereas the Charter of Fundamental Rights of the European Union enshrines the right to access to vocational training and life-long learning;
- B. whereas skills have a strategic importance for employability, growth, innovation and social cohesion, and whereas the level of complexity of jobs is increasing across all sectors and occupations and there is inflation in relative skills demand, even for low-skilled jobs;
- C. whereas the skills and know-how of our societies are the sole basis for prosperity and for safeguarding our social achievements;
- D. whereas a low-skilled population faces an increased risk of unemployment and social exclusion;
- E. whereas, countries with the highest share of adults displaying low levels of proficiency in basic skills and digital skills have lower levels of labour productivity and ultimately lower prospects for growth and competitiveness;
- F. whereas the European Parliament shares and supports the Commission's efforts to invest in human capital as a key resource for the EU's competitiveness, and whereas the quality of teachers is a prerequisite for the quality of education;
- G. whereas many low-skilled jobs now require greater literacy, numeracy and other basic skills and even low-skilled jobs within the service sector increasingly include more demanding non-routine tasks ⁽²⁾;
- H. whereas, according to the latest Programme for the International Assessment of Adult Competencies (PIAAC) study by the Organisation for Economic Co-operation and Development (OECD), about 70 million European adults lack basic skills such as reading, writing and numeracy, which represents an obstacle to those people finding a decent job and living standard;
- I. whereas by 2025, 49 % of all job openings (including both new and replacement jobs) in the EU will require high-level qualifications, 40 % — medium-level qualifications, while only 11 % — low-level or no qualifications ⁽³⁾;
- J. whereas expanding access to lifelong learning can open up new possibilities for active inclusion and enhanced social participation, especially for the low skilled, the unemployed, people with special needs, older persons and migrants;
- K. whereas Member States need to find ways to protect or promote longer term investment in education, research, innovation, energy and climate action and invest in the modernisation of education and training systems, including lifelong learning;

⁽¹⁾ Texts adopted, P8_TA(2015)0411.

⁽²⁾ European Commission (2016), Analytical underpinning for a New Skills Agenda for Europe (SWD(2016)0195).

⁽³⁾ Cedefop, forthcoming in EC, 2016.

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- L. whereas the EU is a platform best positioned to share best practices and support mutual learning among Member States;
- M. whereas Articles 165 and 166 TFEU make the Member States responsible for general education, including higher education and vocational training;
- N. whereas cooperation in the area of education at EU level is voluntary, which marks a fundamental difference between education and employment, a policy area which is on a much more firmly Community footing;
- O. whereas, skills and competences go hand in hand and therefore the link between them should be further strengthened in the New Skills Agenda;
- P. whereas, the development of future-oriented sectors has a determinant role in the types of skills needed;
- Q. whereas a European skills and jobs survey has revealed that about 45 % of the EU's adult workers believe that their skills can either be better developed or utilised at work;
- R. whereas, according to the ILO, between 25 and 45 percent of the European workforce are either under- or over-qualified for the jobs they do; whereas this situation is largely due to the fast pace of change in the structure of Member State economies;
- S. whereas skills mismatches is a worrying phenomenon affecting individuals and businesses, creating skill gaps and skill shortages and is one of the causes of unemployment ⁽¹⁾; whereas 26 % of EU adult employees lack the skills they need for their job;
- T. whereas, more than 30 % of highly qualified young people are in jobs that do not match their skills and aspirations, while 40 % of European employers say they are unable to find people with the skills they require in order to grow and innovate;
- U. whereas, currently, almost 23 % of the population aged 20-64 have a low level of education (pre-primary, primary or lower secondary education); whereas low-qualified individuals have fewer employment opportunities and are also more vulnerable to being in insecure jobs and are twice as likely as highly qualified people to experience long-term unemployment ⁽²⁾;
- V. whereas low-qualified individuals not only have diminished employment opportunities, but are also more vulnerable to long-term unemployment and have more difficulties in obtaining access to services and participating fully in society;
- W. whereas, individuals often possess skills which are not identified, exploited or properly rewarded; whereas skills acquired outside formal settings, through work experience, volunteering, civic engagement or other relevant experience are not necessarily recorded in a qualification or documented and are therefore being undervalued;
- X. whereas cultural and creative industries (CCIs) contribute to social well-being, innovation, employment and stimulate the EU's economic development while employing more than 12 million people in the EU, which is 7,5 % of all persons employed in the total economy and contribute to the economy with 5,3 % of the total EU Gross Value Added and a further 4 % of nominal EU Gross Domestic Product generated by the high-end industries ⁽³⁾;
- Y. whereas equality between women and men is a fundamental principle of the EU enshrined in the Treaties and is one of the objectives and responsibilities of the Union; whereas mainstreaming the principle of equality between women and men in all its activities, such as access to education and training, is a specific mission of the Union;

⁽¹⁾ <http://www.cedefop.europa.eu/en/events-and-projects/projects/assisting-eu-countries-skills-matching>

⁽²⁾ See SWD(2016)0195.

⁽³⁾ Boosting the competitiveness of cultural and creative industries for growth and jobs, 2015.

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- Z. whereas, at EU level, NEETs (not in employment, education or training) are considered to be one of the most vulnerable groups in the context of youth unemployment; whereas women are 1,4 ⁽¹⁾ times more likely to become NEETs than men on average, further highlighting issues of gender discrimination and equality from a young age;
- AA. whereas social and emotional skills together with cognitive skills are important for individual well-being and success;
- AB. whereas access to high-quality formal, informal and non-formal education, as well as learning and training opportunities, must be a right for everyone at every stage of life so that they can acquire transversal skills such as numeracy, digital and media literacy, critical thinking, social skills, foreign language proficiency and relevant life skills; whereas, in this respect, it is necessary to allow workers time off for personal and training development in the context of life-long learning;
- AC. whereas it is essential that skills aim not only to increase employability but also to bolster the capacity for civic participation and the esteem for democratic values and tolerance, not least as a tool for preventing radicalisation and intolerance of every kind;
- AD. whereas in a fast changing, more globalised and digitised world, transversal and transferable skills such as social skills, intercultural skills, digital skills, problem solving, entrepreneurship and creative thinking are key;
- AE. whereas digital transformation is still ongoing and societal and labour market needs are constantly evolving;
- AF. whereas digital empowerment and self-confidence are an essential prerequisite for building strong societies and helping unity and integration within the EU;
- AG. whereas, nowadays, our education and training systems are facing a significant digital transformation, which is impacting teaching and learning processes; whereas effective digital skills provision is essential to ensure the workforce is prepared for the current and future technological changes;
- AH. whereas, despite a recent increase in the number of people participating in digital education or training in the EU, there is still much to be done to align the European economy to the new digital era and close the gap between the number of job seekers and the number of unfilled jobs;
- AI. whereas there is a need to incorporate new digital transformations into education systems in order to continue to help people become critical, confident and independent; whereas however this must be done symbiotically with the subjects that are already being taught;
- AJ. whereas a future-proofed skills agenda should be included in a broader reflection on occupational literacy in the context of the growing digitisation and robotisation of European societies;
- AK. whereas transversal competences such as civic and social competences as well as citizenship education should be emphasised alongside language, digital and entrepreneurial skills;
- AL. whereas entrepreneurship skills need to be understood in a broader context, as possessing a sense of initiative in terms of participation in social actions and as possessing an entrepreneurial mind-set, and whereas these should therefore be further emphasised in the New Skills Agenda as life skills which benefit individuals in their personal and professional life, while also benefiting communities;

⁽¹⁾ Society at a Glance 2016 — OECD Social Indicators.

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- AM. whereas in order to ensure smart, sustainable and inclusive economic growth and jobs for young people, science, technology, engineering and mathematics (STEM) proficiency must be fostered in the EU;
- AN. whereas the demand for STEM professionals and associate professionals is expected to grow by around 8 % between now and 2025, much higher than the average 3 % growth forecast for all occupations; whereas employment in STEM-related sectors is also expected to rise by around 6,5 % between now and 2025 ⁽¹⁾;
- AO. whereas the poor image and fading attractiveness of vocational education and training (VET) together with low-quality VET in some Member States discourages students from taking up careers in promising fields and sectors with labour force shortages;
- AP. whereas, when dealing with the issue of skills, in particular skills mismatches and job opportunities, the specific challenges faced by rural areas must be taken into account;
- AQ. whereas the green sector was one of the main net creators of jobs in Europe during the recession and should be further promoted in the New Skills Agenda;
- AR. whereas an ageing population in Europe increases demand for healthcare professionals, social care and medical services;
- AS. whereas families play a key role in helping children to learn basic skills;

Developing skills for life and skills for jobs

1. Welcomes the Commission communication entitled 'A New Skills Agenda for Europe — Working together to strengthen human capital, employability and competitiveness' adopted in June 2016;
2. Acknowledges that education and training are Member State competences and that the EU can only support, coordinate or supplement the actions of the Member States;
3. Considers that the EU needs a paradigm shift in the goals and functioning of the education sector; agrees with the focus on upgrading European education and training systems in line with the fast changing economic, technological and societal environment, ensuring access to quality education at all stages;
4. Notes that, while skills needs are dynamic, the main focus of the skills package is the immediate needs of the labour market; highlights in this respect the importance of working in close collaboration with the European Centre for the Development of Vocational Training (Cedefop) in order to anticipate skills needs and to develop a pan-European skills needs forecasting tool and lifelong learning, with a view to adapting to new situations in the labour market and to enhancing the adaptability of individual, active citizenship and social inclusion;
5. Calls on the Member States to focus not only on employability skills, literacy, numeracy, digital and media literacy, but also on skills that are more broadly relevant to society such as transferable, transversal and soft skills (leadership, social and intercultural skills, management, entrepreneurial and financial education, volunteering, foreign languages proficiency, negotiation) in their education and training programmes and curricula, and to prioritise the further development of those capabilities in VET programmes also, together with the enhancement of European craftsmanship;
6. Calls for everyone to have the right to have real access to skills, at every stage of life, in order for them to acquire fundamental skills for the 21st century;
7. Recognises the value of the internationalisation of education and the increasing number of students and staff members who participate in mobility programmes; underlines, in this respect, the value of Erasmus+;

⁽¹⁾ Cedefop, Rising STEMs Database, March 2014.

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8. Notes furthermore that various studies show that mobility equips people with specific professional skills as well as transversal and transferable sets of skills, like critical thinking and entrepreneurship, and provides them with better career opportunities; recognises that the current EU budget dedicated to learning mobility might not be sufficient to achieve the goal of 6 % of learning mobility by 2020;
9. Encourages the Member States to further develop the possibility for inter-sectorial mobility among schools as a whole; emphasises that VET learning mobility needs increased support and promotion and that special attention should be devoted to cross-border regions in the context of mobility;
10. Points out that education and training should contribute to the personal development and growth of young people in order to make them proactive and responsible citizens, ready to live and work in a technologically advanced and globalised economy, and should provide them with the key set of competences for lifelong learning, defined as a combination of knowledge, skills and attitudes necessary for personal fulfilment and development, active citizenship and employment;
11. Stresses that quality early childhood education and care (ECEC) are crucial prerequisites for the development of skills;
12. While noting that the responsibility for providing education and care lies with the Member States, calls on them to enhance quality and broaden access to ECEC and to address the lack of sufficient infrastructure offering quality and accessible childcare for all income levels as well as to consider granting free access for families living in poverty and social exclusion;
13. Underlines that creativity and innovation are becoming driving factors in the EU's economy and should be mainstreamed in the national and European policy strategies;
14. Welcomes the objective of the New Skills Agenda to make VET a first choice for learners, responsive to labour market demand and related to future work requirements through the participation of employers in the design and delivery of the courses;
15. Encourages Member States to go beyond promoting the 'right occupational skills' and to also focus on those aspects of education that are more work-based and more practical, and that foster an entrepreneurial mind-set, innovativeness and creativity, support people to think critically, understand the concept of sustainability, while esteeming fundamental rights and values such as human dignity, freedom, democracy, tolerance, respect, and to fully participate in the democratic process and social life as open-minded citizens;
16. Is however of the opinion that there is a need to adopt a holistic approach to education and skills development, which puts the learner at the centre of the process as well as to ensure sufficient investment in lifelong learning policies; believes furthermore that education and training must be accessible and affordable for all and more efforts are needed to include the most vulnerable groups;
17. Calls on the Member States to ensure that civil society, experts, and families, who have experience of reality on the ground, are involved more actively in the debate on the necessary life skills;
18. Encourages Member States to also focus on tackling gender stereotypes as women represent 60 % of recent graduates; highlights that their employment rate however remains below that of men and that they are under-represented in many sectors;
19. Encourages the Member States to better match the skills with the jobs in the labour market and in particular to put in place quality apprenticeships which help people to be flexible in their education paths and later in the labour market;
20. Recognises the value of dual education ⁽¹⁾ systems, but points out that a system used in one Member State cannot be blindly copied by another Member State; calls for exchanges of best practice models involving the social partners;

⁽¹⁾ A dual education system combines apprenticeships in a company with vocational education at a vocational school in one course.

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21. Recalls, in this respect, the need for enhanced cooperation among the Member States to learn from best practices which lead to lower unemployment rates, such as apprenticeships and lifelong learning;

22. Points to the role of Cedefop, one of whose main tasks is to bring together political leaders, social partners, researchers, and practitioners for the purpose of exchanging ideas and experience, including via the development of sector-specific platforms;

23. Underlines that culture, creativity and arts significantly contribute to personal development, employment and growth across the EU, carrying innovation, stimulating cohesion, strengthening intercultural relations, mutual understanding and preserving European identity, culture and values; calls on the Commission and the Member States to strengthen their support for CCIIs in order to unleash and fully explore their potential;

24. Underlines that the current arrivals of migrants, refugees and asylum seekers to the EU require the establishment of a more sustained approach directed towards third-country nationals including the assessment of their skills, competences and knowledge, which need to be made visible, as well as the establishment of a mechanism for skills recognition and validation;

25. Recalls that newcomers bring new skills and knowledge with them, and calls for the development of tools providing multilingual information about the existing opportunities for formal and informal learning, professional training, traineeships and voluntary work; believes it important to foster intercultural dialogue in order to make it easier for migrants, refugees and asylum seekers to enter the labour market and become integrated into society;

26. Welcomes the Commission proposals concerning the Skills Profile Tool for third-country nationals and hopes for rapid progress in this endeavour; recommends that the New Skills Agenda for Europe, in its approach to migrants' skills, be consistent with the Action Plan on the Integration of Third-Country Nationals; stresses that a more comprehensive approach to the up-skilling of migrants should be taken, including through social entrepreneurship, civic education and informal learning, and that focus should not be limited to transparency, comparability and the early profiling of migrants' skills and qualifications;

27. Believes that coordinated action is required in order to counter 'brain drain' by identifying appropriate means of making use of the skills available, with a view to guarding against the loss of human capital by Member States;

28. Recalls that investing in the capacity of education today will determine the quality of jobs now and in the future, the qualifications of workers, social well-being and democratic participation in society;

29. Calls on the Member States to address the issue of population ageing by encouraging the development of skills related to health, well-being and sickness prevention;

The role of education in tackling unemployment, social exclusion and poverty

30. Considers that the EU's competitiveness, economic growth and social cohesion largely depend on education and training systems that prevent people from falling behind;

31. Insists that education and training are not only key factors in enhancing employability, but also in fostering personal development, social inclusion and cohesion, active citizenship and therefore believes that equal access to quality education and adequate investment in skills and competences are crucial to tackling the high unemployment rate and social exclusion, especially among the most vulnerable and disadvantaged groups (NEETs, the long-term unemployed, the low skilled, refugees, and people with disabilities); recalls that a genuine forecasting of future skills needs is paramount in this respect;

32. Regrets with concern that investment in education is still lagging behind and that successive cuts in education budgets most affect those students and adults coming from a disadvantaged socio-economic background;

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33. Is deeply concerned about the fact that between 2010 and 2014 investment in education and training fell by 2,5 % in the EU as a whole ⁽¹⁾; stresses that in order for education to fulfil its role in tackling unemployment, social exclusion and poverty, properly resourced public education systems are essential;

34. Stresses, as stated by the OECD ⁽²⁾, that more educated people contribute to more democratic societies and sustainable economies, and are less dependent on public aid and less vulnerable to economic downturns; points out therefore that investment in quality education and innovation are not only key to combating unemployment, poverty and social exclusion, but also for the EU to compete successfully in the global markets; calls on the Commission and the Member States to restore public investment to, at least, pre-crisis levels, in early, primary and secondary education for all, and in particular for children from disadvantaged backgrounds;

35. Points out that access to learning and training opportunities must be a right for everyone, at every stage of life, to acquire transversal skills such as, numeracy, digital and media literacy, critical thinking, social skills and relevant life skills; is of the opinion that the New Skills Agenda is a step in the right direction encouraging shared commitment towards a common vision about the critical importance of lifelong learning policies;

36. Stresses the role of external associations and NGOs in providing children with other skills and social competences, such as in the arts and manual activities, in helping their integration, better understanding of their environment, solidarity in learning and living, and improving the learning competences of whole classes;

37. Recalls that people with disabilities have special requirements, and thus need appropriate support in order to acquire skills; calls on the Commission and the Member States when implementing the New Skills Agenda to adopt an inclusive approach in designing their education and training policies, including by means of teaching support personnel as well as making information on skills, training and financing options available and accessible to as many groups of people as possible, taking into account the wide variety of disabilities; maintains that, with a view to supporting their participation in the labour market, entrepreneurship is a feasible option for many people with disabilities; points to, in this regard, the importance of improving the digital skills of people with disabilities as well as the crucial role played by accessible technology;

38. Notes that while there is increased recognition of the potential of quality early education and care in reducing early school leaving and in laying a solid foundation for further learning, the New Skills Agenda lacks a forward-looking vision for the earlier phases of education; calls on the Member States, therefore, to both invest in high-quality ECEC in order to enhance quality and to broaden access to it, and to also adopt measures aimed at reducing early school leaving;

39. Calls on the Member States to endorse in particular the 2014 quality framework on ECEC ⁽³⁾ and insists that relevant programmes must be available to give all young people who have dropped out of primary or secondary school a second chance; considers the completion of secondary education desirable;

40. Points out that education should not only provide skills and competences relevant to job market needs, but should also contribute to the personal development and growth of young people in order to make them proactive and responsible citizens;

41. Calls on the Member States to channel investments into inclusive education which responds to societal challenges and ensures equal access and opportunities for all, including for young people from different socio-economic backgrounds as well as vulnerable and disadvantaged groups;

42. Calls on the Member States to expand second chance education and training opportunities to better integrate groups at risk in the labour market;

⁽¹⁾ Education and Training Monitor 2016.

⁽²⁾ <https://www.oecd.org/education/school/50293148.pdf>

⁽³⁾ Eurofound (2015), Early childhood care: working conditions, training and quality of services — A systematic review.

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43. Welcomes the Commission proposals for actions on skills development to reduce disparity in education and disadvantages throughout the lifetime of a person, thereby enabling European citizens to fight effectively against unemployment and ensure competitiveness and innovation in Europe, but draws attention to a number of administrative obstacles which are slowing progress in attaining those objectives in relation to the mobility of professionals, recognition of qualifications and the teaching of professional qualifications;

44. Calls, to that end, for Member States to ensure that the Internal Market Information System (IMI) functions properly, facilitates better exchanges of data and enhances better administrative cooperation without creating unnecessary administrative burdens, to introduce simpler and faster procedures for the recognition of professional qualifications and continuous professional development requirements of qualified professionals planning to work in another Member State, and to prevent discrimination of all kinds;

45. Calls on the Commission and the Member States, in particular, to facilitate access to skills development for vulnerable citizens by assessing the need to establish specific tools, such as local EU information centres and specific indicators within the Key Competences Framework to take account of the needs of disadvantaged groups;

Boosting lifelong learning opportunities

46. Underlines the importance of lifelong learning for the self-development of workers, including staying up to date with ever-changing working conditions ⁽¹⁾ and of creating opportunities for all in order to foster a culture of learning at all ages in Europe; encourages the Commission and the Member States to promote and invest in lifelong learning in particular in countries with a participation rate below the 15 % benchmark;

47. Notes with concern the unacceptable situation of 70 million Europeans lacking basic skills; welcomes therefore the establishment of the initiative 'Upskilling Pathways' and insists on its swift implementation and monitoring; calls furthermore on the Commission and the Member States to encourage a continuous approach to up-skilling, re-training and lifelong learning, by introducing diverse schemes for enlarged access and motivation, tailored to the individual needs of each Member State, for both unemployed individuals and those who are employed;

48. Considers that the initiative 'Upskilling Pathways' should involve the individualised assessment of learning needs, a quality learning offer and systematic validation of the skills and competences acquired, enabling their easy recognition on the labour market; points to the need to ensure widespread access to broadband in order to enable digital literacy; finds regrettable that the European Parliament was not involved in the shaping of the initiative;

49. Stresses that sectoral and specific skills development must be a shared responsibility between education providers, employers and trade unions and therefore Member States should ensure a close dialogue with social partners; insists that all relevant actors in the labour market should be involved in the training process, design and delivery in order to equip people with the necessary skills throughout their careers, and in order for businesses to be competitive while also boosting personal development, quality employment, career perspectives and development;

50. Underlines that there is a need to develop complex education and training systems to provide learners with different types of skills: basic skills (literacy, numeracy and digital skills); advanced generic skills (such as problem solving and learning); professional, technical, occupation-specific or sector-specific skills; and socio-emotional skills;

51. Underlines that understanding the specific needs of low-skilled individuals and providing them with tailor-made training is an essential step in designing more effective training programmes; recalls that responsiveness and adaptability in light of experience acquired and changing circumstances are crucial elements of an effective education process;

⁽¹⁾ See texts adopted, P8_TA(2016)0338.

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52. Insists that the outreach and guidance to people in disadvantaged situations, including those with disabilities, the long-term unemployed and under-represented groups, that may not be aware of the benefits of raising their skills levels or of opportunities for re-skilling or up-skilling, is of key importance to the success of such an initiative;

53. Calls on the Commission and the Member States for targeted action in terms of re-skilling and validating the skills of parents returning to work following a period taking care of family dependants;

54. Calls for the active involvement of and dialogue with all relevant stakeholders not only at national and European level, but also at the local and regional level in order to meet the real labour market situations and needs;

55. Recalls the need to include lifelong learning in the broader context of occupational literacy;

1. *Strengthening connections between education and employment*

56. Recalls that closing the skills gap and mismatches in the labour market and promoting opportunities for social mobility, including for vocational training and apprenticeships, is essential to promote sustainable growth, social cohesion, jobs creation, innovation and entrepreneurship, in particular for SMEs and crafts; encourages the Member States, therefore, to promote professional learning in accordance with economic demands;

57. Stresses the need to strive for a more flexible, individual and personalised ⁽¹⁾ approach to career development and lifelong education and training across one's personal career and development path, and recognises the role that both public and private stakeholders can play in providing this, while recognising that guidance and counselling which address individual needs and preferences and focus on the evaluation and expansion of individual skills must be a core element of education and skills policies from an early stage;

58. Calls on the Member States together with the social partners to develop and put in place policies that provide for educational and training leave, as well as in-work training; calls on them to make learning inside and outside work, including paid training leave, accessible to all workers and in particular to those in disadvantaged situations, and with an emphasis on women employees;

59. Underlines that any skills policy should take into consideration not only ongoing transformations in the labour market but also ensure that the policy is universal enough in scope to develop the ability of workers to learn and to facilitate their adaptation to challenges in the future;

60. Stresses that skills development must be a shared responsibility between education providers and employers; insists that the industry/employers should be involved in providing and training people with the necessary skills in order for businesses to be competitive and at the same time boost people's self-confidence;

61. Reiterates that to enhance employability, innovation and active citizenship, including eco-citizenship, basic skills must go hand in hand with other key competences and attitudes: creativity, nature-awareness, a sense of initiative, foreign language competences, critical thinking, including through e-literacy and media literacy, and skills reflecting growing sectors;

62. Emphasises the huge innovation and employment potential of renewable energy sources and the search for greater resource and energy efficiency; calls on the Commission and the Member States, in view of the education and employment opportunities, to take energy and environmental issues into account when implementing the New Skills Agenda;

63. Stresses the need to implement tailor-made support for on-the-job learners, apprentices and employees to ensure the inclusion of all individuals in the labour market;

⁽¹⁾ The shift to learning outcomes — Policies and Practices in Europe — Cedefop.

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64. Recognises the importance of fostering work-based learning apprenticeships and internships as one of the tools for further facilitating the integration of individuals into the labour market, i.e. by establishing bridges/competence exchanges between generations;

65. Notes that apprenticeships, traineeships and specific skills training are considered to be the most effective types of training in terms of preventing young people from returning to NEET status; notes that it has been highlighted that having a dual system of vocational and academic education and training reduces the NEET group by enabling more young people to be retained in education/training and by helping to make them more employable and more likely to progress more smoothly into employment/a career; stresses that macro-economic analysis reports that a combination of a dual education and training system and active labour market policies get the best results;

66. Calls on the Member States to provide support for work-based, inter-company training and skill development for SMEs;

67. Asks for concrete measures to be put in place in order to facilitate the transition of young people from education to work by ensuring quality and paid internships and apprenticeships providing them with practical on-the-spot training, as well as cross-border exchange programmes such as Erasmus for Young Entrepreneurs, giving young people the possibility of putting their knowledge and talents into practice and having an adequate set of social and economic rights and access to adequate employment and social protection, as defined by national legislation and practice, equal to adult workers; calls on the Member States to provide special support to SMEs so that they too are able to take on interns and work-study (alternance) trainees;

68. Calls on the Member States to ensure a quality framework that does not allow internships and apprenticeships to be used as a cheap or free labour; points out that an understanding of core health and safety standards and rights in the workplace is also important in developing quality employment and preventing exploitation; calls, to this end, on the Member States to establish national legal quality frameworks on internships and apprenticeships, ensuring in particular employment protection and adequate social security coverage;

69. Calls on the Commission to present a Quality Framework for Apprenticeships and on the Member States to endorse it ⁽¹⁾;

70. Believes that, in order to anticipate future skills needs, civil society, especially youth and community organisations, social partners, education and training providers as well as special support services must be actively involved at all levels, in particular in designing, implementing and evaluating vocational qualification programmes, which provide a real and effective transition from formal education to work-based learning and quality employment;

71. Stresses the need to ensure that qualifications are meaningful to employers by involving labour market actors in their design;

The key role of non-formal and informal learning

72. Insists on the importance of validating non-formal and informal learning to reach out and empower learners; recognises that this is particularly evident in the case of those in vulnerable or disadvantaged situations, such as low-skilled workers or refugees who are in need of priority access to validation arrangements;

73. Regrets that employers and formal education providers do not sufficiently recognise the value and relevance of skills, competences and knowledge acquired through non-formal and informal learning; stresses, in this regard, the need to work on overcoming the lack of awareness on validation among all relevant stakeholders;

74. Recognises that the lack of comparability and coherence between the validation approaches of EU countries, especially for VET, represents an additional barrier; acknowledges, furthermore, that the provision of real access, recognition and financial support remains a real challenge especially for disadvantaged groups, such as low-skilled individuals who are in need of priority access to validation;

⁽¹⁾ To be built on the Opinion of the Advisory Committee on Vocational Training on 'A Shared Vision for Quality and Effective Apprenticeships and Work-based Learning' adopted on 2 December 2016.

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75. Calls on the Commission and the Member States to raise awareness of validation possibilities; welcomes, in this regard, the progress made in the last few years in the context of the implementation of the Council recommendation on validation of non-formal and informal learning by 2018; is, however, of the opinion that further efforts are needed in establishing relevant legal frameworks and creating comprehensive validation strategies in order to enable validation;

76. Recalls that many existing European transparency tools such as the European Qualifications Framework (EQF) and the European Credit system for Vocational Education and Training (ECVET) have been developed in isolation; emphasises that, in order to allow individuals to better measure their progress and opportunities, and capitalise on the learning outcomes gained in different contexts, they need to be better coordinated and supported by quality assurance systems and embedded in a framework of national qualifications in order to build trust across sectors and actors, including employers;

77. Insists on the need to refocus on the role of non-formal education, which is key for the empowerment of people and especially for the more vulnerable and disadvantaged people, including people with special needs and disabled people, those who are low skilled and who have limited opportunities to access formal education; believes that non-formal education providers and NGOs are in a good position to reach out to the disadvantaged groups who are out of the formal education system and should be better supported in their role, in order to ensure that those most in need benefit from the New Skills Agenda;

78. Recognises the importance of volunteering as one of the tools for acquiring knowledge, experience and skills for enhancing employability and gaining professional qualifications;

79. Stresses that non-formal learning, including through volunteering, has a crucial role to play in stimulating the development of transferable knowledge, intercultural competences and life skills such as team work, creativity and a sense of initiative while reinforcing self-esteem and motivation to learn;

80. Further emphasises the importance of informal educational programmes, arts and sports activities and intercultural dialogue, with a view to actively involving citizens in societal and democratic processes and making them less vulnerable to propaganda leading to radicalisation; stresses that informal and non-formal learning play a key role in efforts to include those who have the greatest difficulty in finding work and are therefore vulnerable; calls, in this respect, on the Member States for the full and timely implementation of the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning;

81. Underlines the value of transversal skills acquired through sports as part of non-formal and informal learning, and further stresses the link between sports employability, education and training;

82. Underlines that informal and non-formal settings also provide opportunities for active promotion of the common values of freedom, tolerance and non-discrimination, for learning about citizenship, sustainability and human rights, including women's and children's rights;

83. Calls on the Member States to introduce procedures for the recognition of informal and non-formal education, drawing on the best practices of Member States who have already introduced tools of that kind, to ensure that the upskilling pathways are a success ⁽¹⁾; notes, in this regard, the importance of policy response aimed at groups furthest from the labour market;

84. Highlights that informal and non-formal settings, widely used in the context of community education and work with groups under-represented in mainstream academic and adult education provision, play a key role for the inclusion of marginalised and vulnerable people; affirms, in this context, the need to take into account the perspective and needs of women and girls, people with disabilities, LGBTI people, migrants and refugees and people from ethnic minorities;

85. Stresses the importance of career guidance in supporting low-skilled individuals; notes in this regard the importance of the capacity and quality of the Member States' public and private employment services;

⁽¹⁾ Council Recommendation of 19 December 2016.

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86. Calls on the Commission and the Member States to consider introducing common tools for the assessment of skills as part of the Europass scheme;

87. Calls on the Member States to further develop their validation systems and increase awareness of available validation services; encourages them to build more accessible, attractive and open pathways to further education, e.g. by continuing VET;

Fostering digital, STEM and entrepreneurial skills

88. Draws attention to the fact that in today's society, ensuring basic digital skills is an essential prerequisite for personal and professional fulfilment, but is of the opinion that further efforts are needed in equipping people with more specific digital competences in order to be able to use digital technologies in an innovative and creative way;

89. Points to the need to identify the skills required for new-technology jobs and to promote the acquisition of the digital skills sought by mid-cap, micro, small and medium-sized businesses; draws attention in particular to the fact that, in the digital era, the acquisition of skills takes place in a context of swift change that can destabilise jobs markets and to the consequent need for lifelong learning to help people adjust to change;

90. Believes that greater importance should be given to STEM education with a view to improving digital learning and teaching; highlights the close link between creativity and innovation, and therefore calls for the inclusion of the arts and creative learning in the STEM learning agenda, as well as considers that girls and young women should be encouraged from an early age to study STEM subjects;

91. Insists on the need to incorporate new technologies in the teaching and learning process as well as to facilitate education through hands-on and real-life experiences, taking into account age-appropriate ICT and media curricula, that respect child development and wellbeing, and that provides early guidance in the responsible use of technology and fosters critical thinking in order to equip people with the right set of skills, competences and knowledge, and to ensure the development of the full range of digital skills that individuals and companies need in an increasingly digital economy; recalls the need to encourage girls and young women to pursue ICT studies;

92. Stresses, furthermore, the need for a more collaborative, coordinated and targeted approach for the development and implementation of digital skills strategies;

93. Encourages the Commission, to that end, to increase the funding under the European Framework Programmes, as well as the European Fund for Strategic Investments (EFSI), fostering inclusive, innovative and reflective European societies, to get all citizens, in particular those with precarious socio-economic backgrounds or living in remote areas, persons with disabilities, the elderly and the unemployed, to fully participate in society and the labour market;

94. Welcomes the Commission's proposal to urge Member States to draw up comprehensive national strategies for digital skills with special attention being paid to closing the digital divide, in particular for older persons; points out however that in order for these strategies to be effective, there is a need to ensure lifelong learning opportunities for educational staff, strong pedagogical leadership and innovation at all levels of education, tailored to each level, that is based on a clear vision for an age- and development-appropriate media pedagogy, as well as initial and continuous teacher training and upskilling and an exchange of best practices;

95. Underlines that media literacy allows citizens to have a critical understanding of different forms of media, thereby increasing and enhancing the resources and opportunities offered by 'digital literacy';

96. Calls on the Member States to reinforce their efforts to improve media literacy in school curricula and institutions of cultural education, and to develop initiatives at national, regional or local level covering all levels of formal, informal and non-formal education and training;

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97. Reiterates that the set of digital skills must include digital and media literacy, as well as critical and creative thinking, in order for learners to become not only users of technologies but active creators, innovators and responsible citizens in a digitised world;

98. Calls on the Member States to make available opportunities for ICT training and the development of digital skills and media literacy at all levels of education; underlines, in this regard, the importance of open educational resources (OER) which ensure access to education for all;

99. Stresses the need to include elements of entrepreneurial learning, including social entrepreneurship, at all levels of education and across various subjects, since fostering entrepreneurial spirit among the young at an early stage will increase employability, support the fight against youth unemployment, as well as encourage creativity, critical thinking and leadership skills useful for setting up social projects and contributing to local communities; further emphasises the importance of learning from experience and the concept of 'positive failures' in this context;

100. Considers that entrepreneurship education should include a social dimension since it boosts the economy while simultaneously alleviating deprivation, social exclusion and other societal problems, and address such subjects as fair trade, social enterprise, and alternative business models, such as co-operatives, in order to strive towards a more social, inclusive and sustainable economy;

101. Recalls that the creative industries are among the most entrepreneurial and fast growing sectors, and creative education develops transferable skills such as creative thinking, problem-solving, teamwork, and resourcefulness; acknowledges that arts and media sectors are of particular appeal to young people;

102. Points out that entrepreneurship requires the development of transversal skills such as creativity, critical thinking, teamwork and a sense of initiative, which contribute to young people's personal and professional development and facilitate their transition into the job market; believes there is a need, therefore, to facilitate and encourage participation by entrepreneurs in the educational process;

103. Urges active dialogue, data-sharing and cooperation between the academic community, other educational and training institutions or actors, social partners and the world of work, aimed at developing educational programmes which equip young people with the requisite skills and competences and knowledge;

Modernising VET and focus on the value of work-based learning

104. Calls on the Commission, the Member States and the social partners to develop and put in place policies that provide for educational and training leave, as well as in-work vocational training and life-long learning, including in Member States other than their own; calls on them to make learning inside and outside work, including paid study opportunities, accessible to all workers and in particular to those in disadvantaged situations, and with an emphasis on women employees in sectors where women are structurally under-represented ⁽¹⁾;

105. Reiterates the importance of vocational education and training (VET), as a relevant type of education not only for enhancing employability and clearing the pathway to professional qualifications, but also leading to equal opportunities for all citizens, including from socially vulnerable and disadvantaged groups;

106. Calls on the Commission and the Member States to ensure adequate investment in VET, to guarantee that it is more relevant to learners, employers and society in a holistic and participatory educational approach, and to tailor it to labour market needs by making it an integral part of the education system via a participatory, integrated and coordinated approach, and to guarantee high qualification standards and quality assurance in this regard; underlines the need for closer collaboration between VET and higher education providers in order to ensure the successful transition of VET graduates to higher education;

107. Regards efforts to ease the transition between academic and vocational education as essential;

⁽¹⁾ See texts adopted, P8_TA(2016)0338.

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108. Underlines the need to strengthen the vocational and career guidance practices both in the education system and the adult education towards skills and competences needed within countries perspective branches and sectors with high added value and investment potential;

109. Welcomes the initiatives taken by the Commission to promote VET education; recognises that VET mobility has not yet reached its potential; considers that additional funding to VET institutions could contribute to enhancing VET mobility as well as increasing the quality, relevance and inclusiveness of VET education;

110. Highlights the need to investigate the possibility for inter-sectorial mobility not only in the VET teacher profession but also among schools as a whole;

111. Maintains that the main responsibility for the quality of VET education lies at the Member State and regional level; calls for the Commission to promote VET and to facilitate the exchange of best practices;

112. Calls on the Member States to rebrand VET, with adequate investment and qualified staff, reinforcing the link to the labour market, employers and creating the awareness of VET as a valuable education and career path;

113. Calls on the Commission and the Member States to increase the attractiveness and status of VET and VET mobility as an important choice in one's personal career path, by making sure that young people and their families have access to information and guidance on VET options, that sufficient investments are made in increasing the quality and relevance of VET education, that it is accessible and affordable for all, and that more bridges are made between academic education and VET as well as promoting gender balance and non-discrimination in VET programmes;

114. Calls for specific targets such as the implementation of a fully operational credit transfer system and recognition by using ECVET;

115. Calls on the Commission and the Member States, with a view to reducing the number of people dropping out of education or training and the number of NEETs, to develop and compare the best experiences of the partnerships between education and vocational training; recommends doing this by means of cooperation between secondary schools and undertakings, including by means of apprenticeships, in order to create second-chance opportunities, achieve greater integration between systems and tailor skills better to actual needs;

116. Encourages the Member States to establish quality dual-education and vocational training systems in coordination with local and regional economic actors, following an exchange of best practices and in line with the specific nature of each educational system, with a view to overcoming the existing and future skills mismatches;

117. Calls on the Member States to improve data collection mapping of the career trajectories of VET learners in order to better address their employment prospects, assess the quality of VET education and inform students' career choices;

118. Recalls that more support for learners' and teachers' mobility is needed; calls, therefore, on the Member States to include mobility support in their national programmes in order to assist a large share of young people in benefiting from an experience abroad;

Teachers and trainers

119. Believes teachers and trainers play a key role in learners' performance; emphasises therefore the need to invest and support the initial and continuous professional development of teachers of all educational sectors as well as the need to ensure quality employment and to establish lifelong career guidance services, which must be an ongoing priority throughout the EU;

120. Stresses that improving the status of and upskilling all teachers, trainers, mentors and educators in order to expand their skills would be a prerequisite for the delivery of the New Skills Agenda and that further efforts have to be made to attract young people to work in the education system and to motivate teachers to stay in the profession, including by improving retention policies; notes that this requires consideration for and the valorisation of teachers, attractive remuneration and working conditions, better access to further training during working time especially in digital didactics, as well as measures to protect against and prevent violence and harassment in educational institutions; calls on the Member

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States to encourage more gender equality in the teaching profession; underlines that enhancing innovative teaching and learning practices and facilitating mobility and exchange of best practices could be one step towards this goal;

121. Recalls that in some Member States teachers' education has been significantly affected by the economic and financial crises; underlines the importance of investing in teachers, trainers and educators and equipping them with new skills and teaching techniques in line with technological and societal developments;

122. Calls on the Member States to invest strongly into teachers' lifelong learning, including practical experience abroad, and to ensure their continuous professional development as well as to help them to develop new skills such as ICT skills, entrepreneurial skills and inclusive education know-how; emphasises, in this respect, that adequate paid training days should be provided for the upskilling of all educational staff;

123. Stresses the need to develop VET teachers' competences to deliver entrepreneurial skills to students in close cooperation with the SMEs; stresses in this regard the promotion of flexible recruitment practices (e.g. teachers with industry experience);

124. Recommends the Member States to provide incentives to recruit candidates for the teaching profession with high-level competencies and to reward effective teachers;

The implementation of the New Skills Agenda: challenges and recommendations

125. Calls on the Commission to work closely with Cedefop in order to better estimate and anticipate future skill needs and adapt them better to the jobs available on the labour market;

126. Stresses the need for the New Skills Agenda to be further elaborated, implemented and monitored in cooperation with all relevant stakeholders, including social partners, civil society organisations and non-formal education providers, employment services and local authorities; calls on the Commission to foster the promotion of broader partnerships with these stakeholders;

127. Calls on the Commission and on the Member States during the implementation of the initiative to place great emphasis on the coordination of various organisations directly or indirectly involved in skills development, such as ministries, local authorities, public employment and other agencies, education and training institutions, and non-governmental organisations;

128. Calls on the Commission and the Member States to continue to make VET more visible and to enhance its quality and attractiveness; calls on the Commission to encourage Member States to set further targets to encourage work-based learning in VET programmes;

129. Calls for stronger collaboration between VET and higher education providers to bridge the existing gap to ensure the successful transition of VET graduates to higher education; recommends, in this regard, learning from the best practices in various Member States which have efficient dual education systems;

130. Calls on the Commission and the Member States to adopt a coordinated and integrated approach to social, education and employment policies in order to allow the constant development and adjustment of VET and enable people having completed this path to make the transition to higher levels of education and training;

131. Highlights the need to improve the understanding and comparability of different qualifications across Member States; welcomes the proposed revision and further development of EQF and calls for a strengthened cooperation between Member States and all stakeholders; calls for greater consistency between EU qualification instruments — namely the EQF, ECVET and EQAVET;

132. Calls on the Member States to continue to focus on offering opportunities to their citizens, of all ages, to develop their digital skills and competences while fostering the digital transformation of the economy and society and re-shaping the way people learn, work and do business as well as the wider societal implications of these changes; calls on the Member States, in this regard, to take note of the Commission's intention to focus on the positive aspects of this transformation via the EU e-skills strategy; calls for further involvement of civil society and social partners in the Digital Skills and Jobs Coalition;

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133. Agrees with the Blueprint for Sectoral Cooperation on Skills provided by the Commission in the framework of the pilot programme for six sectors and encourages its continuation;

134. Calls on the Commission and the Member States to continue to focus on digital skills, in particular the digital transformation of the economy and re-shaping the way people work and do business, and takes note of the Commission's intention to focus on the positive aspects of this transformation via the EU e-skills strategy;

135. Calls on the Member States to include early entrepreneurship education ⁽¹⁾, including social entrepreneurship, as part of the curriculum in order to develop an individual entrepreneurial mind-set in their citizens as a key competence which supports personal development, active citizenship, social inclusion and employability;

136. Encourages the Commission to develop equivalent competence frameworks for other key competences such as the competence of financial literacy in the same way as for digital and entrepreneurial skills;

137. Is of the opinion that, in order for the proposed 'Upskilling Pathways' initiative to make a tangible difference, it is important to take account of the experience of the implementation of the Youth Guarantee; believes, in particular, that it should aspire to ensure faster implementation, have an integrated approach with accompanying social services, and foster better cooperation with social partners, such as trade unions and employers' association, and other stakeholders;

138. Believes that equipping people with a minimum set of skills is important, but not enough as it is crucial to ensure that every individual is encouraged to acquire advanced skills and competences in order to better adapt to the future, especially in the case of vulnerable groups who are at risk of precarious employment;

139. Regrets the lack of dedicated funding for the implementation of the proposals, which may prove a significant obstacle to taking actions that make a real difference at national level, but is of the opinion that Member States should be encouraged to take full advantage of the existing sources of funding that are available to support the implementation of the Agenda, especially the European Social Fund; highlights that the proposed sources of funding — namely the ESF and Erasmus+ — are already being committed at national level; calls therefore on the Commission to encourage Member States to invest more in, as well as encourage, efficient spending on skills as important human capital investments which bring not only social but economic returns;

140. Calls on the Commission and Member States to make funding available in order to bridge the existing technological and digital gap between educational and training institutions which are well equipped and those which are not and to support teachers' and trainers' up-skilling in technology in order to keep pace with today's increasingly digital world, as part of the national strategies for digital skills;

141. Strongly recommends addressing the digital divide, and giving equal opportunities for all to access digital technologies, as well as the competences, attitudes and motivation needed for digital participation;

142. Asks the Commission and the Member States to work, as well, on issues such as underachievement of pupils in some fields of study, the low participation rates in adult learning, early school leaving, social inclusion, civic engagement, gender gaps and employability rates of graduates;

143. Calls on the Member States to foster cooperation and reinforce synergies between formal, non-formal and informal education providers, regions and local authorities, employers and civil society, in consultation with the social partners, with a view to reaching a wider group of low-skilled workers in order to better take into account their specific needs;

144. Calls for enabling a greater flexibility in learning, in relation to location, delivery and learning methods that would serve to attract and meet the needs of a diverse range of learners, enhancing therefore the learning opportunities for all people;

145. Welcomes the proposed revision of the key competences framework which offers a valuable reference and provides common understanding for the development of transversal skills, and calls for its impact to be reinforced on a national level, including in curricula and teacher training; calls on the Commission to ensure that the key competences framework is coupled with the 2012 Council Recommendation on the recognition of non-formal and informal learning;

⁽¹⁾ European Commission/EACEA/Eurydice, 2016. Entrepreneurship Education at School in Europe. Eurydice Report.

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146. Welcomes the planned revision of the European Qualifications Framework, which should help improve the readability of existing skills and qualifications in the various countries of the EU; stresses that such a tool is essential for the development of professional mobility, particularly in border areas, and stresses the need to ensure greater visibility of skills, competences and knowledge, acquired through non-formal and informal learning;

147. Calls on the Member States to have a broad approach in implementing the upskilling pathways, providing diverse opportunities that take into account concrete needs at local, regional and sectorial level (for example intercultural, civic, ecological, linguistic, health, family skills), and should go beyond basic skills provision;

148. Calls on the Commission to support Member States' efforts through mutual learning activities and the exchange of good policy practices;

149. Welcomes and encourages the revision of the Europass Framework, particularly the move from using Europass as a document-based facility to a service-based platform, and the effort to make more visible the different type of learning and skills, in particular those acquired outside the formal education;

150. Believes that the revision should ensure that disadvantaged groups such as people with disabilities, low-skilled people, senior citizens or the long-term unemployed could benefit from the tools and considers it crucial to ensure its accessibility to persons with disabilities;

151. Believes that gender disparities in relation to skills development should be better reflected in the New Skills Agenda;

152. Welcomes the initiative to introduce a system of graduate tracking in order to provide a more evidence-based and relevant approach to designing curricula and learning offers; calls for a similar system for large-scale tracking of VET graduates;

153. Calls for continuous and increased support for Erasmus+ mobility programme offering and promoting inclusive learning and training opportunities for young people, educators, volunteers, apprentices, interns and young workers;

154. Calls on the Commission to analyse the national qualification schemes and suggests adjusting them to match the changing needs of the new emerging professions; underlines the need for Member States to support the teaching profession by facilitating access to information on state-of-the-art technologies and recalls, to that end, the eTwinning platform developed by the Commission;

155. Calls on the Commission to announce a European Year of Adult Learning, which will help to raise awareness of the value of adult education and 'active ageing' across Europe, and to allow enough time for its preparation at EU and national level;

156. Calls on the Commission to organise an annual 'European Skills Forum' to enable relevant authorities, education institutions, practitioners, students, employers and employees to exchange best practice on skills forecasting, development and validation;

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

Tuesday 12 September 2017

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2017)0317

Request for waiver of the immunity of Marie-Christine Boutonnet

European Parliament decision of 12 September 2017 on the request for waiver of the immunity of Marie-Christine Boutonnet (2017/2063(IMM))

(2018/C 337/21)

The European Parliament,

- having regard to the request for waiver of the immunity of Marie-Christine Boutonnet, forwarded on 14 April 2017 by the Ministry of Justice of the French Republic, on the basis of a request made by the Prosecutor-General at the Paris Court of Appeal, and announced in plenary on 26 April 2017 in connection with a case pending before Examining Magistrates at the Paris Regional Court (*pôle financier*) pertaining to a judicial investigation on grounds of, inter alia, breach of trust in connection with funds received by virtue of the parliamentary assistant's contract of a named individual,
- having heard Jean-François Jalkh, replacing Marie-Christine Boutonnet, in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
- having regard to Article 26 of the Constitution of the French Republic,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A8-0259/2017),

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

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- A. whereas Examining Magistrates at the Paris Regional Court have requested the waiver of the parliamentary immunity of Marie-Christine Boutonnet in order to hear her in connection with a suspected criminal offence;
- B. whereas, pursuant to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of their national parliament;
- C. whereas Article 26 of the French Constitution states that 'No Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any other custodial or semi-custodial measure, without the authorisation of the Bureau of the House of which he is a member. Such authorisation shall not be required in the case of a serious crime or other major offence committed flagrante delicto or when a conviction has become final';
- D. whereas the examining magistrates consider that the investigations conducted during the preliminary inquiry and the judicial investigation suggest that the initial suspicions raised by the European Parliament regarding a certain number of parliamentary assistants of Members of the European Parliament affiliated to the Front National may be justified;
- E. whereas, in particular, it appears that the Front National establishment plan published in February 2015 showed that it listed 15 Members of the European Parliament, 21 local parliamentary assistants and 5 accredited parliamentary assistants; whereas a certain number of parliamentary assistants declared that their place of employment was the headquarters of the Front National in Nanterre, in some cases indicating that they were employed there full-time; whereas most of the employment contracts of the parliamentary assistants described identical, general tasks, without entering into any detail;
- F. whereas the investigations also revealed three situations which made it seem unlikely that the assistants concerned were genuinely working on duties connected with the European Parliament:
- European parliamentary assistants' employment contracts interspersed between two employment contracts for the Front National;
 - European parliamentary assistants' employment contracts for the European Parliament and employment contracts for the Front National running concurrently;
 - employment contracts for the Front National concluded for periods immediately following periods covered by European parliamentary assistants' employment contracts;
- G. whereas during a search conducted at the headquarters of the Front National in February 2016, a number of documents were seized in the office of the treasurer of the Front National, which bore witness to this party's desire to make 'savings' thanks to the European Parliament's defraying the remuneration of employees of the party by virtue of their capacity as parliamentary assistants;
- H. whereas the examining magistrates consider it necessary to hear Marie-Christine Boutonnet's explanations concerning the funds received under the contract of a certain named parliamentary assistant; whereas that assistant was charged on 6 March 2017 with concealing a breach of trust between September 2014 and February 2015; whereas when questioned by the two examining magistrates, the assistant invoked his right to remain silent;
- I. whereas Marie-Christine Boutonnet refused to enter an appearance in response to the summonses from the investigators and the examining magistrates issued with a view to establishing whether she should be charged with a breach of trust between September 2014 and February 2015;
- J. whereas it appears that Marie-Christine Boutonnet has since been heard by the examining magistrates in Paris;
- K. whereas it is nonetheless appropriate to waive the immunity of the Member concerned, since only Parliament is entitled to waive a Member's immunity;

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- L. whereas there is clearly a case to answer the request for waiver of the immunity and there is no evidence of *fumus persecutionis*, particularly in view of the fact that proceedings are under way on the basis of similar charges against Members belonging to other Political Groups and of other nationalities;
1. Decides to waive the immunity of Marie-Christine Boutonnet;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the French Republic and to Marie-Christine Boutonnet.
-

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2017)0318

Appointment of Simon Busuttil to the panel set up under Article 255 of the TFEU**European Parliament decision of 12 September 2017 proposing the appointment of Simon Busuttil to the panel set up under Article 255 of the Treaty on the Functioning of the European Union (2017/2132(INS))**

(2018/C 337/22)

The European Parliament,

- having regard to the second paragraph of Article 255 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Rule 120 of its Rules of Procedure,
- having regard to the proposal of its Committee on Legal Affairs (B8-0503/2017),

A. whereas Simon Busuttil meets the conditions laid down in the second paragraph of Article 255 TFEU;

1. Proposes that Simon Busuttil be appointed to the panel;
 2. Instructs its President to forward this decision to the President of the Court of Justice.
-

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P8_TA(2017)0319

EU-Iceland Agreement on the protection of geographical indications for agricultural products and foodstuffs ***

European Parliament legislative resolution of 12 September 2017 on the draft Council decision on the conclusion of the Agreement between the European Union and Iceland on the protection of geographical indications for agricultural products and foodstuffs (11782/2016 — C8-0123/2017– 2016/0252(NLE))

(Consent)

(2018/C 337/23)

The European Parliament,

- having regard to the draft Council decision (11782/2016),
 - having regard to the draft Agreement between the European Union and Iceland on the protection of geographical indications for agricultural products and foodstuffs (12124/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C8-0123/2017),
 - 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 International Trade (A8-0254/2017),
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 Iceland.

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P8_TA(2017)0320

EU-Iceland Agreement concerning additional trade preferences in agricultural products *****European Parliament legislative resolution of 12 September 2017 on the draft Council decision on the conclusion of the Agreement in the form of an exchange of letters between the European Union and Iceland concerning additional trade preferences in agricultural products (12146/2016 — C8-0129/2017 — 2016/0293(NLE))****(Consent)**

(2018/C 337/24)

The European Parliament,

- having regard to the draft Council decision (12146/2016),
 - having regard to the draft Agreement in the form of an exchange of letters between the European Union and Iceland concerning additional trade preferences in agricultural products (12147/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0129/2017),
 - 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 International Trade (A8-0256/2017),
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 Iceland.
-

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P8_TA(2017)0325

Repeal of obsolete regulations with regard to inland waterway and road haulage sectors *I**

European Parliament legislative resolution of 12 September 2017 on the proposal for a regulation of the European Parliament and of the Council repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and (EC) No 685/2001 (COM(2016)0745 — C8-0501/2016 — 2016/0368(COD))

(Ordinary legislative procedure: first reading)

(2018/C 337/25)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0745),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0501/2016),
 - 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 29 March 2017 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 5 July 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 Transport and Tourism (A8-0228/2017),
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)0368

Position of the European Parliament adopted at first reading on 12 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council repealing Regulations (EC) No 2888/2000 and (EC) No 685/2001 of the European Parliament and of the Council and Council Regulation (EEC) No 1101/89

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1952.)

⁽¹⁾ OJ C 209, 30.6.2017, p. 58.

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P8_TA(2017)0326

Promotion of internet connectivity in local communities *I**

European Parliament legislative resolution of 12 September 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities (COM(2016)0589 — C8-0378/2016 — 2016/0287(COD))

(Ordinary legislative procedure: first reading)

(2018/C 337/26)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0589),
 - having regard to Article 294(2) and Article 172 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0378/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - 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 the opinion of the European Economic and Social Committee of 26 January 2017 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 8 February 2017 ⁽²⁾,
 - 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 7 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 Industry, Research and Energy and the opinions of the Committee on Budgets, the Committee on Transport and Tourism and the Committee on Regional Development (A8-0181/2017),
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.

⁽¹⁾ OJ C 125, 21.4.2017, p. 69.

⁽²⁾ OJ C 207, 30.6.2017, p. 87.

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P8_TC1-COD(2016)0287

Position of the European Parliament adopted at first reading on 12 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of internet connectivity in local communities

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1953.)

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ANNEX TO THE LEGISLATIVE RESOLUTION**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**

The European Parliament, the Council and the Commission agree that the WiFi4EU initiative should have meaningful impact and scalability. To this end, they note that if an increase of EUR 25 000 000 to EUR 50 000 000 of the financial envelope for the implementation of CEF in the telecommunications sector cannot be secured in full, the Commission might propose reallocations within that envelope in order to facilitate overall funding for the promotion of internet connectivity in local communities of EUR 120 000 000.

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P8_TA(2017)0327

Measures to safeguard the security of gas supply ***I

European Parliament legislative resolution of 12 September 2017 on the proposal for a regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (COM(2016)0052 — C8-0035/2016 — 2016/0030(COD))

(Ordinary legislative procedure: first reading)

(2018/C 337/27)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0052),
 - having regard to Article 294(2) and Article 194 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0035/2016),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Article 194(2) 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 Austrian Federal Council and the Bulgarian 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 22 September 2016 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 10 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 Industry, Research and Energy and the opinions of the Committee on Foreign Affairs and the Committee on Regional Development (A8-0310/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 487, 28.12.2016, p. 70.

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P8_TC1-COD(2016)0030

Position of the European Parliament adopted at first reading on 12 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1938.)

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ANNEX TO THE LEGISLATIVE RESOLUTION

STATEMENT OF THE COMMISSION AS REGARDS ARTICLE 16 OF THE REGULATION

The Commission welcomes the co-cooperation mechanisms set out in Article 16 of the proposed Regulation as an important tool for ensuring consistency of preventive action and emergency plans with Energy Community Contracting Parties.

The Commission stresses the importance of effectively ensuring that no measures are put in place by Energy Community Contracting Parties that may negatively affect the security of supply situation in the EU and its Member State and vice versa.

In this respect, the Commission will, without prejudice to its initial Commission proposal of 16 February 2016, consider proposing to the Council in due course a recommendation under Art. 218 TFEU for negotiations on amendments of the Energy Community Treaty with a view to establishing an appropriate legal framework and mechanisms to allow applicability of selected provisions of the Regulation and other relevant parts of the *acquis communautaire* in the field of energy between the EU and its Member States on the one hand, and Contracting Parties of the Energy Community on the other, so as to ensure effective implementation of a reinforced security of gas supply framework.

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P8_TA(2017)0329

EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence**European Parliament resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109 — 2016/0062(NLE))**

(2018/C 337/28)

The European Parliament,

- having regard to the proposal for a Council Decision (COM(2016)0109),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which opened for signature in Istanbul on 11 May 2011 (hereinafter the 'Istanbul Convention'),
- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU),
- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular to its Articles 8, 19, 157, 216 and 218(6), second subparagraph, point (a),
- having regard to Articles 21, 23, 24 25 and 26 of the Charter of Fundamental Rights of the European Union,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing + 5 (2000), Beijing + 10 (2005), Beijing + 15 (2010) and Beijing + 20 (2015) special sessions,
- having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women's rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 Convention relating to the Status of Refugees and the principle of non-refoulement, and the UN Convention on the Rights of the Child,
- having regard to the UN Convention on the Rights of Persons with Disabilities, to which the EU is a State Party, including the 2015 Concluding Observations of the United UN Committee on the Rights of Persons with Disabilities (UNCRPD) to the EU, which call on the EU to accede to the Istanbul Convention as a way to protect women and girls with disabilities from violence,
- having regard to its report on the implementation of the UN Convention on the Rights of Persons with Disabilities, which calls for the EU to become a party to the Istanbul Convention as a further step in combating violence against women and girls with disabilities,
- having regard to the General Comment adopted on 26 August 2016 by the UN Committee on the Rights of Persons with Disabilities on Article 6 ('Women and Girls with Disabilities') of the UN Convention on the Rights of Persons with Disabilities,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 ⁽¹⁾,

⁽¹⁾ OJ C 407, 4.11.2016, p. 2.

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- having regard to its resolutions of 26 November 2009 on the elimination of violence against women ⁽¹⁾, of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women ⁽²⁾, and of 6 February 2013 on 'The 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls' ⁽³⁾,
- having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating violence against women ⁽⁴⁾ and to the European Added Value Assessment,
- having regard to its resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women ⁽⁵⁾,
- having regard to the European Pact for Gender Equality (2011-2020), adopted by the Council of the European Union in March 2011,
- having regard to the EU guidelines on violence against women and girls and combating all forms of discrimination against them,
- having regard to the Commission staff working document of 3 December 2015 entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),
- having regard to its resolution of 9 September 2015 on empowering girls through education in the EU ⁽⁶⁾,
- having regard to the EU Presidency Trio declaration of 7 December 2015 by the Netherlands, Slovakia and Malta on gender equality,
- having regard to Directive 2012/29/EU 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 ⁽⁷⁾,
- having regard to Directive 2011/99/EU of 13 December 2011 on the European protection order ⁽⁸⁾ and to Regulation (EU) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters ⁽⁹⁾,
- having regard to Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA ⁽¹⁰⁾ and to Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA ⁽¹¹⁾,
- having regard to Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation and Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services, which define and condemn harassment and sexual harassment,
- having regard to the Commission roadmap on a possible EU accession to the Istanbul Convention, published in October 2015,
- having regard to the Third Quarterly Activity Report of the Commissioner of Human Rights of the Council of Europe of 16 November 2016, in relation to the definition of gender-based violence in the Istanbul Convention,

⁽¹⁾ OJ C 285 E, 21.10.2010, p. 53.

⁽²⁾ OJ C 296 E, 2.10.2012, p. 26.

⁽³⁾ OJ C 24, 22.1.2016, p. 8.

⁽⁴⁾ OJ C 285, 29.8.2017, p. 2.

⁽⁵⁾ Texts adopted, P8_TA(2016)0451.

⁽⁶⁾ Texts adopted, P8_TA(2015)0312.

⁽⁷⁾ OJ L 315, 14.11.2012, p. 57.

⁽⁸⁾ OJ L 338, 21.12.2011, p. 2.

⁽⁹⁾ OJ L 181, 29.6.2013, p. 4.

⁽¹⁰⁾ OJ L 101, 15.4.2011, p. 1.

⁽¹¹⁾ OJ L 335, 17.12.2011, p. 1.

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- having regard to the Joint Statement by the Presidency, the European Commission and the European Parliament calling for swift EU accession to the Istanbul Convention on combating violence against women adopted in Malta on 3 February 2017,
 - having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015 ⁽¹⁾, and of 10 March 2015 on progress on equality between women and men in the European Union in 2013 ⁽²⁾,
 - having regard to the study of 2016 by its Policy Department for Citizens' Rights and Constitutional Affairs entitled 'Knowledge and Know-How: The Role of Self-Defence in the Prevention of Violence against Women', in particular in relation to the contribution of self-defence training to implementing Article 12 of the Istanbul Convention,
 - having regard to Rule 99(5) of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality under Rule 55 of the Rules of Procedure,
 - having regard to the interim report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Legal Affairs (A8-0266/2017),
- A. whereas gender equality is a core value of the EU; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and in the Charter of Fundamental Rights and should be fully respected, promoted and applied in legislation, practice, case law and daily life; whereas, according to the Gender Equality Index, no EU country has yet fully achieved equality between women and men; whereas gender-based violence is both a cause and a consequence of inequalities between women and men;
- B. whereas modern forms of slavery and human trafficking, which mainly affect women, are still persistent in the EU;
- C. whereas Member States have to acknowledge that once violence has occurred society has failed in its first and foremost duty of protection, and the only means left are reactive measures such as compensating the victims and prosecuting the offenders;
- D. whereas the EU must take all necessary measures, in cooperation with its Member States, to promote and protect the right of all women and girls to live free from violence, whether physical or psychological, in both the public and the private spheres;
- E. whereas gender-based violence should not be taken lightly or seen as an issue that can be postponed and dealt with later, since it affects over 250 million women and girls in the EU alone and has tremendous effects on society, increasing fear and polarisation and contributing to stress and mental illness as it threatens the security of half the population; whereas the European Institute for Gender Equality (EIGE) estimates that the cost to society from sexual-based violence in the EU is EUR 226 billion yearly;
- F. whereas violence against women ⁽³⁾ and gender-based violence, both physical and psychological, are widespread in the EU and are to be understood as an extreme form of discrimination and a violation of human rights affecting women at all levels of society, regardless of age, education, income, social position or country of origin or residence, and representing a major hindrance to equality between women and men, also economically and politically; whereas further measures are needed to encourage women who have been the victims of violence to report their experiences and seek assistance, and to ensure that they receive appropriate support in line with their needs, are informed about their rights, and have access to justice in order for the perpetrators to be prosecuted;

⁽¹⁾ Texts adopted, P8_TA(2017)0073.

⁽²⁾ OJ C 316, 30.8.2016, p. 2.

⁽³⁾ For the purposes of the Istanbul Convention, the term 'women' includes girls aged under 18 (Article 3).

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- G. whereas the report published in March 2014 by the European Union Agency for Fundamental Rights entitled 'Violence against women: an EU-wide survey' shows that one-third of all women in Europe have experienced physical or sexual acts of violence at least once during their adult lives, 20 % have experienced online harassment, one in twenty have been raped and more than one-tenth have suffered sexual violence involving the use of force;
- H. whereas one in ten women have been subjected to sexual harassment or stalking using new technology, while 75 % of women in higher decision-making roles have had to withstand sexual harassment; whereas this shows that no woman or girl, regardless of age and position in life, is safe from sexual-based violence;
- I. whereas measures must be taken to address the emerging phenomenon of gender-based violence online, including bullying, harassment and intimidation, particularly of young women and girls and of LGBTI people;
- J. whereas citizens and residents in the Union are not equally protected against gender-based violence, owing to the lack of a European strategy, including a legislative act, and to the existence of differing policies and legislation across Member States, as regards inter alia the definition of offences and the scope of the legislation, and therefore remain vulnerable to such violence; whereas there are also differences within the EU in terms of information, access to and provision of shelters, support services and rights;
- K. whereas violence against women is linked to the unequal distribution of power between women and men, to sexism and gender stereotypes, that have led to domination over and discrimination against women by men and to the prevention of women's full advancement;
- L. whereas violence against women contributes to the persistence of gender-based inequalities by hampering victims' access to employment, with negative effects on their financial independence and the economy in general;
- M. whereas an important factor to why women do not report sexual-based violence is due to their economic dependency on the perpetrator;
- N. whereas extreme poverty increases the risk of violence and other forms of exploitation that hamper the full participation of women in all areas of life and the achievement of gender equality;
- O. whereas more must be done to facilitate and encourage the participation of women in the political, economic, and social spheres and to increase the visibility of women in leadership positions, so as to combat objectification and a culture of gender-based violence;
- P. whereas the Istanbul Convention stipulates that all its provisions, in particular measures to protect the rights of victims, shall be secured 'without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status';
- Q. whereas women with disabilities are 1,5 to 10 times more likely to be the subject of gender-based violence, and because of their position of dependence it is even harder for these women to report the violence; whereas women and girls with disabilities do not form a homogenous group, but, rather, a group which includes women of different status and in diverse situations and women with different types of impairments, such as physical, psychosocial, intellectual or sensory conditions that may or may not be accompanied by functional limitations; whereas the UNCRPD requires that States Parties take measures to ensure the full and equal enjoyment by women with disabilities of all human rights and fundamental freedoms;
- R. whereas some groups of women and girls, such as migrant women, women refugees and asylum seekers, women and girls with disabilities, LGBTI women and Roma women, are at risk of multiple discrimination and are therefore even more vulnerable to violence, owing to motives fuelled by sexism coupled with racism, xenophobia, homophobia, transphobia or intersexphobia as well as discrimination based on age, disability, ethnicity or religion; whereas women

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in Europe face intersecting and multiple forms of discrimination that prevent them from accessing justice and support and protection services and from enjoying their fundamental rights; whereas women should be granted specialist support services in the implementation of protection measures;

- S. whereas violence against women, including domestic violence, is too often considered as a private issue and too easily tolerated; whereas in fact it constitutes a systemic violation of fundamental rights and a serious crime that must be punished as such; whereas impunity must end by ensuring that perpetrators are prosecuted and that women and girls who are survivors of violence receive proper support and recognition from the judicial system, in order to break the vicious circle of silence and loneliness for those who have been the victims of violence, independently of their geographic origin or social class;
- T. whereas significant cultural differences exist between Member States concerning the likelihood of women reporting rape or sexual assault, and official statistics reflect this tendency more than the factual number of rapes or sexual assaults committed in a country;
- U. whereas in most cases of murders of women the perpetrators are their husbands, ex-husbands, partners or ex-partners, who do not accept the end of a marriage or relationship;
- V. whereas the perpetrator of gender-based violence is often a person already known to the victim and in many cases the victim is in a position of dependence, which increases the fear of reporting the violence;
- W. whereas gender stereotypes and sexism, including sexist hate speech, occurring worldwide, offline and online and in public and private life, are one of the root causes of all forms of violence against women;
- X. whereas exposure to physical, sexual or psychological violence and abuse has a severe impact on victims which may result in physical, sexual, emotional or psychological harm or economic damage; whereas this impact is also felt by families and relatives and by society as a whole; whereas children do not need to be directly the object of violence to be considered as victims, as witnessing domestic violence is also traumatising;
- Y. whereas the Istanbul Convention, in its Article 3, clearly defines 'gender-based violence' as 'violence that is directed against a woman because she is a woman or that affects women disproportionately', and furthermore defines 'gender' as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men';
- Z. whereas in order to reduce the estimated number of unreported cases Member States must have sufficient institutions in place for women to feel safe and able to report gender- based violence;
- AA. whereas only a mix of policies combining legislative and non-legislative measures, such as infrastructural, legal, judicial, cultural, educational, social and health actions, and measures to facilitate victims' access to housing and employment, including providing shelter for victims, as well as equal participation of women in all areas of society, can significantly reduce violence against women and gender-based violence and its consequences; whereas civil society, and women's organisations in particular, make a very important contribution to preventing and combating all forms of violence and their work should be recognised, encouraged and supported so that they can carry it out in the best possible way;
- AB. whereas the education and training of girls and women is an important European value, a fundamental human right and an essential element for the empowerment of girls and women on the social, cultural and professional levels, as well as for the full enjoyment of all other social, economic, cultural and political rights, and subsequently the prevention of violence against women and girls;

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- AC. whereas only states are able to provide free and compulsory universal education, which is a sine qua non for guaranteeing equal opportunities for all genders;
- AD. whereas the Istanbul Convention stresses the importance of changing mentalities and attitudes in order to break out of the continuum of gender-based violence; whereas education at all levels and for persons of all ages on equality between women and men, on non-stereotype gender roles and on respect for personal integrity, is therefore required in this regard; whereas self-defence training is one of the efficient tools for reducing victimisation and its negative impact, challenging gender stereotypes and empowering women and girls;
- AE. whereas the immediate accession of all Member States to the Istanbul Convention would contribute substantially to the development of an integrated policy and to the promotion of international cooperation in the fight against all forms of violence against women;
- AF. whereas the EU must work to advance the fight to eliminate gender-based violence in its neighbourhood and around the world, as part of the global effort to achieve the Sustainable Development Goals and including combating the use of sexual violence as a weapon of war;
- AG. whereas the Istanbul Convention is a mixed agreement that allows for accession by the EU in parallel to accession by its Member States;
- AH. whereas all Member States have signed the Istanbul Convention, but only 14 have ratified it; whereas the EU's accession to the Convention does not exonerate Member States from national ratification;
- AI. whereas the ratification of the Istanbul Convention requires proper enforcement, effective implementation, and allocation of adequate financial and human resources;
1. Welcomes the fact that on 4 March 2016 the Commission proposed the EU's accession to the Istanbul Convention, namely the first comprehensive legally binding instrument on preventing and combating violence against women and gender-based violence, including domestic violence ⁽¹⁾, at international level;
2. Welcomes the signing of the EU's accession to the Istanbul Convention on 13 June 2017; regrets, however, that the limitation to two areas, i.e. matters related to judicial cooperation in criminal matters and asylum and non-refoulement, raises legal uncertainties as to the scope of the EU's accession, as well as concerns regarding the implementation of the Convention;
3. Condemns all forms of violence against women, and deplores the fact that women and girls are often exposed to domestic violence, sexual harassment, psychological and physical violence, stalking, sexual violence, rape, forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation, sexual exploitation and human trafficking and other forms of violence, which constitute a serious violation of their human rights and dignity; stresses that the Istanbul Convention lays down that culture, custom, religion, tradition or so-called 'honour' cannot be a justification of any acts of violence against women; denounces the fact that more and more women and girls are victims of gender-based violence on the internet and on social media; calls on the Member States to adopt concrete measures to address these new forms of crime, including sex-extortion, grooming, voyeurism and revenge pornography, and to protect the victims, who can experience serious trauma leading sometimes even to suicide;
4. Strongly affirms that the denial of sexual and reproductive health and rights services, including safe and legal abortion, is a form of violence against women and girls; reiterates that women and girls must have control over their bodies and sexualities; calls on all the Member States to guarantee comprehensive sexuality education, ready access for women to family planning, and the full range of reproductive and sexual health services, including modern contraceptive methods and safe and legal abortion";
5. Stresses that forced pregnancy is defined as a crime against humanity in Article 7 of the Rome Statute of the International Criminal Court of 17 July 1998 and is a form of gender-based violence against women that constitutes a serious violation of the human rights and dignity of women and girls;

⁽¹⁾ See the definitions in Article 3 of the Istanbul Convention.

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6. Stresses that the Istanbul Convention follows a holistic, comprehensive and coordinated approach placing the rights of the victim at the centre, by addressing the issues of violence against women and girls and gender-based violence, including domestic violence, from a wide range of perspectives, providing for measures such as the prevention of violence, the fight against discrimination, criminal law measures to combat impunity, victim protection and support, the protection of children, the protection of women asylum seekers and refugees, and better data collection and awareness-raising campaigns or programmes, including in cooperation with national human rights and equality bodies, civil society and NGOs;

7. Highlights that the Istanbul Convention provides a sound basis for changing the social structures that create, legitimate and perpetuate violence against women, and provides tools for the introduction of measures to that effect; stresses that the Convention simultaneously addresses prevention, protection and prosecution (the 'three-tiered approach') and applies a comprehensive and coordinated approach, stemming from the principle of due diligence which establishes a positive obligation on states to respond effectively to all acts of violence (Article 5 of the Convention);

8. Emphasises that the EU's accession will provide a coherent European legal framework to prevent and combat violence against women and gender-based violence and to protect and support victims in the EU's internal and external policies, as well as bringing about better monitoring, interpretation and implementation of EU laws, programmes and funds relevant to the Convention, together with better collection of comparable disaggregated data at EU level; considers that by acceding to the Convention the EU will become a more efficient global actor in the field of women's rights;

9. Asks the Council, the Commission and the Member States to take into account the following recommendations:

- (a) To urge the Member States to speed up negotiations on the ratification and implementation of the Istanbul Convention; to strongly condemn attempts to retract measures already taken in implementing the Istanbul Convention and in combating violence against women;
- (b) To ask the Commission to initiate, without delay or postponement, a constructive dialogue with the Council and Member States, in cooperation with the Council of Europe, so as to address reservations, objections and concerns expressed by Member States, and in particular to clarify misleading interpretations of the Istanbul Convention on the definition of gender-based violence and the definition of gender in Article 3(c) and (d), in accordance with the General Remarks of the Commissioner of Human Rights of the Council of Europe;
- (c) To keep Parliament fully informed of the relevant aspects of the negotiations at all stages, so that it may properly exercise the rights conferred on it by the Treaties in accordance with Article 218 TFEU;
- (d) To ensure, despite the signing of the EU's accession to the Istanbul Convention, a broad EU accession to the Convention without any limitations;
- (e) To make sure that the Member States enforce the Istanbul Convention and allocate adequate financial and human resources to preventing and combating violence against women and gender-based violence, including domestic violence, empowering women and girls, and protecting victims and enabling them to be compensated, especially in the case of those living in areas where protection services for victims do not exist or are very limited;
- (f) To ask the Commission to draw up a holistic EU strategy on combating violence against women and gender-based violence that includes a comprehensive plan to combat all forms of gender inequalities, integrating all EU efforts to eradicate violence against women;
- (g) To designate an EU Coordinator to act as representative of the EU to the Committee of the Parties at the Council of Europe once the Istanbul Convention is ratified by the EU; this coordinator would be responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence against women and girls;

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- (h) To ensure that Parliament will be fully engaged in the monitoring process of the Istanbul Convention following the EU's accession; to proceed with a swift agreement on a code of conduct concerning cooperation between the EU and its Member States for the implementation of the Convention, which should also involve civil society organisations, particularly women's rights organisations;
- (i) To urge the Commission and the Member States to produce practical guidelines and strategies for the application of the Istanbul Convention, in order to facilitate its smooth implementation and enforcement in those Member States that have already ratified it, while also responding to the concerns of those that have not yet ratified it and encouraging them to do so;
- (j) To ensure appropriate training, procedures and guidelines for all professionals dealing with the victims of all acts of violence covered by the scope of the Convention in order to avoid discrimination or re-victimisation during judicial, medical and police proceedings;
- (k) To ensure preventive measures to address the specific needs of vulnerable persons, such as women with disabilities, refugee women, child victims, pregnant women, LGBTI women and women with additional support needs, including targeted and easily accessible specialist support services, together with adequate healthcare services and safe accommodation for women who have been the victims of gender-based violence and their children;
- (l) To take into account significant incidents of violence against women and gender-based violence, including domestic violence, when determining custody and visiting rights; the rights and needs of child witnesses should be also taken into account when providing protection and support services to victims;
- (m) To actively promote a change in attitudes and behaviour and to combat sexism and stereotyped gender roles, including by promoting gender-neutral language, making concerted efforts to address the key role of media and advertising in this area, and encouraging everyone, including men and boys, to play an active part in preventing all forms of violence; to call on the Member States, therefore, to adopt and implement active policies for social inclusion, intercultural dialogue, sex and relationship education, human rights education and anti-discrimination, as well as gender equality training for law enforcement and judicial professionals; to encourage Member States to include in their education systems the elimination of all obstacles to genuine equality between women and men and to fully promote that goal;
- (n) To encourage Member States to implement policies that aim to build societies free from violence of any kind and to use the Istanbul Convention in this manner;
- (o) To ensure that the proactive measures against violence acknowledge the gender-based reality where the absolute majority of perpetrators are men; to encourage Member States to work with evidence-based violence-reducing tactics to target this problem;
- (p) To take the necessary measures pursuant to Articles 60 and 61 of the Convention on migration and asylum, taking into account the fact that migrant women and girls, whether properly documented or not, and women asylum seekers, have the right to live free from violence whether in the public or private sphere and are particularly vulnerable to gender-based violence, recalling that gender-based violence, including FGM, can be recognised as a form of persecution and that the victims can thus avail themselves of the protection offered by the 1951 Convention relating to the Status of Refugees; to ensure that Member States respect a gender-sensitive approach in all asylum and reception procedures and respect the principle of non-refoulement;
- (q) To promote gender budgeting as a tool for preventing and combating against gender-based violence in relevant policy areas, as well as ensuring resources and funding for access to justice for victims and survivors of violence;

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- (r) To improve and promote the collection of relevant disaggregated comparable data on cases of violence of all kinds covered by the Istanbul Convention, in cooperation with EIGE, including data broken down by age and gender of the perpetrators and relationship between the perpetrator and the victim, in order to build a common methodology to compare databases and data analysis, thus ensuring a better understanding of the problem, and to raise awareness of and assess and improve Member States' actions to prevent and combat violence against women and gender-based violence;
10. Stresses that in order to be more effective, measures combating violence against women should be accompanied by actions tackling gender-based economic inequalities and promoting the financial independence of women;
11. Calls on the Commission to submit a legal act to support Member States in the prevention and suppression of all forms of violence against women and girls and of gender-based violence;
12. Calls on the Council to activate the passerelle clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as an area of crime under Article 83(1) TFEU;
13. Calls on the Commission to revise the EU framework decision currently in force on combating certain forms and expressions of racism and xenophobia by means of criminal law, in order to include sexism, bias crime and incitement to hatred on grounds of sexual orientation, gender identity and sex characteristics;
14. Calls on the Member States to fully implement Directive 2011/99/EU on European Protection order, Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matter and Directive 2012/29/EU on protection of victims, as well as Directive 2011/36/EU on preventing and combating trafficking in Human being and Directive 2011/93/EU on preventing and combating child sexual abuse and exploitation;
15. Calls once again on the Commission to set up a European Monitoring Observatory on gender-based violence (along the lines of the existing European Institute for Gender Equality);
16. Urges the Estonian Presidency to accelerate the EU's ratification of the Istanbul Convention;
17. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, and the Parliamentary Assembly of the Council of Europe.
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P8_TA(2017)0331

Non-objection to a delegated act: funds under direct management in the European Maritime and Fisheries Fund

European Parliament decision to raise no objections to the Commission Delegated Regulation of 12 June 2017 amending Regulation (EU) No 508/2014 of the European Parliament and of the Council as regards the distribution of funds under direct management among objectives of the Integrated Maritime Policy and the Common Fisheries Policy (C(2017)03881 — 2017/2743(DEA))

(2018/C 337/29)

The European Parliament,

- having regard to the Commission delegated regulation (C(2017)03881),
 - having regard to the Commission's letter of 1 September 2017 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Fisheries to the Chair of the Conference of Committee Chairs of 5 September 2017,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - 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 ⁽¹⁾, in particular Articles 14(4) and 126(5) thereof,
 - 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 ⁽²⁾,
 - having regard to the recommendation for a decision of the Committee on Fisheries,
 - 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 12 September 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 149, 20.5.2014, p. 1.

⁽²⁾ OJ L 354, 28.12.2013, p. 22.

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P8_TA(2017)0332

Multilateral Agreement on the establishment of a European Common Aviation Area (ECAA)

European Parliament legislative resolution of 13 September 2017 on the draft Council Decision on the conclusion, on behalf of the Union, of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (*) on the establishment of a European Common Aviation Area (ECAA) (15654/2016 — C8-0098/2017 — 2006/0036(NLE))

(Consent)

(2018/C 337/30)

The European Parliament,

- having regard to the draft Council decision (15654/2016),
 - having regard to draft Council Decision on the signature and provisional application of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (*) on the establishment of a European Common Aviation Area (08823/2/2006),
 - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0098/2017),
 - 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 Transport and Tourism (A8-0260/2017),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, to the Commission and to the governments and parliaments of the Member States and of the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania and the Republic of Serbia, and to the United Nations Interim Administration Mission in Kosovo.

(*) This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

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P8_TA(2017)0333

Subjecting acryloylfentanyl to control measures *

European Parliament legislative resolution of 13 September 2017 on the draft Council implementing decision on subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures (08858/2017 — C8-0179/2017 — 2017/0073(NLE))

(Consultation)

(2018/C 337/31)

The European Parliament,

- having regard to the Council draft (08858/2017),
 - 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 (C8-0179/2017),
 - having regard to Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances ⁽¹⁾, and in particular Article 8(3) 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 (A8-0284/2017),
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 127, 20.5.2005, p. 32.

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P8_TA(2017)0335

Mobilisation of the European Union Solidarity Fund to provide assistance to Italy**European Parliament resolution of 13 September 2017 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Italy (COM(2017)0540 — C8-0199/2017 — 2017/2101(BUD))**

(2018/C 337/32)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2017)0540 — C8-0199/2017),
 - having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽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⁾, and in particular Article 10 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⁾, and in particular point 11 thereof,
 - having regard to the letter from the Committee on Regional Development,
 - having regard to the report of the Committee on Budgets (A8-0280/2017),
1. Notes that the decision represents the single highest ever mobilisation of the European Union Solidarity Fund;
 2. Notes that the maximum threshold of the advance laid down in Article 4a of Regulation (EC) No 2012/2002 as amended by Regulation (EU) No 661/2014 of the European Parliament and of the Council ⁽⁴⁾ might often represent an insufficient aid measure for those disasters which are classified as ‘major natural disasters’; stresses the need to consider a higher threshold for those specific first financial contributions in order to effectively and promptly face the damages caused by this category of disasters;
 3. Welcomes the decision as a sign of the Union’s solidarity with the Union citizens and regions hit by the natural disasters;
 4. Approves the decision annexed to this resolution;
 5. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
 6. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

⁽¹⁾ OJ L 311, 14.11.2002, p. 3.

⁽²⁾ OJ L 347, 20.12.2013, p. 884.

⁽³⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁴⁾ Regulation (EU) No 661/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 2012/2002 establishing the European Union Solidarity Fund (OJ L 189, 27.6.2014, p. 143).

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Union Solidarity Fund to provide assistance to Italy

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/1599.)

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P8_TA(2017)0336

Draft amending budget No 4/2017 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Italy

European Parliament resolution of 13 September 2017 on the Council position on Draft amending budget No 4/2017 of the European Union for the financial year 2017 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Italy (11813/2017 — C8-0304/2017 — 2017/2109(BUD))

(2018/C 337/33)

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⁾ (MFF Regulation),
 - 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 4/2017, which the Commission adopted on 26 June 2017 (COM(2017)0541),
 - having regard to the position on Draft amending budget No 4/2017 which the Council adopted on 4 September 2017 and forwarded to Parliament on the same day (11813/2017 — C8-0304/2017),
 - having regard to Rules 88 and 91 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A8-0281/2017),
- A. whereas Draft amending budget No 4/2017 concerns the mobilisation of the European Union Solidarity Fund (EUSF) for an amount of EUR 1 196 797 579 in relation to the earthquakes that occurred in Italy between August 2016 and January 2017 in the regions of Abruzzo, Lazio, Marche and Umbria,
- B. whereas the amount of EUR 30 000 000 was already paid for this EUSF case by means of an advance from the 2016 Union budget,
- C. whereas that mobilisation represents the biggest ever mobilisation of the EUSF,
- D. whereas the purpose of Draft amending budget No 4/2017 is formally to enter the corresponding budgetary adjustment into the 2017 Union budget,

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 51, 28.2.2017.

⁽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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- E. whereas the Commission consequently proposes to amend the 2017 Union budget and to increase Article 13 06 01 'Assistance to Member States in the event of a major natural disaster with serious repercussions on living conditions, the natural environment or the economy' by EUR 1 166 797 579 both in commitment and payment appropriations,
 - F. whereas, while the total amount available for the mobilisation of the EUSF at this stage of the year is EUR 293 971 080 less than the proposed amount, the Commission proposes to cover that difference from the annual amount available in 2018, in line with Article 10(2) of the MFF Regulation; whereas that possibility has never been used before,
 - G. whereas the EUSF is a special instrument as defined in the MFF Regulation, and the corresponding commitment and payments appropriations are to be budgeted over and above the MFF ceilings,
 - H. whereas the Commission proposes to fully redeploy the necessary payment appropriations within the 2017 Union budget and to replenish the negative reserve activated in Amending Budget No 1/2017 (EUR 70 402 434) from the budget lines for the 2007-2013 structural funds programmes,
 - 1. Stresses the urgent need to release financial assistance through the EUSF to the regions affected by the natural disasters; notes that creating synergies between all available Union instruments is of paramount importance, ensuring that resources are used effectively for reconstruction activities and all other necessary actions;
 - 2. Takes note of Draft amending budget No 4/2017, as submitted by the Commission;
 - 3. Approves the Council position on Draft amending budget No 4/2017;
 - 4. Instructs its President to declare that Amending budget No 4/2017 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
 - 5. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.
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P8_TA(2017)0337

Mobilisation of the European Globalisation Adjustment Fund: application EGF/2017/002 FI/MICROSOFT 2

European Parliament resolution of 13 September 2017 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from Finland — EGF/2017/002 FI Microsoft 2) (COM(2017)0322 — C8-0193/2017 — 2017/2098(BUD))

(2018/C 337/34)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2017)0322 — C8-0193/2017),
 - 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 (A8-0278/2017),
- 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;
- C. whereas Finland submitted application EGF/2017/002 FI/Microsoft 2 for a financial contribution from the EGF under the intervention criteria of point (a) of Article 4(1) of the EGF Regulation following 1 248 redundancies in Microsoft Mobile Oy and 11 suppliers and downstream producers in Finland operating in the economic sector classified under the NACE Revision 2 Division 62 (Computer programming, consultancy and other activities);
1. Agrees with the Commission that the conditions set out in point (a) of Article 4(1) of the EGF Regulation are met and that Finland is entitled to a financial contribution of EUR 3 520 080 under that Regulation, which represents 60 % of the total cost of EUR 5 559 300;

⁽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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2. Notes that Finland submitted the application on 1 February 2017, and that, following additional information provided by Finland, its assessment was finalised by the Commission on 21 June 2017;
3. Recalls that Microsoft acquired the mobile phone business of Nokia and that Microsoft Mobile Oy was established in 2014; notes that approximately 4 700 Nokia employees were transferred to Microsoft Mobile Oy in Finland;
4. Notes that the main reason for the redundancies at Microsoft Mobile Oy is the worldwide competition in the mobile phone sector and the consequent loss of market share by Microsoft Mobile Oy and its Windows-based operating system; notes that the decrease happened despite the fact that Microsoft Mobile Oy launched new mobile devices and invested into design, components and marketing;
5. Acknowledges, with regret, the challenges faced by EU mobile phone manufacturers; considers that appropriate support needs to be offered so that the affected workers can retrain so as to be better placed to find jobs in related or expanding industrial sectors;
6. Concludes that the redundancies are linked to the shift of manufacturing of mobile devices to lower wage countries; notes that the winners in the smartphone manufacture competition have been the US and Asia-based manufacturers using Android or iOS operating system;
7. Recognises that the affected regions of Helsinki-Uusimaa, Länsi-Suomi and Etelä-Suomi have already experienced extensive redundancies by firms in the electronics and software sectors and that Länsi-Suomi and Etelä-Suomi have high regional unemployment rates (14,6 % and 17,5 % of the labour force respectively); notes that 1 000 out of 1 248 redundant workers eligible for the EGF contribution are expected to participate in the measures;
8. Notes that 92,5 % of the targeted beneficiaries are 30-54 years old and that many of the redundant workers are highly educated; notes that unemployment rates of highly educated people have increased considerably in all three regions; is concerned about the already difficult unemployment situation of highly skilled and educated people whose employment prospects would otherwise be traditionally good;
9. Notes that Finland is planning six types of measures: (i) coaching measures and other preparatory measures, (ii) employment and business services, (iii) training, (iv) start-up grants, (v) pay subsidy, and (vi) allowances for travel and accommodation; notes that those actions constitute active labour market measures; notes that sufficient funds are allocated to control and reporting;
10. Notes that the income support measures correspond to 26,74 % of the overall package of personalised measures, below the maximum 35 % set out in the EGF Regulation, and that these actions are conditional on the active participation of the targeted beneficiaries in job-search or training activities;
11. Highlights the importance of active labour market measures supported by the EGF; notes that in previous EGF cases providing face-to-face services for redundant workers has proven to be extremely useful;
12. Welcomes the use of the EURES network service to pass foreign job advertisements to Finnish jobseekers; welcomes the fact that the Finnish authorities are encouraging the redundant workers to fully benefit from their right to free movement;
13. Understands that the EGF-funded training measures will be complementary to those financed by a fund set up by the company to help former employees start small businesses in the IT and other sectors; welcomes this initiative;
14. Welcomes the fact that the Finnish authorities started providing the personalised services to the targeted beneficiaries on 12 July 2016, well ahead of the application for the EGF support for the proposed coordinated package;

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15. Welcomes the fact that consultations have taken place with stakeholders including representatives of the Centres for Economic Development ('ELY centres'), the Employment and Economic Development ('TE') offices of the regions concerned, Microsoft, the Technology Industries of Finland, Trade Union Pro, the Union of Professional Engineers in Finland and the Finnish Funding Agency for Innovation;

16. Recalls that the design of the coordinated package of personalised services supported by the EGF should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy;

17. Recognises that the current application is a continuation of a series of previous applications from Finland following the decline of Nokia (EGF/2007/003 FI/Perlos, EGF/2012/006 FI/Nokia Salo, EGF/2013/001 FI/Nokia, EGF/2015/001 FI/Broadcom, EGF/2015/005 FI/Computer Programming, EGF/2016/001 FI/Microsoft and EGF/2016/008 FI/Nokia Network Systems);

18. Notes that there is an on-going EGF intervention (EGF/2016/001 FI/Microsoft) targeted to support the employees made redundant from Microsoft earlier; stresses that the targeted beneficiaries of this proposal are separate from the beneficiaries of that case;

19. Notes that the Finnish authorities have provided assurances that the proposed actions will not receive financial support from other Union funds or financial instruments, that any double financing will be prevented and that they will be complementary with actions funded by the Structural Funds;

20. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout a worker's professional career; expects the training on offer in the coordinated package to be adapted not only to the needs of the dismissed workers but also to the actual business environment;

21. 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 of measures for restructuring companies or sectors; notes that Finland has confirmed that the EGF contribution will indeed not replace them;

22. Asks the Commission to ensure public access to the documents related to EGF cases;

23. Approves the decision annexed to this resolution;

24. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;

25. 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 Finland —
EGF/2017/002 FI/Microsoft 2**

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/1600.)

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P8_TA(2017)0338

EU Emissions Trading System (EU ETS): continuing current limitations of scope for aviation activities and preparing to implement a global market-based measure from 2021 ***I

Amendments adopted by the European Parliament on 13 September 2017 on the proposal for a regulation of the European Parliament and of the Council amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021 (COM(2017)0054 — C8-0028/2017 — 2017/0017(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 337/35)

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) ***Environmental protection is one of the most important challenges facing the Union.***

Amendment 38

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

- (3) A binding target of at least a 40 % domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. The Council meeting on 6 March 2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43 % and 30 % by 2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions.

- (3) A binding target of at least a 40 % domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. The Council meeting on 6 March 2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43 % and 30 % by 2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions ***and in order to do so, the Commission should provide, inter alia, a platform for exchanging among Member States best practices and lessons learned in the sector of low-emission mobility.***

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0258/2017).

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Amendment 2
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) *A well-functioning, reformed EU ETS with an enhanced instrument to stabilise the market will be the main European instruments to achieve the 40 % reduction target with a linear factor and free allocation beyond 2020. The auction share should be expressed as a percentage figure in the legislative act, to enhance planning certainty as regards investment decisions, to increase transparency, to minimise carbon leakage, and to render the overall system simpler and more easily understandable. Those provisions should be consistent with the Union's climate objectives and its commitments under the Paris Agreement, and aligned with the 2018 Facilitative Dialogue, the first global stocktake in 2023, and subsequent global stocktakes every five years thereafter, intended to inform successive Nationally Determined Contributions (NDCs).*

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Amendment 39
Proposal for a regulation
Recital 4

Text proposed by the Commission

- (4) The Union and its Member States have been endeavouring to advance international agreement to reduce greenhouse gas impacts from aviation since 1997 and they have legislation in place since 2008 to limit the climate change impacts from aviation activities through the EU emissions trading system (EU ETS) that has been operating since 2005. In order to advance progress at the International Civil Aviation Organization (ICAO), the Union has twice adopted time-bound derogations to the EU ETS so as to limit compliance obligations to emissions from flights between aerodromes situated in the European Economic Area (EEA), with equal treatment on routes of aircraft operators wherever they are based. The most recent derogation from the EU ETS, Regulation (EU) No 421/2014 of the European Parliament and of the Council, limited compliance obligations to intra-EEA flights between 2013 and 2016, and envisaged potential changes to the scope of the system as regards activity to and from aerodromes situated outside the EEA from 1 January 2017 onwards following the review set out in that Regulation.

Amendment

- (4) The Union and its Member States have been endeavouring to advance international agreement to reduce greenhouse gas impacts from aviation since 1997 and they have legislation in place since 2008 to limit the climate change impacts from aviation activities through the EU emissions trading system (EU ETS) that has been operating since 2005. ***The Court of Justice ruled in its judgment of 21 December 2011 ^(1a) that the inclusion of extra-EEA flights in the EU ETS does not violate international law. In addition, since 2004 and 2008 the Member States have recommitted themselves to implementing the Single European Sky concept, taking account of the growth in the volume of air traffic in the coming years. In order to achieve progress with air traffic management, the implementation of SESAR (Single European Sky ATM Research) needs to be speeded up, and innovative technologies must be supported under the Clean Sky project. The introduction, through the International Civil Aviation Organization (ICAO), of the global market-based measure should contribute to further progress on aviation emissions reduction.*** In order to advance progress at the International Civil Aviation Organization (ICAO), the Union has twice adopted time-bound derogations to the EU ETS so as to limit compliance obligations to emissions from flights between aerodromes situated in the European Economic Area (EEA), with equal treatment on routes of aircraft operators wherever they are based. The most recent derogation from the EU ETS, Regulation (EU) No 421/2014 of the European Parliament and of the Council, limited compliance obligations to intra-EEA flights between 2013 and 2016, and envisaged potential changes to the scope of the system as regards activity to and from aerodromes situated outside the EEA from 1 January 2017 onwards following the review set out in that Regulation.

^(1a) ***Judgment of the Court of Justice of 21 December 2011, Air Transport Association of America and Others v. Secretary of State for Energy and Climate Change, C-366/10, ECLI:EU:C:2011:864.***

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Amendment 4
Proposal for a regulation
Recital 5

Text proposed by the Commission

- (5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to offset international aviation emissions above 2020 levels, **it is considered appropriate to continue the existing derogation pending further progress on the design elements and the implementation of the global market-based measure. In this regard,** the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, the current derogation of the EU ETS obligations for flights to and from third countries should be extended, **subject to the review on implementing the ICAO scheme,** in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Amendment

- (5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to offset international aviation emissions above 2020 levels, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, the current derogation of the EU ETS obligations for flights to and from third countries should be extended **until 2021** in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Amendment 5
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **50 % of allowances should be auctioned from 1 January 2021, while the total number of allocated allowances should be subject to the application of the linear reduction factor as provided for in Article 9 of Directive 2003/87/EC.**

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Amendment 6
Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

- (5b) *Revenues generated from the auctioning of allowances, or their equivalent in financial value, should be used to tackle climate change in the Union and in third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and in third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in the fields of aeronautics, air transport and sustainable alternative aviation fuels, to reduce emissions through low-emissions transport, and to cover the costs of administering the EU ETS. Special consideration should be given to Member States which use those revenues for co-financing research and innovation programmes or initiatives under the Ninth Research Framework Programme (FP9). Transparency on the use of revenues generated from the auctioning of allowances under Directive 2003/87/EC is fundamental to underpinning Union commitments.*

Amendment 7
Proposal for a regulation
Recital 5 c (new)

Text proposed by the Commission

Amendment

- (5c) *Emission offsets under the global market-based measure comprise one element in ICAO's basket of measures to achieve the aspirational goal of carbon neutral growth from 2020 (CNG 2020) and should be complemented by advances in airframe and propulsion technologies. Continued funding for research strategies and programmes such as the Clean Sky Joint Technology Initiatives, Galileo, SESAR and Horizon 2020 will be essential to technological innovation and operational improvements in order to go beyond CNG 2020 and achieve sector-wide absolute emission reductions. Furthermore, it is important that Union legislation, such as Single European Sky, aimed at preventing the fragmentation of European airspace and consequently an increase in aviation CO₂ emissions, is speedily and fully implemented by the Member States.*

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Amendment 8
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by States and regions, **it is considered appropriate for a review to take place once there is clarity about the nature and content and of these legal instruments in advance of the start of ICAO's global market-based measure, and a report submitted to the European Parliament and Council. That report should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). That report should consider how to implement these instruments in Union law through a revision of the EU ETS. It should also consider the rules applicable to intra-EEA flights as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.**

Amendment

- (6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by **participating** States and regions, **the Commission should report regularly to the European Parliament and to the Council on progress in the ICAO negotiations, in particular on relevant instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions for the period 2021-2035, efforts to establish ambitious and binding measures to achieve the aviation industry's long-term goal of halving aviation CO₂ emissions relative to 2005 levels by 2050, and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). Once there is clarity about the nature and content of the ICAO instruments, and in advance of the start of ICAO's global market-based measure, the Commission should present a report in which it should consider how to implement these instruments and make them consistent with** Union law through a revision of the EU ETS. **That report should further consider the rules applicable to intra-EEA flights, as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.**

Amendment 9
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) **In order to ensure that existing and future Union domestic climate standards are respected, and without prejudice to the review as referred to in Article 28b of Directive 2003/87/EC, CORSIA should be implemented in, and made consistent with, Union law through the EU ETS.**

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Amendment 41
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

- (6b) *Several legislative acts have been adopted at Union level which aim at preventing the fragmentation of European airspace in order to enhance the flow of air traffic and control of airspace usage, thereby reducing emissions. Within the Union, the CORSIA scheme should be viewed as part of the ICAO's so-called 'basket of measures', alongside full implementation by Member States of Single European Sky legislation, SESAR, the use of GNSS for satellite-based navigation, and Joint Technology Initiatives such as Clean Sky I and Clean Sky II. . The Commission should also report to the European Parliament and to the Council on actions for the implementation of the GMBM taken by Member States to reduce greenhouse gas emissions from aviation, including information, with regard to the use of revenues, submitted by Member States in accordance with Article 17 of Regulation (EU) No 525/2013.*

Amendment 10
Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

- (6c) *Although the technical rules for the ICAO global market-based measure are yet to be adopted by the ICAO Council, it is important that regulatory authorities and aircraft operators have information about monitoring, reporting and verification (MRV) requirements and emissions units eligible under the ICAO scheme as early as possible in order to facilitate preparation for the implementation of the ICAO scheme and the monitoring of CO₂ emissions from 1 January 2019. Such MRV requirements should have a level of stringency that is consistent with the requirements for monitoring and reporting greenhouse gas emissions under Commission Regulation (EU) No 601/2012, and should ensure that the emissions reports submitted are verified in accordance with Commission Regulation (EU) No 600/2012.*

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Amendment 11
Proposal for a regulation
Recital 6 d (new)

Text proposed by the Commission

Amendment

- (6d) ***While the confidentiality of the technical work in ICAO should be acknowledged, it is also important that ICAO member states, aircraft operators and civil society continue to be engaged in the ICAO's work to implement the global market-based measure and that the ICAO reaches out to all stakeholders to inform them about progress and decisions in a timely manner. In order to achieve that, it might be necessary to revise the non-disclosure protocols for Members and Observers of the ICAO Committee on Aviation Environmental Protection (CAEP).***

Amendment 12
Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

- (7) In order to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to adopt measures for the monitoring, reporting and verification of emissions applicable to aircraft operators for the purpose of the global market-based measure being elaborated in ICAO. It is of particular importance that the Commission carries 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 of 13 April 2016. 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.

- (7) In order to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to adopt measures for the monitoring, reporting and verification of emissions applicable to aircraft operators for the purpose of the global market-based measure being elaborated in ICAO. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, ***in particular*** at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. 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, ***in order to make the decision-making process more transparent and more efficient.***

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Amendment 13
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) *While the long-term goal should be to have a single global reduction scheme for tackling carbon emissions from aviation by the second phase of the ICAO scheme in 2024, in the event that the ICAO global market-based measure is insufficient to achieve the Union's climate objectives and commitments under the Paris Agreement, other carbon mitigation options should also be explored.*

Amendment 14
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *Aviation also has an impact on climate through releases of nitrogen oxides, water vapour and sulphate and soot particles at high altitudes. The International Panel on Climate Change (IPCC) has estimated that the total climate impact of aviation is currently two to four times higher than the effect of its past carbon dioxide emissions alone. Pending scientific progress, all impacts of aviation should be addressed to the extent possible. Research on the formation of condensation trails, also known as contrails, their evolution into cirrus clouds, on the smaller direct effects of sulphate aerosols, soot, water vapour contrails and cirrus clouds, and on effective mitigation measures, including operational and technical measures, should also be promoted.*

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Amendment 15
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) *It is accepted that climate-damaging aviation emissions produce more than CO₂ effects. Directive 2008/101/EC of the European Parliament and of the Council^(1a) contained a Commission undertaking to submit an appropriate proposal on nitrogen oxides in 2008. Despite the technical and political difficulties involved, the Commission should speed up its work in that regard.*

^(1a) *Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008, amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009, p. 3).*

Amendment 16
Proposal for a regulation
Article 1 — paragraph 1 — point - 1 (new)
Directive 2003/87/EC
Article 3c — paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 3c, the following paragraph is added:

‘3a. The total quantity of allowances to be allocated to aircraft operators in 2021 shall be 10 % lower than the average allocation for the period from 1 January 2014 to 31 December 2016, and then decrease annually at the same rate as that of the total cap for the EU ETS referred to in the second subparagraph of Article 9 so as to bring the cap for the aviation sector more in line with the other EU ETS sectors by 2030.

For aviation activities to and from aerodromes located in countries outside the EEA, the quantity of allowances to be allocated from 2021 onwards may be adjusted taking into account the ICAO global market-based measure to be implemented from 2021 to offset international aviation emissions above 2020 levels.’

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Amendment 36**Proposal for a regulation****Article 1 — paragraph 1 — point - 1 a (new)****Directive 2003/87/EC****Article 3d — paragraph 2***Present text**Amendment***(-1a) In Article 3d, paragraph 2 is replaced by the following:**

2. From 1 January **2013** , **15** % of allowances shall be auctioned. This percentage may be increased as part of the general review of this Directive.

2. From 1 January **2021** , **50** % of allowances shall be auctioned. This percentage may be increased as part of the general review of this Directive.'

Amendment 18**Proposal for a regulation****Article 1 — paragraph 1 — point - 1 b (new)****Directive 2003/87/EC****Article 3d — paragraph 3 — subparagraph 1***Text proposed by the Commission**Amendment***(-1b) In Article 3d(3), the first subparagraph is replaced by the following:**

'A Regulation shall be adopted containing detailed **provisions** for the auctioning by Member States of allowances not required to be issued free of charge in accordance with paragraphs 1 and 2 of this Article or Article 3f(8). The number of allowances to be auctioned in each period by each Member State shall be proportionate to its share of the total attributed aviation emissions for all Member States for the reference year reported pursuant to Article 14(3) and verified pursuant to Article 15. For the period referred to in Article 3c(1), the reference year shall be 2010 and for each subsequent period referred to in Article 3c the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.'

'The Commission is empowered to adopt delegated acts in accordance with Article [23] to supplement this Directive by laying down detailed **arrangements** for the auctioning by Member States of allowances not required to be issued free of charge in accordance with paragraphs 1 and 2 of this Article or Article 3f(8). The number of allowances to be auctioned in each period by each Member State shall be proportionate to its share of the total attributed aviation emissions for all Member States for the reference year reported pursuant to Article 14(3) and verified pursuant to Article 15. For the period referred to in Article 3c(1), the reference year shall be 2010 and for each subsequent period referred to in Article 3c the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.'

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Amendment 19**Proposal for a regulation****Article 1 — paragraph 1 — point - 1 c (new)**

Directive 2003/87/EC

Article 3d — paragraph 3 — subparagraph 2

Text proposed by the Commission

Amendment

(-1c) In Article 3d(3), the second subparagraph is deleted.**Amendment 42****Proposal for a regulation****Article 1 — paragraph 1 — point - 1 d (new)**

Directive 2003/87/EC

Article 3 d — paragraph 4 — subparagraph 1

Present text

Amendment

(-1d) In Article 3d(4), the first subparagraph is replaced by the following:

'It shall be for Member States to determine the use to be made of revenues generated from the auctioning of allowances. Those revenues should be used to tackle climate change in the Union and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. The proceeds of auctioning should also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation.'

'All revenues generated from the auctioning of allowances shall be used to tackle climate change in the Union and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Union scheme and to fund common projects to reduce greenhouse gas emissions from the aviation sector, such as the SESAR Joint Undertaking and the Clean Sky Joint Technology Initiatives and any initiatives enabling the widespread use of GNSS for satellite-based navigation and interoperable capabilities within all Member States, in particular those improving air navigation infrastructure, the provision of air navigation services and the use of airspace. The proceeds of auctioning may also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation. Special consideration shall be given to Member States which use revenues for co-financing research and innovation programmes or initiatives under the Ninth Research Framework Programme (FP9). . Transparency on the use of revenues generated from the auctioning of allowances under this Directive is fundamental to underpinning Union commitments.'

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Amendment 21

Proposal for a regulation

Article 1 — paragraph 1 — point - 1 e (new)

Directive 2003/87/EC

Article 12 — paragraph 3

Present text

Amendment

(-1e) In Article 12, paragraph 3 is replaced by the following:

3. Member States shall ensure that, by 30 April each year, the operator of each installation surrenders a number of allowances, **other than allowances issued under Chapter II**, equal to the total emissions from that installation during the preceding calendar year as verified in accordance with Article 15, and that these are subsequently cancelled.

‘3. Member States shall ensure that, by 30 April each year, the operator of each installation surrenders a number of allowances, equal to the total emissions from that installation during the preceding calendar year as verified in accordance with Article 15, and that these are subsequently cancelled.’

Amendment 47

Proposal for a regulation

Article 1 — paragraph 1 — point - 1 f (new)

Directive 2003/87/EC

Article 12 — paragraph - 3a (new)

Text proposed by the Commission

Amendment

(-1f) In Article 12, the following paragraph is inserted before paragraph 3a:

‘(-3a) In order to protect the environmental integrity of the EU ETS, aviation operators and other operators in the EU ETS may not use allowances that are issued from 1 January 2018 onwards by a Member State in respect of which there are obligations lapsing for aviation operators and other operators. The legal act referred to in Article 19 shall implement this paragraph.’

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Amendment 22

Proposal for a regulation

Article 1 — paragraph 1 — point - 1 — g (new)

Directive 2003/87/EC

Article 21 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1 g) In Article 21, the following paragraph is added:

‘(2a) The report referred to in paragraph 2 shall, using data provided through the cooperation referred to in Article 18b, include a list of aircraft operators subject to the requirements of this Directive who have not opened a registry account.’

Amendment 23

Proposal for a regulation

Article 1 — paragraph 1 — point 1 — point a — point i

Directive 2003/87/EC

Article 28a — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013, subject to the review referred to in Article 28b”.

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013 **to 31 December 2020**, subject to the review referred to in Article 28b”.

Amendment 24

Proposal for a regulation

Article 1 — paragraph 1 — point 1 — point a — point i

Directive 2003/87/EC

Article 28a — paragraph 1 — point b

Text proposed by the Commission

Amendment

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2013, subject to the review referred to in Article 28b.

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2013 **to 31 December 2020**, subject to the review referred to in Article 28b.

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Amendment 25**Proposal for a regulation****Article 1 — paragraph 1 — point 1 — point a — point i a (new)**

Directive 2003/87/EC

Article 28a — paragraph 1 — point b a (new)

Text proposed by the Commission

*Amendment***ia. the following point is inserted:**

‘(ba) all emissions from flights between aerodromes located in the EEA and operated as a consequence of a flight as referred to in points (a) or (b) of this paragraph being diverted to an aerodrome located in the EEA in each calendar year from 1 January 2017, subject to the review as referred to in Article 28b.’

Amendment 26**Proposal for a regulation****Article 1 — paragraph 1 — point 1 — point b — point i**

Directive 2003/87/EC

Article 28a — paragraph 2 — subparagraph 1

Text proposed by the Commission

Amendment

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

From 1 January 2017 **to 31 December 2020**, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

Wednesday 13 September 2017

Amendment 27

Proposal for a regulation

Article 1 — paragraph 1 — point 1 — point b — point ii

Directive 2003/87/EC

Article 28a — paragraph 2 — subparagraph 3

Text proposed by the Commission

ii. the third subparagraph is **deleted**.

Amendment

ii. the third subparagraph is **replaced by the following**:

‘As regards activity in the period from 1 January 2017 to 31 December 2020, Member States shall publish the number of aviation allowances allocated to each aircraft operator, by 1 September 2018.’

Amendment 28

Proposal for a regulation

Article 1 — paragraph 1 — point 1 — point c

Directive 2003/87/EC

Article 28a — paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State from 1 January 2013 shall be reduced to correspond to its share of attributed aviation emissions from flights which are not subject to the derogations provided for in points (a) and (b) of paragraph 1 of this Article.

Amendment

4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State **in respect of the period** from 1 January 2013 **to 31 December 2020** shall be reduced to correspond to its share of attributed aviation emissions from flights which are not subject to the derogations provided for in points (a) and (b) of paragraph 1 of this Article.

Amendment 29

Proposal for a regulation

Article 1 — paragraph 1 — point 1 — point d a (new)

Directive 2003/87/EC

Article 28a — paragraph 8

Text proposed by the Commission

Amendment

(da) paragraph 8 is deleted.

Wednesday 13 September 2017

Amendment 30**Proposal for a regulation****Article 1 — paragraph 1 — point 2**

Directive 2003/87/EC

Article 28b — paragraph 1

Text proposed by the Commission

1. The Commission shall report to the European Parliament and the Council on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Amendment

1. The Commission shall, **by 1 January 2019 and regularly thereafter**, report to the European Parliament and the Council on the relevant ICAO standards **and recommended practices (SARPs), ICAO Council-approved recommendations relevant to the global market-based measure** or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, **the implications of reservations by third countries** and on other relevant international developments. **The Commission shall also provide regular updates to the European Parliament and the Council on the establishment of a global registry and the development of the SARPs in accordance with the ICAO's standards-making procedures. In line with the UNFCCC's 'Global stocktake', it shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of halving aviation CO₂ emissions relative to 2005 levels by 2050.**

Wednesday 13 September 2017

Amendment 31

Proposal for a regulation

Article 1 — paragraph 1 — point 2

Directive 2003/87/EC

Article 28b — paragraph 2

Text proposed by the Commission

2. The report **should consider ways** for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. **By 1 March 2020, the Commission shall report to the European Parliament and the Council on the adequacy of those ICAO instruments and options** for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA), as appropriate. **The report shall also examine the ambition and overall environmental integrity of the global market-based measure including its general ambition in relation to targets under the Paris Agreement, level of participation, enforceability, transparency, penalties for non-compliance, processes for public input, quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability and rules on the use of biofuels. In addition, the report shall consider whether the delegated act adopted under Article 28c (2) needs to be revised.**

Amendment 33

Proposal for a regulation

Article 1 — paragraph 1 — point 2

Directive 2003/87/EC

Article 28b — paragraph 3

Text proposed by the Commission

3. The report **may** be accompanied by proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030.

Amendment

3. The report **referred to in paragraph 2 of this Article shall** be accompanied by proposals, as appropriate, to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 **with the aim of ensuring full environmental integrity and effectiveness of Union climate action and reducing any ambiguity in advance of CORSIA becoming operational.**

Wednesday 13 September 2017

Amendment 34**Proposal for a regulation****Article 1 — paragraph 1 — point 2**

Directive 2003/87/EC

Article 28c — paragraph 1

Text proposed by the Commission

1. The Commission shall adopt provisions for the appropriate monitoring, reporting and verification of emissions for the purpose of implementing the global market-based measure being elaborated in ICAO. Those provisions shall be ***based on the same principles as*** the Regulation referred to in Article 14 (1) and shall ensure that the emissions reports submitted are verified in accordance with Article 15.

Amendment

1. The Commission shall adopt provisions for the appropriate monitoring, reporting and verification of emissions for the purpose of implementing the global market-based measure being elaborated in ICAO. Those provisions shall be ***entirely consistent with the principles contained in*** the Regulation referred to in Article 14 (1) and shall ensure that the emissions reports submitted are verified in accordance with Article 15.

Amendment 35**Proposal for a regulation****Article 1 — paragraph 1 — point 2 a (new)**

Directive 2003/87/EC

Article 30 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

(2a) In Article 30, the following paragraph is added:

‘(4a) By 1 January 2020, the Commission shall present an updated analysis of the non-CO₂ effects of aviation, accompanied, if appropriate, by a legislative proposal on how best to address those effects.’

Wednesday 13 September 2017

P8_TA(2017)0339

Inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework *I**

Amendments adopted by the European Parliament on 13 September 2017 on the proposal for a regulation of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change (COM(2016)0479 — C8-0330/2016 — 2016/0230(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 337/36)

Amendment 1

Proposal for a regulation

Recital - 1 (new)

Text proposed by the Commission

Amendment

- (-1) ***Protocol No 1 on the role of national parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, needs to be taken into account.***

Amendment 2

Proposal for a regulation

Recital - 1 a (new)

Text proposed by the Commission

Amendment

- (-1a) ***Protocol No 2 on the application of the principles of subsidiarity and proportionality annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, needs to be taken into account.***

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0262/2017).

Wednesday 13 September 2017

Amendment 3
Proposal for a regulation
Recital 3

Text proposed by the Commission

- (3) On **10 June 2016 the Commission presented the proposal for the EU to ratify** the Paris agreement. **This legislative proposal** forms part of the implementation of the Union's commitment to economy-wide emission reductions as **confirmed** in the intended nationally determined reduction commitment of the Union and its Member States submitted to the Secretariat of the United Nations Framework Convention on Climate Change ('UNFCCC') on 6 March 2015 ⁽¹⁰⁾.

⁽¹⁰⁾ <http://www4.unfcccint/submissions/indc/Submission%20Pages/submissions.aspx>.

Amendment

- (3) On **5 October 2016, the Council ratified the Paris Agreement on behalf of the Union, following the consent given by the European Parliament on 4 October 2016.** The Paris Agreement **entered into force on 4 November 2016.** **This Regulation** forms, **in that regard**, part of the implementation of the Union's commitment to economy-wide emission reductions as **set out** in the intended nationally determined reduction commitment of the Union and its Member States submitted to the Secretariat of the United Nations Framework Convention on Climate Change ('UNFCCC') on 6 March 2015 ⁽¹⁰⁾. **The Union needs to continue to lead by example and increase its climate efforts to levels in line with the Paris Agreement's objective.**

⁽¹⁰⁾ <http://www4.unfcccint/ndcregistry/pages/Party.aspx?party=EUU>.

Wednesday 13 September 2017

Amendment 4
Proposal for a regulation
Recital 4

Text proposed by the Commission

- (4) The Paris Agreement, inter alia, sets out a long-term goal in line with the objective to keep the global temperature increase well below 2 °C above pre-industrial levels and to pursue efforts to keep it to 1,5 °C above pre-industrial levels. In order to achieve **this goal**, the Parties should prepare, communicate and maintain successive nationally determined contributions. The Paris Agreement replaces the approach taken under the 1997 Kyoto Protocol which will not be continued beyond 2020. The Paris Agreement also calls for a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, and invites Parties to take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases, including forests.

Amendment

- (4) The Paris Agreement, inter alia, sets out a long-term goal in line with the objective to keep the global temperature increase well below 2 °C above pre-industrial levels and to pursue efforts to keep it to 1,5 °C above pre-industrial levels **which requires the world to enter into a period of negative levels of emissions, during which forests, agricultural land and wetland, including peatland, will play a central role. The Paris Agreement also aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by increasing the ability to adapt to the adverse impacts of climate change, and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production. In the Paris Agreement, the Parties also recognise the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change.** In order to achieve **the purpose of the Paris Agreement, it is necessary that the Parties increase their collective efforts to mitigate climate change and limit global warming.** The Parties should prepare, communicate and maintain successive nationally determined contributions. The Paris Agreement replaces the approach taken under the 1997 Kyoto Protocol which will not be continued beyond 2020. The Paris Agreement also calls for a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, and invites Parties to take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases, including forests. **In the Paris Agreement, the Parties also acknowledge that adaptation action should follow a fully transparent approach, taking into account ecosystems, and be based on and guided by the best available science.**

Wednesday 13 September 2017

Amendment 5
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) *It is essential that forests are managed in a sustainable manner, in accordance with the principles of sustainable forest management developed under the Forest Europe process. That process defines sustainable forest management as the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and in a manner that does not cause damage to other ecosystems. Such management also necessitates that the role of afforestation in this context be recognised.*

Amendment 6
Proposal for a regulation
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) *To achieve the negative levels of emissions required to meet the Paris Agreement goals, the system for accounting in relation to land use, land use change and forestry ('LULUCF') needs to be robust. As removals through LULUCF are reversible, they should be treated as a separate pillar in the Union climate policy framework.*

Wednesday 13 September 2017

Amendment 7
Proposal for a regulation
Recital 5

Text proposed by the Commission

- (5) The European Council of 23-24 October 2014 also acknowledged the multiple objectives of the agriculture and land use sector, with their lower mitigation potential as well as the need to ensure coherence between the Union food security and climate change objectives. The European Council invited the Commission to examine the best means of encouraging the sustainable intensification of food production, while optimising the sector's contribution to greenhouse gas mitigation and sequestration, including through afforestation, and to establish policy on how to include land use, land use change and forestry ('LULUCF') into the 2030 greenhouse gas mitigation framework as soon as technical conditions allow and in any case before 2020.

Amendment

- (5) The European Council of 23-24 October 2014 also acknowledged the multiple objectives of the agriculture and land use sector, with their lower mitigation potential as well as the need to ensure coherence between the Union food security and climate change objectives. ***In addition, the implementation of technology solutions in agriculture and forestry sectors contributes to enhancing production and reducing the environmental footprint.*** The European Council invited the Commission to examine the best means of encouraging the sustainable intensification of food production, while optimising the sector's contribution to greenhouse gas mitigation and sequestration, including through afforestation, and to establish policy on how to include land use, land use change and forestry ('LULUCF') into the 2030 greenhouse gas mitigation framework as soon as technical conditions allow and in any case before 2020.

Wednesday 13 September 2017

Amendment 8
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) The LULUCF sector **can contribute** to climate change mitigation in several ways, in particular by reducing emissions, **and** maintaining and enhancing sinks and carbon stocks. In order for measures aiming in particular at increasing carbon sequestration to be effective, the long-term stability and adaptability of carbon pools **is** essential.

Amendment

- (6) The LULUCF sector **is highly exposed and very vulnerable to climate change. At the same time, the sector has huge potential to provide long-term climate benefits and to contribute significantly to the achievement of Union and international long-term climate goals. The LULUCF sector contributes** to climate change mitigation in several ways, in particular by reducing emissions, maintaining and enhancing sinks and carbon stocks. **The sector also provides bio-materials that can, to a degree, substitute fossil- or carbon-intensive materials with renewable low-carbon biomass from forests. Regarding such substitution, the entire life cycle of those materials, from the production of the raw material to the processing and manufacturing stages should be taken into account. The bioeconomy, including material substitution such as in construction, and including bioenergy, plays an important role in the transition to a fossil-free economy.** In order for measures aiming in particular at increasing carbon sequestration to be effective **and in line with the Paris Agreement, sustainable forest and resource management and** the long-term stability and adaptability of carbon pools **are** essential. **As the LULUCF sector is characterised by long timeframes, long-term strategies are needed to make sustainable investments possible in the long run.**

Amendment 9
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) **The Union should become a global leader in promoting and exporting research and investment in sustainable, advanced and innovative practices, techniques and ideas in the LULUCF sector, as well as in the dissemination of green technologies, in order to lower greenhouse gas emissions while preserving food production, thereby setting an example for its international partners, including developing countries. In this context, effective cooperation and partnership with private sector actors, especially with small and medium-sized enterprises, should be enhanced.**

Wednesday 13 September 2017

Amendment 10
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

- (6b) *Prioritising funding for climate change research would enhance the role of the LULUCF sector in relation to climate change mitigation and adaptation. Particularly, boosting the Union's research and innovation programme, anticipated for the period 2021 — 2028, in the LULUCF sector would, inter alia, contribute to deepening and spreading the scientific and local communities' knowledge of the performance of the sector, accelerating sustainable innovations, fostering transition to the digital era, modernising training and education, strengthening the resilience of the sector and monitoring biodiversity and human action.*

Amendment 11
Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

- (6c) *Research into the role of dead wood, in particular above ground coarse woody debris and dead buried wood both in unmanaged and managed forests, should be strengthened to improve the accuracy of forest carbon accounting and in the calculation of the net ecosystem carbon balance. There is limited evidence available, but such evidence indicates that dead wood can constitute a large carbon pool and leaving deadwood on site could, inter alia, play a significant role in terms of biodiversity and be recognised as playing an important part in a greenhouse gas mitigation strategy. That indication is relevant considering that forest management can favour the removal of deadwood, for example for energy purposes, and any decision concerning the correct mitigation and adaptation should be informed and scientifically underpinned. Dedicated resources should be allocated to that research over the period 2017-2020.*

Wednesday 13 September 2017

Amendment 12
Proposal for a regulation
Recital 6 d (new)

Text proposed by the Commission

Amendment

- (6d) *The Union has made commitments to the United Nations' Sustainable Development Goals, which can only be met with proper forest management and a commitment to stall and reverse deforestation and drive forward reforestation.*

Amendment 13
Proposal for a regulation
Recital 6 e (new)

Text proposed by the Commission

Amendment

- (6e) *A holistic approach to tropical deforestation should be ensured, taking into account all deforestation drivers, as well as the objective included in a declaration by the Commission in the UNFCCC negotiations to halt global forest cover loss by 2030 at the latest and to reduce gross tropical deforestation by at least 50 % by 2020 compared to current levels.*

Amendment 14
Proposal for a regulation
Recital 6 f (new)

Text proposed by the Commission

Amendment

- (6f) *Forestry and forests should be managed responsibly and should make a real contribution to the economic development of a country, offering viable economic opportunities to farmers, provided that no deforestation of sensitive ecosystems occurs, that no plantations are established on peatland, that plantations are managed using modern agro-ecological techniques to minimise adverse environmental and social outcomes, and that land rights, the rights of indigenous communities as well as human rights and workers' rights are respected.*

Wednesday 13 September 2017

Amendment 15
Proposal for a regulation
Recital 6 g (new)

Text proposed by the Commission

Amendment

- (6 g) *Advanced and sustainable management practices can contribute significantly to reducing greenhouse gas emissions in the LULUCF sector. The development of innovative practices and the use by landowners of advanced management practices, such as precision agriculture, precision forestry and agri-digitalisation should be promoted. Monitoring via geo-information and earth observation, as well as sharing best practice are potential means of helping Member States to reach their targets and should therefore be encouraged.*

Amendment 16
Proposal for a regulation
Recital 6 h (new)

Text proposed by the Commission

Amendment

- (6h) *Agro-ecology facilitates a shift from linear food systems to circular systems that mimic natural cycles, and could reduce the carbon and ecological footprints of food and agriculture. It is important that agro-ecology as well as agro-forestry be promoted given their contribution to climate change mitigation.*

Wednesday 13 September 2017

Amendment 17
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) Decision No 529/2013/EU of the European Parliament and of the Council ⁽¹¹⁾, as a first step, set out accounting rules applicable to greenhouse gas emissions and removals from the LULUCF sector and thereby contributed to policy development towards the inclusion of the LULUCF sector in the Union's emission reduction commitment. This Regulation should build on the existing accounting rules, updating and improving them for the period 2021-2030. It should lay down the obligations of Member States in implementing those accounting rules and the obligation to ensure that the overall LULUCF sector would not generate net emissions. It should not lay down any accounting or reporting obligations for private parties.

⁽¹¹⁾ Decision No 529/2013/EU of the European Parliament and of the Council of 21 May 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities (OJ L 165, 18.6.2013, p. 80)

Amendment

- (7) Decision No 529/2013/EU of the European Parliament and of the Council ⁽¹¹⁾, as a first step, set out accounting rules applicable to greenhouse gas emissions and removals from the LULUCF sector and thereby contributed to policy development towards the inclusion of the LULUCF sector in the Union's emission reduction commitment. This Regulation should build on the existing accounting rules, updating and improving them for the period 2021-2030. It should ***under any circumstances*** lay down the obligations of Member States in implementing those accounting rules and the obligation to ensure that the overall LULUCF sector would not generate net emissions. It should not lay down any accounting or reporting obligations for private parties ***including farmers and foresters and it is necessary that such obligations are avoided by Member States during implementation of this Regulation.***

⁽¹¹⁾ Decision No 529/2013/EU of the European Parliament and of the Council of 21 May 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities (OJ L 165, 18.6.2013, p. 80)

Wednesday 13 September 2017

Amendment 18
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) *Agriculture and land use are sectors that have a direct and significant impact on the Union's biodiversity and ecosystems services. For this reason, an important objective of policies affecting those sectors is to ensure that there is coherence with the Union's biodiversity strategy objectives. In addition, other Union policies exist which can incentivise practices that go beyond the minimum legal requirements, surpass good standard practice and contribute to genuine adaptation to and mitigation of climate change, and maintenance of the carbon sink, as provision of public goods. Actions should be taken to implement and support activities relating to mitigation and adaptation approaches for the integral and sustainable management of forests and agricultural land. In spite of its recognised limited reduction potential as regards non-CO₂ emissions, agriculture needs to deliver its fair share of contribution towards climate change mitigation. That can be achieved by encouraging, inter alia, improved cropping in order to increase the organic carbon content of soil. Member States and the Commission should ensure that there is coherence between the CAP and this Regulation.*

Amendment 19
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *Wetlands are the most effective ecosystems for storing CO₂. The degradation of wetlands in the Union is therefore not only a problem for biodiversity, but is also a major climate problem. Conversely protecting and restoring wetlands could both enhance conservation efforts and reduce GHG emissions in the LULUCF sector. The IPCC Refinement to the 2006 Guidelines, coming up in 2019, should also be considered in that context.*

Wednesday 13 September 2017

Amendment 20
Proposal for a regulation
Recital 8

Text proposed by the Commission

- (8) In order to determine accurate accounts of emissions and removals in accordance with the 2006 Intergovernmental Panel on Climate Change ('IPCC') Guidelines for National Greenhouse Gas Inventories ('IPCC Guidelines'), the annually reported values under Regulation (EU) No 525/2013 for land use categories and the conversion between land use categories should be utilised, thereby streamlining the approaches used under the UNFCCC and the Kyoto Protocol. Land that is converted to another land use category should be considered in transition to that category for the default value of 20 years in the IPCC Guidelines.

Amendment

- (8) In order to determine accurate accounts of emissions and removals in accordance with the 2006 Intergovernmental Panel on Climate Change ('IPCC') Guidelines for National Greenhouse Gas Inventories ('IPCC Guidelines'), the annually reported values under Regulation (EU) No 525/2013 for land use categories and the conversion between land use categories should be utilised, thereby streamlining the approaches used under the UNFCCC and the Kyoto Protocol. Land that is converted to another land use category should be considered in transition to that category for the default value of 20 years in the IPCC Guidelines. ***Given the Union's position as a climate leader, Member States should derogate from that default value only for afforested land and only in very limited circumstances justified under the IPCC Guidelines. The possibility for derogation takes into account the diverging natural and ecological circumstances between Member States and hence the differing characteristics of their forest land.***

Wednesday 13 September 2017

Amendment 21
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) Emissions and removals from forest land depend on a number of natural circumstances, age-class structure, as well as past and present management practices. The use of a base year would not make it possible to reflect those factors and resulting cyclical impacts on emissions and removals or their interannual variation. The relevant accounting rules should instead provide for the use of reference levels to **exclude** the effects of natural and country-specific characteristics. In the absence of the international review under the UNFCCC and the Kyoto Protocol, a **review** procedure should be established to **ensure transparency and** improve the quality of accounting in this category.

Amendment

- (9) Emissions and removals from forest land depend on a number of natural circumstances, age-class structure, as well as past and present management practices **that differ substantially between the Member States**. The use of a base year would not make it possible to reflect those factors and resulting cyclical impacts on emissions and removals or their interannual variation. The relevant accounting rules should instead provide for the use of reference levels to **address** the effects of natural and country-specific characteristics, **such as the inability to manage forests in Croatia due to the occupation of its territory, the Croatian War of Independence, and wartime and post-war circumstances. The relevant accounting rules should also provide for coherence and requirements for sustainable forest management of Forest Europe (Ministerial Conference on the Protection of Forests in Europe)**. In the absence of the international review under the UNFCCC and the Kyoto Protocol, a **transparent** procedure should be established **for the Member States** to improve **auditability and** the quality of accounting in this category.

Amendment 22
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) **Emissions from harvested wood in the LULUCF sector have the potential to replace emissions in the ETS and effort sharing sectors and this Regulation can both highlight and account for it.**

Wednesday 13 September 2017

Amendment 23
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) **When the Commission chooses to be assisted by** an expert review team in accordance with Commission Decision (C(2016)3301) **in the review of national forestry accounting plans, it** should build on the good practice and experience of the expert reviews under the UNFCCC, including as regards participation of national experts and recommendations, and **select** a sufficient number of experts from the Member States.

Amendment

- (10) **For the review of the national forestry accounting plans,** an expert review team **should be set up** in accordance with Commission Decision (C(2016)3301). **The expert review team** should build on the good practice and experience of the expert reviews under the UNFCCC, including as regards participation of national experts and recommendations, and a sufficient number of experts from the Member States **should be selected. The expert review team should consult the Standing Forestry Committee established by Council Decision 89/367/EEC, as well as stakeholders and civil society, on the review of the national forestry accounting plans.**

Amendment 24
Proposal for a regulation
Recital 12

Text proposed by the Commission

- (12) The increased sustainable use of harvested wood products can substantially limit emissions **into** and enhance removals of greenhouse gases from the atmosphere. The accounting rules should ensure that Member States accurately reflect in accounts the changes in the harvested wood products pool when they take place, **to provide incentives for** enhanced use of harvested wood products with long life cycles. The Commission should provide guidance on methodological issues related to the accounting for harvested wood products.

Amendment

- (12) The increased sustainable use of harvested wood products can substantially limit emissions **by the substitution effect (considering the energy and CO₂ intensity of other sectors, e.g. cement production accounts for roughly 8 % of global CO₂ emissions),** and enhance removals of greenhouse gases from the atmosphere. The accounting rules should ensure that Member States accurately reflect in accounts the changes in the harvested wood products pool when they take place, **in order to recognise and incentivise the** enhanced use of harvested wood products with long life cycles **rather than the use of harvested wood products for energy purposes. In order to further promote and include the positive substitution effect the Commission should, by means of a delegated act, include more products under the harvested wood product calculations.** The Commission should provide guidance on methodological issues related to the accounting for harvested wood products.

Wednesday 13 September 2017

Amendment 25
Proposal for a regulation
Recital 13

Text proposed by the Commission

- (13) Natural disturbances, such as wildfires, insect and disease infestations, extreme weather events and geological disturbances that are beyond the control of, and not materially influenced by, a Member State, may result in greenhouse gas emissions of a temporary nature in the LULUCF sector, or may cause the reversal of previous removals. As reversal can also be the result of management decisions, such as decisions to harvest or plant trees, this Regulation should ensure that human-induced reversals of removals are always accurately reflected in LULUCF accounts. Moreover, this Regulation should provide Member States with a limited possibility to exclude emissions resulting from disturbances that are beyond their control from their LULUCF accounts. However, the manner in which Member States apply those provisions should not lead to undue under-accounting.

Amendment

- (13) Natural disturbances, such as wildfires, insect and disease infestations, extreme weather events and geological disturbances that are beyond the control of, and not materially influenced by, a Member State, may result in greenhouse gas emissions of a temporary nature in the LULUCF sector, or may cause the reversal of previous removals. As reversal can also be the result of management decisions, such as decisions to harvest or plant trees, this Regulation should ensure that human-induced reversals of removals are always accurately reflected in LULUCF accounts. ***Member States should be encouraged to invest in preventative actions, such as sustainable management practices, to reduce the risks associated with natural disturbances, thereby avoiding negative impacts on the forest carbon sink.*** Moreover, this Regulation should provide Member States with a limited possibility to exclude emissions resulting from disturbances that are beyond their control from their LULUCF accounts. However, the manner in which Member States apply those provisions should not lead to undue under-accounting.

Wednesday 13 September 2017

Amendment 26
Proposal for a regulation
Recital 14

Text proposed by the Commission

- (14) Depending on national preferences, Member States should be able to choose adequate national policies for achieving their commitments in LULUCF, including the possibility of compensating emissions from one land category by removals from another land category. They should also be able to cumulate net removals over the period 2021-2030. Trading among Member States should continue as an additional option to help compliance. Following the practice in the second commitment period of the Kyoto Protocol, there should also be a possibility for a Member State to use its overachievement under Regulation [] on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change in order to ensure its compliance with its commitment under this Regulation.

Amendment

- (14) Depending on national preferences, Member States should be able to choose adequate national policies for achieving their commitments in LULUCF, including the possibility of compensating emissions from one land category by removals from another land category. They should also be able to cumulate net removals over the period 2021-2030. Trading among Member States should continue as an additional option to help compliance. Following the practice in the second commitment period of the Kyoto Protocol, there should also be a possibility for a Member State to use its overachievement under Regulation [] on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change in order to ensure its compliance with its commitment under this Regulation ***without compromising the overall ambition level of Union greenhouse gas reduction targets. Member States should also be able to use up to 280 million tonnes of total net removals resulting from the combined accounting categories of deforested land, afforested land, managed cropland, managed grassland, managed wetland where applicable, and, subject to the delegated act to be adopted pursuant to Article 7(2) of Regulation (EU) [2017/...] on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030, managed forest land, in order to ensure their compliance with their commitments under Regulation (EU) [2017/...].***

Wednesday 13 September 2017

Amendment 27
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) In order to ensure efficient, transparent and cost-effective reporting and verification of greenhouse gas emissions and removals and of other information necessary to assess compliance with Member States' commitments, reporting requirements should be included in Regulation (EU) No 525/2013 by this Regulation, and compliance checks under this Regulation should take these reports into account. Regulation (EU) No 525/2013 should therefore be amended accordingly. These provisions may further be streamlined to take into consideration any relevant changes in respect of the **integrated** governance of the Energy Union **for which a proposal is foreseen by the end of 2016 in the Commission's work programme.**

Amendment

- (15) In order to ensure efficient, transparent and cost-effective reporting and verification of greenhouse gas emissions and removals and of other information necessary to assess compliance with Member States' commitments, reporting requirements should be included in Regulation (EU) No 525/2013 by this Regulation, and compliance checks under this Regulation should take these reports into account. Regulation (EU) No 525/2013 should therefore be amended accordingly. These provisions may further be streamlined to take into consideration any relevant changes in respect of the **proposal for a regulation on the** governance of the Energy Union which **the Commission submitted on 30 November 2016.**

Amendment 28
Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

- (15a) **Under the UNFCCC, the Union and its Member States are required to develop, regularly update, publish and report to the Conference of the Parties national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases using comparable methodologies agreed by the Conference of the Parties. Greenhouse gas inventories are essential for monitoring the implementation of the decarbonisation dimension and for assessing compliance with climate-related legislation. The obligations of Member States to compile and administer national inventories are set out in the Commission proposal for a regulation on the governance of the Energy Union.**

Wednesday 13 September 2017

Amendment 29
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) To facilitate data collection and methodology improvement, land use should be inventoried and reported using geographical tracking of each land area, corresponding to national and EU data collection systems. The best use shall be made of existing Union and Member State programmes and surveys including the LUCAS Land Use Cover Area frame Survey **and** the European Earth observation programme Copernicus for data collection. Data management, including sharing for the reporting reuse and dissemination should conform to Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community.

Amendment

- (17) To facilitate data collection and methodology improvement, land use should be **expressly** inventoried and reported using geographical tracking of each land area, corresponding to national and EU data collection systems. The best use shall be made of existing Union and Member State programmes and surveys including the LUCAS Land Use Cover Area frame Survey, the European Earth observation programme Copernicus, **in particular through Sentinel-2**, for data collection **and the European satellite navigation systems Galileo and EGNOS, which can be used in support of land-use surveying**. Data management, including sharing for the reporting reuse and dissemination should conform to Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community.

Wednesday 13 September 2017

Amendment 30
Proposal for a regulation
Recital 18

Text proposed by the Commission

- (18) In order to provide for the appropriate accounting of transactions under this Regulation, including the use of flexibilities and tracking compliance, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the technical adaptation of definitions, values, lists of greenhouse gases and carbon pools, the update of reference levels, the accounting of transactions and the revision of methodology and information requirements. These measures shall take into account the provisions in Commission Regulation (EU) No 389/2013 establishing a Union Registry. The necessary provisions should be contained in a single legal instrument combining the accounting provisions pursuant to Directive 2003/87/EC, Regulation (EU) No 525/2013, Regulation [] on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts have systematic access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

- (18) In order to provide for the appropriate accounting of transactions under this Regulation, including the use of flexibilities and tracking compliance, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the technical adaptation of definitions, values, lists of greenhouse gases and carbon pools, the update of reference levels, the accounting of transactions and the revision of methodology **on the basis of the most recently adopted IPCC guidelines, including the 2013 IPCC Wetlands Supplementary Guidelines for National Greenhouse Gas Inventories, and UNFCCC guidance** and information requirements. These measures shall take into account the provisions in Commission Regulation (EU) No 389/2013 establishing a Union Registry. The necessary provisions should be contained in a single legal instrument combining the accounting provisions pursuant to Directive 2003/87/EC, Regulation (EU) No 525/2013, Regulation **(EU) No .../...** on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts have systematic access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Wednesday 13 September 2017

Amendment 31
Proposal for a regulation
Recital 19

Text proposed by the Commission

- (19) This Regulation should be reviewed as of 2024 and every 5 years thereafter in order to assess its overall functioning. This review can also be informed by the results of the global stocktake of the Paris Agreement.

Amendment

- (19) ***Within six months of the 2018 Facilitative Dialogue under the UNFCCC, the Commission should publish a communication assessing the consistency of the Union's climate and energy legislative acts with the goals of the Paris Agreement.*** This Regulation should be reviewed as of 2024 and every 5 years thereafter in order to assess its overall functioning. This review can also be informed by the results of the global stocktake of the Paris Agreement.

Amendment 32
Proposal for a regulation
Article 1 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation does not lay down accounting or reporting obligations for private parties, including farmers and foresters.

Amendment 33
Proposal for a regulation
Article 1 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

This Regulation contributes to the achievement by the Union of the objectives of the Paris Agreement.

Amendment 34
Proposal for a regulation
Article 2 — paragraph 1 — point e a (new)

Text proposed by the Commission

Amendment

- (ea) ***as of 2026, managed wetland: land use reported as wetland remaining wetland, and settlement, other land converted to wetland and wetland converted to settlement and other land.***

Wednesday 13 September 2017

Amendment 35

Proposal for a regulation

Article 2 — paragraph 2

Text proposed by the Commission

2. A Member State may choose to include managed wetland, **defined as land use reported as wetland remaining wetland, and settlement, other land converted to wetland and wetland converted to settlement and other land**, in the scope of its commitment pursuant to Article 4. Where a Member State chooses to do so, it shall account for emissions and removals from managed wetland in accordance with this Regulation.

Amendment

2. **During the period from 2021 to 2025**, a Member State may choose to include managed wetland in the scope of its commitment pursuant to Article 4. Where a Member State chooses to do so, it shall account for emissions and removals from managed wetland in accordance with this Regulation.

Amendment 36

Proposal for a regulation

Article 3 — paragraph 1 — point f a (new)

Text proposed by the Commission

Amendment

(fa) **'forest reference level' means an estimate of the average annual net emissions or removals resulting from managed forest land within the territory of the Member State in the periods from 2021 to 2025 and from 2026 to 2030;**

Amendment 37

Proposal for a regulation

Article 4 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

For the period after 2030, Member States shall endeavour to increase their removals so that they exceed their emissions. The Commission shall propose a framework for targets after 2030 which includes such increased removals, in line with the Union's long-term climate objectives and the commitments made under the Paris Agreement.

Wednesday 13 September 2017

Amendment 38**Proposal for a regulation****Article 5 — paragraph 1***Text proposed by the Commission*

1. Each Member State shall prepare and maintain accounts that accurately reflect the emissions and removals resulting from the land accounting categories referred to in Article 2. Member States shall ensure the accuracy, completeness, consistency, comparability and transparency of their accounts and of other data provided under this Regulation. Member States shall denote emissions by a positive sign (+) and removals by a negative sign (-).

Amendment

1. Each Member State shall prepare and maintain accounts that accurately reflect the emissions and removals resulting from the land accounting categories referred to in Article 2 **in accordance with the reporting guidance adopted by bodies of the UNFCCC or of the Paris Agreement for the period 2021-2030**. Member States shall ensure the accuracy, completeness, consistency, comparability and transparency of their accounts and of other data provided under this Regulation. Member States shall denote emissions by a positive sign (+) and removals by a negative sign (-).

Amendment 39**Proposal for a regulation****Article 5 — paragraph 4***Text proposed by the Commission*

4. Member States shall include in their accounts for each land accounting category any change in the carbon stock of the carbon pools listed in Annex I, section B. Member States may choose not to include in their accounts changes in carbon stocks for carbon pools where the carbon pool is not a source, except for above-ground biomass and harvested wood products on managed forest land.

Amendment

4. Member States shall include in their accounts for each land accounting category any change in the carbon stock of the carbon pools listed in Annex I, section B. Member States may choose not to include in their accounts changes in carbon stocks for carbon pools where the carbon pool is not a source, except for above-ground biomass, **deadwood (above-ground and buried deadwood) on managed forest land** and harvested wood products on managed forest land.

Amendment 40**Proposal for a regulation****Article 6 — paragraph 2***Text proposed by the Commission*

2. By derogation from the requirement to apply the default value established in Article 5(3), a Member State may transition cropland, grassland, wetland, settlements and other land from the category of such land converted to forest land to the category of forest land remaining forest land after 30 years from the date of conversion.

Amendment

2. By derogation from the requirement to apply the default value established in Article 5(3), a Member State may transition cropland, grassland, wetland, settlements and other land from the category of such land converted to forest land to the category of forest land remaining forest land after 30 years from the date of conversion, **if duly justified based on the IPCC Guidelines**.

Wednesday 13 September 2017

Amendment 41

Proposal for a regulation

Article 6 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Afforestation actions taking place in 2017-2030 on wetland, including peatland, the Natura 2000 network and habitats listed in Annex I to Directive 92/43/EEC, in particular natural and semi-natural grassland formations and raised bogs and mires and fens, and other wetland, including peatland, under applied gross-net accounting rules shall not appear in the Member State's national accounting. Such areas shall only count, if applicable, for removals or emissions in the category of forested land after its transition to managed forest land in accordance with Article 5(3).

Amendment 42

Proposal for a regulation

Article 7 — paragraph 3

Text proposed by the Commission

Amendment

3. Where a Member State chooses to include managed wetland in the scope of its commitment in accordance with Article 2, it shall notify that choice to the Commission by 31 December 2020 **for the period 2021-2025 and by 31 December 2025 for the period 2026-2030.**

3. Where a Member State chooses to include managed wetland in the scope of its commitment in accordance with Article 2 **during the period from 2021 to 2025**, it shall notify that choice to the Commission by 31 December 2020.

Amendment 43

Proposal for a regulation

Article 7 — paragraph 4

Text proposed by the Commission

Amendment

4. Member States **that have chosen to include managed wetland in the scope of their commitments in accordance with Article 2** shall account for emissions and removals resulting from managed wetland, calculated as emissions and removals in the periods **from 2021 to 2025 and/or** from 2026 to 2030 minus the value obtained by multiplying by five the Member State's average annual emissions and removals resulting from managed wetland in its base period 2005-2007.

4. Member States shall account for emissions and removals resulting from managed wetland, calculated as emissions and removals in the periods from 2026 to 2030 minus the value obtained by multiplying by five the Member State's average annual emissions and removals resulting from managed wetland in its base period 2005-2007.

Wednesday 13 September 2017

Amendment 44**Proposal for a regulation****Article 7 — paragraph 4 — subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

Member States that have chosen to include managed wetland in the scope of their commitments in accordance with Article 2 during the period from 2021 to 2025 shall account for emissions and removals resulting from managed wetland, calculated as emissions and removals in the period from 2021 to 2025 minus the value obtained by multiplying by five the Member State's average annual emissions and removals resulting from managed wetland in its base period 2005-2007.

Amendment 45**Proposal for a regulation****Article 7 — paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. During the period from 2021 to 2025, Member States that have not chosen to include managed wetland in the scope of their commitments in accordance with Article 2 shall nevertheless report the emissions and removals from managed wetland to the Commission.

Amendment 46**Proposal for a regulation****Article 8 — paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall account for emissions and removals resulting from managed forest land, calculated as emissions and removals in the periods from 2021 to 2025 and from 2026 to 2030 minus the value obtained by multiplying by five its forest reference level. ***A forest reference level is an estimate of the average annual net emissions or removals resulting from managed forest land within the territory of the Member State in the periods from 2021 to 2025 and from 2026 to 2030.***

1. Member States shall account for emissions and removals resulting from managed forest land, calculated as emissions and removals in the periods from 2021 to 2025 and from 2026 to 2030 minus the value obtained by multiplying by five its forest reference level.

Wednesday 13 September 2017

Amendment 47

Proposal for a regulation

Article 8 — paragraph 2

Text proposed by the Commission

2. Where the result of the calculation referred to in paragraph 1 is negative in relation to its forest reference level, a Member State shall include in its managed forest land accounts total net removals of no more than the equivalent of 3,5 per cent of the Member State's emissions in its base year or period as specified in Annex III, multiplied by five.

Amendment

2. Where the result of the calculation referred to in paragraph 1 is negative in relation to its forest reference level, a Member State shall include in its managed forest land accounts total net removals of no more than the equivalent of 3,5 per cent of the Member State's emissions in its base year or period as specified in Annex III, multiplied by five. **Member States may add to that figure of 3,5 % the amount of net removals for managed forest land accounts from wood panels, sawn wood and deadwood under the conditions set out in the second, third and fourth subparagraphs of this paragraph.**

Amendment 48

Proposal for a regulation

Article 8 — paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Net removals from wood panels, as referred to in point (b) of Article 9, and sawn wood, as referred to in point (c) of that Article, may be separately accounted for outside of, and in addition to, the net removals figure for managed forest land accounts up to the level of 3 % of the Member State's emissions in its base year or period as specified in Annex III, multiplied by five.

Amendment 49

Proposal for a regulation

Article 8 — paragraph 2 — subparagraph 1 b (new)

Text proposed by the Commission

Amendment

Net removals from the carbon pool category of deadwood may be separately accounted for outside of, and in addition to, the net removals figure for managed forest land accounts up to the level of 3 % of the Member State's emissions in its base year or period as specified in Annex III, multiplied by five.

Wednesday 13 September 2017

Amendment 50

Proposal for a regulation

Article 8 — paragraph 2 — subparagraph 1 c (new)

Text proposed by the Commission

Amendment

The combined figure of the net removals of 3,5 % in the first sub-paragraph, plus net removals for managed forest land accounts from wood panels, sawn wood and deadwood, shall not together exceed 7 % of the Member State's emissions in its base year or period as specified in Annex III, multiplied by five.

Amendment 65

Proposal for a regulation

Article 8 — paragraph 3 — subparagraph 2

Text proposed by the Commission

Amendment

The national forestry accounting plan shall contain all the elements listed in Annex IV, section B and include a **proposed** new forest reference level based on the continuation of current forest management practice **and intensity**, as documented between **1990-2009** per forest type and per age class in national forests, expressed in tonnes of CO₂ equivalent per year.

The national forestry accounting plan shall contain all the elements listed in Annex IV, section B and include a new forest reference level based on the continuation of current forest management practice **in accordance with the best available data**, as documented between **2000-2012** per forest type and per age class in national forests, expressed in tonnes of CO₂ equivalent per year.

An increase in harvest by a Member State, based on sustainable forest management practices and on national policies adopted up to the date of submission of the forest reference level, shall respect the following conditions:

- (a) that managed forest land remains a sink of greenhouse gases; and**
- (b) that ways of maintaining or enhancing the sink and reservoirs of greenhouse gases by 2050, with a view to fulfilling the objective set out in Article 4.1 of the Paris Agreement, namely that of achieving a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, are outlined in a long-term low-emission strategy.**

The Commission may grant a derogation from the base period 2000-2012 upon submission of a reasoned request by a Member State, justifying that such a derogation is absolutely necessary for reasons of data availability, such as the timing of forest inventories.

Wednesday 13 September 2017

Amendment 52

Proposal for a regulation

Article 8 — paragraph 3 — subparagraph 2 a (new)

Text proposed by the Commission

Amendment

By way of derogation from subparagraph 2, the forest reference level for Croatia may be calculated to take account of the occupation of part of its territory from 1991 to 1998, and of the effects of the war and its aftermath on forest management practices on its territory, while excluding the impact of policies on the development of the forest sink.

Amendment 53

Proposal for a regulation

Article 8 — paragraph 3 — subparagraph 3

Text proposed by the Commission

Amendment

The national forestry accounting plan shall be made public and shall be subject to public consultation.

The national forestry accounting plan shall be made public, ***including by way of publication via the internet***, and shall be subject to public consultation.

Amendment 54

Proposal for a regulation

Article 8 — paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall demonstrate consistency between the methods and data used to establish the forest reference level in the national forestry accounting plan and those used in the reporting for managed forest land. At the latest at the end of the period from 2021 to 2025 or from 2026 to 2030, a Member State shall submit to the Commission a technical correction of its reference level if necessary to ensure consistency.

4. Member States shall demonstrate consistency between the methods and data used to establish the forest reference level in the national forestry accounting plan and those used in the reporting for managed forest land. ***The data used shall be the most recent verified accounts of the land use and forest conditions.*** At the latest at the end of the period from 2021 to 2025 or from 2026 to 2030, a Member State shall submit to the Commission a technical correction of its reference level if necessary to ensure consistency, ***as well as to report positive inputs as a consequence of a sustainable forest management policy in force at the time it is determined.***

Wednesday 13 September 2017

Amendment 55

Proposal for a regulation

Article 8 — paragraph 5

Text proposed by the Commission

5. **The** Commission shall review the national forestry accounting plans and technical corrections and assess the extent to which the **proposed** new or corrected forest reference levels have been determined in accordance with the principles and requirements set out in paragraphs (3) and (4) as well as Article 5 (1). **To the extent that this is required in order to ensure compliance with** the principles and requirements set out in paragraphs (3) and (4) as well as Article 5(1), the Commission **may recalculate the proposed new or corrected forest reference levels.**

Amendment

5. **An expert review team, set up in accordance with Commission Decision (C(2016)3301, including Commission and Member States representatives, shall, in consultation with the Standing Forestry Committee and the Civil Dialogue Group on Forestry and Cork,** review the national forestry accounting plans and technical corrections and assess the extent to which the new or corrected forest reference levels **set by the Member States** have been determined in accordance with the principles and requirements set out in paragraphs (3) and (4) **of this Article** as well as Article 5(1). **The Commission may only recalculate the new or corrected forest reference levels in the event that** the principles and requirements set out in paragraphs (3) and (4) **of this Article** as well as Article 5(1) **have not been complied with.** The Commission **shall compile a synthesis report and shall make it publicly available.**

Amendment 56

Proposal for a regulation

Article 8 — paragraph 5 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall provide to the Commission all data and information requested for carrying out the review and the assessment referred to in the first subparagraph.

Wednesday 13 September 2017

Amendment 57

Proposal for a regulation

Article 8 — paragraph 6

Text proposed by the Commission

6. The Commission shall adopt delegated acts in accordance with Article 14 to amend Annex II in the light of the review carried out pursuant to paragraph (5) to update Member State forest reference levels based on the national forestry accounting plans or the technical corrections submitted, and any recalculations made in the context of the review. Until the entry into force of the delegated **act**, Member State forest reference levels as specified in Annex II shall continue to apply for the period 2021-2025 and/or 2026-2030.

Amendment

6. The Commission shall adopt delegated acts in accordance with Article 14 to amend Annex II in the light of the review **and the assessment** carried out **by the expert review team** pursuant to paragraph 5 **of this Article** to update Member State forest reference levels based on the national forestry accounting plans or the technical corrections submitted, and any recalculations made in the context of the review.

Until the entry into force of the delegated **acts**, Member State forest reference levels as specified in Annex II shall continue to apply for the period 2021-2025 and/or 2026-2030.

Amendment 58

Proposal for a regulation

Article 9 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall adopt delegated acts in accordance with Article 14 in order to amend this Regulation by updating the categories of harvested wood products with additional products that have a carbon sequestration effect, based on IPCC Guidelines and ensuring environmental integrity, and by updating the default half-life values specified in Annex V for the purpose of adapting them to technical progress.

Wednesday 13 September 2017

Amendment 59**Proposal for a regulation****Article 10 — paragraph 1***Text proposed by the Commission*

1. At the end of the periods from 2021 to 2025 and from 2026 to 2030, Member States may exclude from their accounts for **afforested land and** managed forest land greenhouse gas emissions resulting from natural disturbances exceeding the average emissions caused by natural disturbances in the period 2001-2020, excluding statistical outliers ('background level') calculated in accordance with this Article and Annex VI.

Amendment

1. At the end of the periods from 2021 to 2025 and from 2026 to 2030, Member States may exclude from their accounts for managed forest land greenhouse gas emissions resulting from natural disturbances exceeding the average emissions caused by natural disturbances in the period 2001-2020, excluding statistical outliers ('background level') calculated in accordance with this Article and Annex VI.

Amendment 60**Proposal for a regulation****Article 11 — paragraph 5 a (new)***Text proposed by the Commission**Amendment*

5a. An assessment on the impacts of the flexibility mechanism set out in this Article shall be included in the report referred to in Article 15.

Amendment 61**Proposal for a regulation****Article 12 a (new)***Text proposed by the Commission**Amendment***Article 12a**

The Commission shall report in 2027 and 2032 on the cumulative balance of emissions and removals from managed forest land in the Union in reference to average emissions and removals in the period from 1990 to 2009. If the cumulative balance is negative, the Commission shall make a proposal to compensate and remove the corresponding amount from Member States emission allocations under Regulation (EU) .../... of the European Parliament and of the Council ^(1a).

^(1a) Regulation (EU) .../... of the European Parliament and of the Council of ... on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change (OJ L ..., ..., p. ...).

Wednesday 13 September 2017

Amendment 62**Proposal for a regulation****Article 14 — paragraph 2***Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 3, 5, 8, 10 and 13 shall be conferred on the Commission for an indeterminate period of time from the [date of entry into force].

Amendment

2. The power to adopt delegated acts referred to in Article 3, 5, 8, **9**, 10 and 13 shall be conferred on the Commission for an indeterminate period of time from the [date of entry into force].

Amendment 63**Proposal for a regulation****Article 15 — paragraph - 1 (new)***Text proposed by the Commission**Amendment*

Within six months of the 2018 Facilitative Dialogue under the UNFCCC the Commission shall publish a communication assessing the consistency of the Union's climate and energy legislative acts with the goals of the Paris Agreement.

Amendment 64**Proposal for a regulation****Article 15 — paragraph 1***Text proposed by the Commission*

The Commission shall report to the European Parliament and to the Council by 28 February 2024 and every five years thereafter on the operation of this Regulation, its contribution to the EU's overall 2030 greenhouse gas emission reduction target and its contribution to the goals of the Paris Agreement, ***and may make proposals*** if appropriate.

Amendment

The Commission shall report to the European Parliament and to the Council by 28 February 2024 and every five years thereafter on the operation of this Regulation, its contribution to the EU's overall 2030 greenhouse gas emission reduction target and its contribution to the goals of the Paris Agreement. ***The reports shall, if appropriate, be accompanied by legislative proposals.***

Wednesday 13 September 2017

P8_TA(2017)0340

Uniform format for residence permits for third country nationals *I**

European Parliament legislative resolution of 13 September 2017 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (COM(2016)0434 — C8-0247/2016 — 2016/0198(COD))

(Ordinary legislative procedure: first reading)

(2018/C 337/37)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0434),
 - having regard to Article 294(2) and Article 79(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0247/2016),
 - 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 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 Civil Liberties, Justice and Home Affairs (A8-0065/2017),
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)0198

Position of the European Parliament adopted at first reading on 13 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1954.)

Wednesday 13 September 2017

P8_TA(2017)0343

Draft amending budget No 3/2017: budgetary resources of the Youth Employment Initiative; establishing plans of ACER and SESAR2

European Parliament resolution of 13 September 2017 on the Council position on Draft amending budget No 3/2017 of the European Union for the financial year 2017 increasing the budgetary resources of the Youth Employment Initiative to pursue the reduction of youth unemployment across the European Union and updating the staff establishment plans of the decentralised agency ACER and the joint undertaking SESAR2 (11812/2017–C8-0303/2017 — 2017/2078(BUD))

(2018/C 337/38)

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 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⁾ (MFF Regulation),
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁴⁾,
- having regard to the Special Report 5/2017 of the European Court of Auditors ‘Youth unemployment — have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative’,
- 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 3/2017, which the Commission adopted on 30 May 2017 (COM(2017)0288),
- having regard to the position on Draft amending budget No 3/2017 which the Council adopted on 4 September 2017 and forwarded to Parliament on the same day (11812/2017 — C8-0303/2017),
- having regard to Rules 88 and 91 of its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A8-0282/2017),

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 51, 28.2.2017.

⁽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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- A. whereas Draft amending budget No 3/2017 relates to the provision of EUR 500 million of additional commitment appropriations to the Youth Employment Initiative (YEI) as agreed by the European Parliament and the Council in their agreement on the budget 2017, as well as to an amendment of the establishment plans of the decentralised agency ACER and the joint undertaking SESAR2, without incurring any changes to the overall budget or the total number of posts;
- B. whereas the European Parliament and the Council invited the Commission to propose an amending budget in 2017 in order to provide EUR 500 million for the YEI in 2017 financed by the Global Margin for Commitments, as soon as the technical adjustment provided for in Article 6 of the MFF Regulation is adopted;
- C. whereas, following the adoption of the technical adjustment, the Commission consequently proposes to amend the Union budget for 2017 and increase Article 04 02 64 'Youth Employment Initiative';
- D. whereas in the context of the mid-term revision of the Multiannual Financial Framework (MFF), the European Parliament and the Council have agreed on a top-up of EUR 1,2 billion for the YEI for the years 2017-2020 and the European Parliament underlined in its statement linked to the mid-term MFF revision that that limit is of political nature without any legal implications;
- E. whereas in the context of the mid-term revision of the MFF, the Commission also underlined in its statement, that consideration should be given to increase the funding for YEI beyond the amount of EUR 1,2 billion agreed by using margins available under the Global Margin for Commitments in accordance with Article 14 of the MFF Regulation;
- F. whereas the requirement for the 2017 reclassification exercise is necessary for both the decentralised agency ACER and the joint undertaking SESAR2;
1. Stresses as a matter of priority the urgent need to further increase Union's financial commitment in the fight against the youth unemployment through additional funding for the YEI;
 2. Regrets the delay, due to the blockage and late approval by the Council of the mid-term MFF revision, in the modification of the Union budget for 2017 to increase the YEI as agreed during the 2017 annual budgetary procedure;
 3. Takes note of Draft amending budget No 3/2017, as submitted by the Commission;
 4. Calls on the Commission and Member States to ensure swift reprogramming of the relevant operational programmes in order to ensure that the whole additional YEI envelope of EUR 500 million is fully and efficiently committed by the end of 2017; furthermore, calls on Member States to perform gap assessments and market analyses prior to setting up the schemes in order to optimise the benefits of the YEI;
 5. Takes note of the modifications of the establishment plans of the decentralised agency ACER and of the joint undertaking SESAR2; notes that those modifications do not change the total number of posts and that they can be financed within the bodies' annual budget for this year; agrees that the reclassification of the AD15 post for the joint undertaking SESAR2 is *ad personam* and will expire at the end of the mandate of the current Executive Director;
 6. Approves the Council position on Draft amending budget No 3/2017;
 7. Instructs its President to declare that Amending budget No 3/2017 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
 8. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.
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Thursday 14 September 2017

P8_TA(2017)0347

Accessibility requirements for products and services ***I

Amendments adopted by the European Parliament on 14 September 2017 on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (COM(2015)0615 — C8-0387/2015 — 2015/0278(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 337/39)

Amendment 1

Proposal for a directive

Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the Charter of Fundamental Rights of the European Union, and in particular to Article 26 thereof,

Amendment 2

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

- (1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States, by eliminating barriers to the free movement of certain accessible products and services. This will increase the availability of accessible products and services **on** the internal market.

- (1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States **and** by eliminating barriers to the free movement of certain accessible products and services. This will increase the availability, **and improve the accessibility and practicality, of information on** accessible products and services **in** the internal market.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0188/2017).

Thursday 14 September 2017

Amendment 3
Proposal for a directive

Recital 2

Text proposed by the Commission

- (2) The demand for accessible products and services is high and the number of **citizens** with disabilities **and/or functional limitations** will increase significantly with the ageing of the **European** Union's population. An environment where products and services are more accessible allows for a more inclusive society and facilitates independent living.

Amendment

- (2) The demand for accessible products and services is high and the number of **persons with functional limitations, including persons** with disabilities **within the meaning of Article 1 of the United Nations Convention on the Rights of Persons with Disabilities ('the Convention')**, will increase significantly with the ageing of the Union's population. An environment where products and services are more accessible allows for a more inclusive society and **is a prerequisite** for independent living.

Amendment 4
Proposal for a directive

Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) **'Universal accessibility', 'design for all' and 'gender-perspective' should be ensured in products, tools, devices and services in order for them to be commonly used by persons with disabilities.**

Amendment 5
Proposal for a directive

Recital 3

Text proposed by the Commission

- (3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with functional limitations including persons with disabilities create barriers to **the** free movement **of such products and services** and distort effective competition in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Amendment

- (3) The disparities between the laws and administrative measures adopted by the Member States in relation to **the** accessibility of **some** products and services for persons with functional limitations, including persons with disabilities, create barriers to **their** free movement and distort effective competition in the internal market. **For other products, disparities are likely to increase due to the entry into force of the Convention.** Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Thursday 14 September 2017

Amendment 6
Proposal for a directive
Recital 5

Text proposed by the Commission

- (5) Consumers of accessible products and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

Amendment

- (5) Consumers of accessible products, **and in particular of assistive technologies**, and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

Amendment 7
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade and **mobility**, as well as to help economic operators to concentrate resources on innovation instead of using those resources for **complying with** fragmented **legal requirements across the Union**.

Amendment

- (6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade, **freedom of movement of products and services, and free movement of persons, including persons with disabilities**, as well as to help economic operators to concentrate resources on innovation instead of using those resources for **covering expenses arising from** fragmented **legislation**.

Amendment 8
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) **Article 10 of the Treaty on the Functioning of the European Union (TFEU) requires the Union to combat discrimination based on disability when defining and implementing its policies and activities. Article 19 TFEU gives the Union the power to adopt legal acts to combat such discrimination.**

Thursday 14 September 2017

Amendment 9
Proposal for a directive
Recital 9

Text proposed by the Commission

- (9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of **Article** 26 of the Charter of Fundamental Rights of the European Union.

Amendment

- (9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities, **and older persons**, to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of **Articles 21, 25 and** 26 of the Charter of Fundamental Rights of the European Union.

Amendment 250
Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) **Better accessibility to products and services will improve the lives not only of persons with disabilities but also of persons with other permanent or temporary functional limitations, such as elderly persons, pregnant women and persons travelling with luggage. Therefore, it is essential that this Directive includes persons with disabilities as well as persons with temporary or permanent functional limitations, in order to ensure genuine benefits and an independent life for a wider portion of society.**

Thursday 14 September 2017

Amendment 11
Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

Amendment

- (9b) *The prevalence of disability in the Union is higher among women than among men. Women with disabilities are faced with multiple forms of discrimination and face substantial obstacles to the proper enjoyment of their basic rights and freedoms. These include physical, emotional, sexual, economic and institutional violence. They also include discrimination in access to education and employment, which can lead to social isolation and psychological trauma. Women are also disproportionately affected by disability as carers of family members with disabilities and experience discrimination by association more frequently than men. In view of the above, action is needed to ensure equal treatment and positive measures and policies for women with disabilities and mothers of children with disabilities is a fundamental human right and an ethical obligation.*

Amendment 12
Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

- (10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

- (10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market, **facilitating trade and promoting employment within the Union**. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

Thursday 14 September 2017

Amendment 13
Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

- (12a) *Article 4 of the Convention calls on State Parties to undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities. The Convention also calls for priority to be given to affordable technologies.*

Amendment 232
Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

Amendment

- (12b) *In the rail transport sector, Directive (EU) 2016/797 of the European Parliament and of the Council^(1a) and Commission Regulation (EU) No 1300/2014^(1 ter) (PRM TSI) explicitly refer to, and implement, the accessibility requirements set out in Article 9 of the Convention. Accordingly, accessibility for persons with disabilities and persons with reduced mobility in the rail transport sector is regulated under those instruments. In order to ensure consistency between Directive (EU) 2016/797 and Commission Regulation (EU) No 1300/2014, on the one hand, and this Directive on the other, any future revision of the PRM TSI should also take into account the accessibility requirements resulting from the European Accessibility Act.*

^(1a) Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

^(1 ter) Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110)

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Amendment 233
Proposal for a directive
Recital 13

Text proposed by the Commission

- (13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services which without Union action would further increase disparities between national provisions.

Amendment

- (13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services **and on the built environment related to the provision of goods and services** which without Union action would further increase disparities between national provisions.

Amendment 14
Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

- (13a) ***In addition to the requirements laid down in this Directive, efforts should be made to implement and enforce Union legislation on the rights of passengers using air, rail, bus and inland-waterway transport. Such efforts should focus on intermodal aspects with a view to promoting barrier-free accessibility, including facets such as infrastructure and transportation vehicles.***

Amendment 15
Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

- (13b) ***The Commission should encourage urban authorities to integrate barrier-free accessibility to urban transport services in their Sustainable urban Mobility Plans (SUMPs), as well as to regularly publish lists of best practices regarding barrier-free accessibility to urban public transport and mobility.***

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Amendment 16
Proposal for a directive
Recital 15

Text proposed by the Commission

- (15) The European Disability Strategy 2010-2020 — A Renewed Commitment to a Barrier-Free Europe ⁽³³⁾ — in line with the Convention, establishes accessibility as one of the eight areas of action, and aims **at ensuring** accessibility of products and services.

⁽³³⁾ COM(2010) 636.

Amendment

- (15) The **communication of the Commission of 15 November 2010** 'European Disability Strategy 2010-2020 — A Renewed Commitment to a Barrier-Free Europe' — in line with the Convention, establishes accessibility, **which is a basic precondition for participation in society**, as one of the eight areas of action, and aims **to ensure the** accessibility of products and services.

Amendment 17
Proposal for a directive
Recital 16

Text proposed by the Commission

- (16) Products and services falling within the scope of this Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services for **persons with functional limitations, including** persons with disabilities **and older persons**, for which Member States have adopted or are likely to adopt diverging national accessibility requirements.

Amendment

- (16) Products and services falling within the scope of this Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services for persons with disabilities, for which Member States have adopted or are likely to adopt diverging national accessibility requirements.

Thursday 14 September 2017

Amendment 227
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) *Directive 2010/13/EU of the European Parliament and of the Council^(1a) imposes a number of obligations on providers of audiovisual media services. It is therefore more appropriate to include accessibility requirements in that Directive.*

However, as regards websites and mobile-based services, Directive 2010/13/EU only covers audiovisual media content. It is therefore appropriate to include the architecture of the websites and mobile-based services and all content not falling within the scope of Directive 2010/13/EU within the scope of this Directive.

This Directive should cover accessibility requirements for telephony services equipment and websites. This Directive should also cover accessibility requirements for telephony services unless they are addressed in another Union legal act providing at least the same level of protection as provided in this Directive. In the latter case, the Union legal act concerned should prevail over this Directive.

^(1a) *Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.4.2010, p. 1).*

Amendment 19
Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) Each product and service **has to** comply with the accessibility requirements **identified** in Article 3 and listed in Annex I to be accessible for persons with disabilities **and older persons**. The e-commerce accessibility obligations also apply to the online sale of services under Article 1(2)(a) **to (e)** of this Directive.

(17) Each product and service **falling within the scope of this Directive and placed on the market after the date of application of this Directive should** comply with the accessibility requirements **set out** in Article 3 and listed in Annex I to be accessible for persons with disabilities. The e-commerce accessibility obligations also apply to the online sale of services under **points (a) to (e) of** Article 1 (2) of this Directive.

Thursday 14 September 2017

Amendment 20
Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) *Even if a service, or part of a service, is subcontracted to a third party, the accessibility of that service should not be compromised and the service providers should comply with the obligations set out in this Directive. Service providers should also ensure proper and continuous training of their personnel in order to ensure that they are knowledgeable about how to use accessible products and services. That training should cover issues such as information provision, advice and advertising.*

Amendment 21
Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

- (18) It is necessary to introduce the accessibility requirements in the least burdensome manner for the economic operators and the Member States, notably by only including in the scope the products and services which have been thoroughly selected.

- (18) *On the one hand*, it is necessary to introduce the accessibility requirements in the **most effective and** least burdensome manner for the economic operators and the Member States, notably by only including in the scope the products and services which have been thoroughly selected **and which are placed on the market after the date of application of this Directive. On the other hand**, it is necessary to enable economic operators to implement the accessibility requirements set out in this Directive efficiently, in particular by taking into account the lifetime of self-service terminals, ticketing machines and check-in machines. Also, the specific position of SMEs in the internal market should be taken into account. Additionally, microenterprises, due to their size, resources and nature, should not be required to comply with the accessibility requirements set out in this Directive or be obliged to use the procedure laid down in Article 12 in order to be exempted from the obligations of this Directive.

Thursday 14 September 2017

Amendment 22
Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

- (20a) *In order to ensure a better functioning of the internal market, national authorities should make use of the accessibility requirements set out in this Directive when applying the accessibility-related provisions in the Union legal acts referred to in this Directive. This Directive should however not change the compulsory or voluntary nature of the provisions in those other Union legal acts. This Directive should thus ensure that when accessibility requirements are used in accordance with those other acts, those requirements are the same across the Union.*

Thursday 14 September 2017

Amendment 23
Proposal for a directive
Recital 21

Text proposed by the Commission

- (21) **The Commission's proposal for a** Directive of the European Parliament and of the Council⁽³⁴⁾ includes accessibility requirements for **a specific set of public sector bodies'** websites. In addition, it **proposes to establish** the basis for a monitoring and reporting methodology of the compliance of the relevant websites with the requirements **listed** in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website, the accessibility requirements set out in this Directive should be aligned to those of **the proposed Directive on the accessibility of public sector bodies' websites**. Activities of ecommerce of **public sector** websites not covered by that Directive, fall **under** the scope of this **proposal**, in order to ensure that the online sale of products and services is accessible for persons with disabilities **and older persons**, irrespective of their public or private sale.

⁽³⁴⁾ **Proposal for a** Directive of the European Parliament and of the Council on the accessibility of **public sector bodies'** websites COM(2012) 721.

Amendment

- (21) Directive (EU) 2016/2102 of the European Parliament and of the Council⁽³⁴⁾ includes accessibility requirements for websites **and mobile applications of public sector bodies**. **However, that Directive contains a specific list of exceptions because making certain content of websites and mobile applications and certain types of websites and mobile applications fully accessible creates a disproportionate burden.** In addition, it **establishes** the basis for a monitoring and reporting methodology of the compliance of the relevant websites **and mobile applications** with the requirements **set out** in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites **and mobile applications**. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website **and mobile applications**, the accessibility requirements set out in this Directive should be aligned to those of **Directive (EU) 2016/2102**. Activities of ecommerce of websites **and mobile applications of public sector bodies** not covered by that Directive, fall **within** the scope of this **Directive**, in order to ensure that the online sale of products and services is accessible for persons with disabilities, irrespective of their public or private sale.

⁽³⁴⁾ Directive (EU) 2016/2102 of the European Parliament and of the Council **of 26 October 2016** on the accessibility of the websites **and mobile applications of public sector bodies** (OJ L 327, 2.12.2016, p. 1).

Thursday 14 September 2017

Amendment 24
Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) *Certain elements of the accessibility requirements laid down by this Directive, particularly those set out in Annex I relating to the provision of information, are already covered by existing legislative acts of the Union in the area of transport. Those acts include Regulation (EC) No 1371/2007 of the European Parliament and of the Council^(1a) and Commission Regulation (EU) No 1300/2014^(1b) and Commission Regulation (EU) No 454/2011^(1c) as regards rail transport; Regulation (EU) No 181/2011 of the European Parliament and of the Council^(1d) as regards bus and coach transport; and Regulation (EU) No 1177/2010 of the European Parliament and of the Council^(1e) as regards maritime transport. To ensure regulatory consistency and predictability for the economic operators covered by those acts, the relevant requirements under this Directive should be deemed to have been complied with where the relevant parts of those acts are complied with. However, when the accessibility requirements are not covered by those acts, for example the requirement to make websites of airlines accessible, this Directive should apply.*

^(1a) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

^(1b) Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).

^(1c) Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11).

^(1d) Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

^(1e) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).

Thursday 14 September 2017

Amendment 25
Proposal for a directive
Recital 22 b (new)

Text proposed by the Commission

Amendment

- (22b) *This Directive is intended to complement existing sectorial Union legislation by covering aspects not yet covered by that legislation.*

Amendment 26
Proposal for a directive
Recital 22 c (new)

Text proposed by the Commission

Amendment

- (22c) *The determination of the scope of this Directive with regard to air, bus, rail and waterborne passenger transport services should be based on the existing sectorial legislation relating to passenger rights. Where this Directive does not apply to certain types of transport services, Member States should be able to encourage service providers to apply the relevant accessibility requirements provided for in this Directive.*

Amendments 223 and 228
Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

- (23) In some situations, **common** accessibility **requirements** of the built environment **would facilitate the free movement** of the related services **and of** persons with disabilities. Therefore, this Directive **enables** Member States to include the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

- (23) In some situations, accessibility of the built environment **is a precondition for the proper enjoyment** of the related services **by** persons with disabilities. Therefore, this Directive **should oblige** Member States to include the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set **out** in Annex X.

However, accessibility requirements should only be applicable when constructing new infrastructure or when undertaking substantial renovations.

Thursday 14 September 2017

Amendment 28
Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

- (23a) ***It is not necessary for this Directive to amend existing Union law that provides for voluntary compliance with accessibility requirements.***

Amendment 29
Proposal for a directive
Recital 24

Text proposed by the Commission

Amendment

- (24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. ***That is the case of*** Directive 2014/23/EU of the European Parliament and of the Council⁽³⁵⁾, Directive 2014/24/EU of the European Parliament and of the Council⁽³⁶⁾, and Directive 2014/25/EU of the European Parliament and of the Council⁽³⁷⁾, which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or 'design for all' users.

- (24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. ***Those acts include*** Directive 2014/23/EU of the European Parliament and of the Council⁽³⁵⁾, Directive 2014/24/EU of the European Parliament and of the Council⁽³⁶⁾, and Directive 2014/25/EU of the European Parliament and of the Council⁽³⁷⁾, which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or 'design for all' users.

⁽³⁵⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁽³⁶⁾ 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 (OJ L 94, 28.3.2014, p. 65).

⁽³⁷⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁽³⁵⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁽³⁶⁾ 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 (OJ L 94, 28.3.2014, p. 65).

⁽³⁷⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Thursday 14 September 2017

Amendment 30
Proposal for a directive
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) *The obligation to ensure accessibility of the transport infrastructure on the Trans-European Transport Network is established in Regulation (EU) No 1315/2013 of the European Parliament and of the Council^(1a). The accessibility requirements provided for in this Directive should also apply to certain elements of the transport infrastructure regulated by that Regulation, to the extent that the products and services covered by this Directive are concerned and the infrastructure and the built environment related to those services are intended to be used by passengers.*

^(1a) *Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).*

Amendment 31
Proposal for a directive
Recital 24 b (new)

Text proposed by the Commission

Amendment

(24b) *It is not, however, appropriate for this Directive to change the compulsory or voluntary nature of the provisions in those other legislative acts of the Union such as Article 67 of Directive 2014/24/EU on contract award criteria, which contracting authorities can use to determine the most economically advantageous tender. If they are deemed to be linked to the subject matter of the procurement in question, it is possible for potential social aspects to be included. This Directive should therefore ensure that, when accessibility requirements are used in accordance with those other legislative acts of the Union, those requirements are the same across the Union.*

Thursday 14 September 2017

Amendment 32
Proposal for a directive
Recital 25

Text proposed by the Commission

- (25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or 'design for all' approach. Accessibility should not exclude the provision of reasonable accommodation when requested by national or Union law.

Amendment

- (25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or 'design for all' approach. **According to the Convention, that approach 'means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design'. In line with the Convention, "Universal design" is not to exclude assistive devices for particular groups of persons with disabilities where this is needed'.** Accessibility should not exclude the provision of reasonable accommodation when requested by national or Union law.

Amendment 33
Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

- (25a) **The fact that a product or a service falls within the scope of this Directive does not automatically mean that it falls within the scope of Council Directive 93/42/EEC^(1a).**

- ^(1a) **Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).**

Amendment 34
Proposal for a directive
Recital 25 b (new)

Text proposed by the Commission

Amendment

- (25b) **When identifying and classifying those needs of persons with disabilities that the product or service is intended to meet, the principle of universal design should be interpreted in accordance with the UN Committee on the Rights of Persons with Disabilities General Comment No. 2(2014) on Article 9 of the Convention.**

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Amendment 35
Proposal for a directive
Recital 27

Text proposed by the Commission

- (27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council⁽³⁸⁾ as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation.

⁽³⁸⁾ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

Amendment

- (27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council⁽³⁸⁾ as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation. **However, it is not appropriate for this Directive to include the safety-related provisions of that Decision, such as those relating to recalls, since a non-accessible product is not a dangerous product.**

⁽³⁸⁾ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

Amendment 36
Proposal for a directive
Recital 28

Text proposed by the Commission

- (28) All economic operators intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

Amendment

- (28) All economic operators **falling within the scope of this Directive and** intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

Amendment 37
Proposal for a directive
Recital 29

Text proposed by the Commission

- (29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to **ensure a high level of protection of** accessibility and to guarantee fair competition on the Union market.

Amendment

- (29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to **achieve improved** accessibility and to guarantee fair competition on the Union market.

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Amendment 38
Proposal for a directive
Recital 30

Text proposed by the Commission

- (30) The manufacturer having detailed knowledge of the design and production process is best placed to carry out the complete conformity assessment **procedure. The obligations for conformity** assessment should rest with the manufacturer.

Amendment

- (30) The manufacturer having detailed knowledge of the design and production process is best placed to carry out the complete conformity assessment. **However, the responsibility for that** assessment should **not** rest **solely** with the manufacturer. **A strengthened market surveillance authority could play a crucial role in the assessment procedure.**

Amendment 39
Proposal for a directive
Recital 32

Text proposed by the Commission

- (32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive **and in particular that** appropriate conformity assessment procedures **have been** carried out **by manufacturers** with regard to those products.

Amendment

- (32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive, **providing all the necessary information to the relevant market surveillance authority to enable** appropriate conformity assessment procedures **to be** carried out with regard to those products.

Amendment 40
Proposal for a directive
Recital 36

Text proposed by the Commission

- (36) For reasons of proportionality, accessibility requirements should **only apply to the extent that they do** not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria.

Amendment

- (36) For reasons of proportionality, accessibility requirements should not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria. **Control mechanisms nevertheless have to be in place in order to verify entitlement to exceptions to the applicability of accessibility requirements.**

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Amendment 41
Proposal for a directive
Recital 36 a (new)

Text proposed by the Commission

Amendment

- (36a) **When assessing whether compliance with accessibility requirements imposes a disproportionate burden on the economic operators, account should be taken of the size, resources and nature of those economic operators and their estimated costs and benefits of compliance compared to the estimated benefit for persons with disabilities. That cost-benefit analysis should take into account inter alia the frequency and duration of use of the specific product or service, including the estimated number of persons with disabilities using the specific product or service, the life span of the infrastructure and products used in the provision of a service and the extent of alternatives that are available free of charge, including from passenger transport service providers. When assessing whether compliance with accessibility requirements imposes a disproportionate burden, only legitimate reasons should be taken into consideration. Lack of priority, time or knowledge should not be considered to be legitimate reasons.**

Amendment 42
Proposal for a directive
Recital 39

Text proposed by the Commission

Amendment

- (39) In order to facilitate conformity assessment with applicable requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁽³⁹⁾ for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

⁽³⁹⁾ Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council 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 (OJ L 316, 14.11.2012, p. 12).

- (39) In order to facilitate conformity assessment with applicable **accessibility** requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁽³⁹⁾ for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

⁽³⁹⁾ Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council 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 (OJ L 316, 14.11.2012, p. 12).

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Amendment 43
Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

- (39a) *Regulation (EU) No 1025/2012 provides for a procedure for formal objections to harmonised standards that are considered not to comply with the requirements of this Directive.*

Amendment 44
Proposal for a directive
Recital 40

Text proposed by the Commission

Amendment

- (40) *In the absence of harmonised standards and where needed for market harmonisation purposes, the Commission should be able to adopt implementing acts establishing common technical specifications for the accessibility requirements set in this Directive.*

- (40) *European standards should be market-driven, take into account the public interest, as well as the policy objectives clearly stated in the Commission's request to one or more European standardisation organisations to draft harmonised standards, and be based on consensus. Recourse to technical specifications should therefore only be a last resort. The Commission should be able to adopt technical specifications for instance when the standardisation process is blocked due to a lack of consensus between stakeholders, creating undue delays in the establishment of a requirement which would, without the adoption of an appropriate standard, be impossible to implement, such as interoperability. The Commission should leave enough time between the adoption of a request to one or more European standardisation organisations to draft harmonised standards and the adoption of a technical specification related to the same accessibility requirement. The Commission should not be allowed to adopt a technical specification if it has not previously tried to have the accessibility requirements covered through the European standardisation system. The Commission should not use the procedure for adoption of technical specifications to circumvent the European standardisation system.*

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Amendment 45
Proposal for a directive
Recital 40 a (new)

Text proposed by the Commission

Amendment

- (40a) ***With a view to establishing harmonised standards and technical specifications that meet the accessibility requirements set out in this Directive for the products and services in the most efficient way, the Commission should, where this is feasible, involve European umbrella organisations of persons with disabilities and all other relevant stakeholders in the decision making process.***

Amendment 46
Proposal for a directive
Recital 42 a (new)

Text proposed by the Commission

Amendment

- (42a) ***When carrying out market surveillance of products, market surveillance authorities should review the assessment in cooperation with persons with disabilities and the organisations that represent them and their interests.***

Amendment 47
Proposal for a directive
Recital 44

Text proposed by the Commission

Amendment

- (44) ***The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment in a broad sense.*** This Directive should follow the general principles ***governing the CE marking*** of Regulation (EC) No 765/2008 of the European Parliament and of the Council⁽⁴⁰⁾ setting out the requirements for accreditation and market surveillance relating to the marketing of products.

- (44) This Directive should follow the general principles of Regulation (EC) No 765/2008 of the European Parliament and of the Council⁽⁴⁰⁾ setting out the requirements for accreditation and market surveillance relating to the marketing of products. ***In addition to the declaration of conformity, the manufacturer should inform consumers in a cost-effective manner about the accessibility of their products by including a notice on the packaging.***

⁽⁴⁰⁾ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

⁽⁴⁰⁾ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

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Amendment 48
Proposal for a directive
Recital 45

Text proposed by the Commission

- (45) *In accordance with* Regulation (EC) No 765/2008 *by affixing the CE marking to a product, the manufacturer declares that the product is in conformity with all applicable accessibility requirements and that he takes full responsibility therefor.*

Amendment

- (45) *The non-compliance of a product with the accessibility requirements set out in Article 3 should not per se constitute a serious risk within the meaning of Article 20 of Regulation (EC) No 765/2008 .*

Amendment 49
Proposal for a directive
Recital 48

Text proposed by the Commission

- (48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12 (3) in accordance with Chapter V.

Amendment

- (48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12(3) in accordance with Chapter V *and that they hold regular consultations with organisations representing persons with disabilities.*

Amendment 50
Proposal for a directive
Recital 48 a (new)

Text proposed by the Commission

Amendment

- (48a) *National databases containing all relevant information on the degree of accessibility of the products and services listed in this Directive would allow better inclusion of persons with disabilities, and their organisations in the market surveillance.*

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Amendment 51
Proposal for a directive
Recital 49

Text proposed by the Commission

- (49) Member States **are expected to** ensure that competent authorities **indicated** in Article 22 notify the Commission of the use of the exceptions **referred to** in Article 22 **(1) as well as include the assessment referred to in paragraph (2) in accordance with Chapter VI.**

Amendment

- (49) Member States **should** ensure that competent authorities notify the Commission of the use of the exceptions **laid down** in Article 22. **The initial assessment performed by the competent authorities concerned should be submitted to the Commission upon its request. When assessing whether compliance with accessibility requirements imposes a disproportionate burden on the competent authorities, account should be taken of the size, resources and nature of those competent authorities and the estimated costs and benefits of compliance compared to the estimated benefit for persons with disabilities. That cost-benefit analysis should take into account inter alia the frequency and duration of use of the specific product or service, including the estimated number of persons with disabilities using the specific product or service, the life span of the infrastructure and products used in the provision of a service and the extent of alternatives that are available free of charge, including from passenger transport service providers. When assessing whether compliance with accessibility requirements imposes a disproportionate burden, only legitimate reasons should be taken into consideration. Lack of priority, time or knowledge should not be considered to be legitimate reasons.**

Amendment 52
Proposal for a directive
Recital 50

Text proposed by the Commission

- (50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such products.

Amendment

- (50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with **organisations representing persons with disabilities, as well as with** the relevant economic operators, to act at an earlier stage in respect of such products.

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Amendment 53
Proposal for a directive
Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) *In order to ensure the proper application of the proportionality principle with regard to the obligations concerning the identification of economic operators and the criteria to be used when assessing whether compliance with an obligation under this Directive would impose a disproportionate burden, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to define the period during which economic operators have to be able to identify any economic operator who has supplied them with a product or to whom they have supplied a product and to further specify the criteria that are to be taken into account for all products and services covered by this Directive when assessing whether the burden is to be considered disproportionate, without modifying those criteria. That period should be specified in proportion to the life cycle of the product. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^(1a). 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.*

^(1a) OJ L 123, 12.5.2016, p. 1.

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Amendment 54
Proposal for a directive
Recital 51 b (new)

Text proposed by the Commission

Amendment

- (51b) *Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and thus establish appropriate control mechanisms, such as a posteriori control by the market surveillance authorities, in order to verify that the exemption from the accessibility requirements application is justified. When dealing with complaints related to accessibility, Member States should comply with the general principle of good administration, and in particular with the obligation of officials to ensure that a decision on each complaint is taken within a reasonable time-limit.*

Amendment 55
Proposal for a directive
Recital 52 a (new)

Text proposed by the Commission

Amendment

- (52a) *Member States should ensure that effective and rapid remedies are available against decisions taken by contracting authorities and contracting entities as to whether a particular contract falls within the scope of Directives 2014/24/EU and 2014/25/EU. Given the existing legal framework concerning remedies in the areas covered by Directives 2014/24/EU and 2014/25/EU, those areas should be excluded from the provisions of this Directive relating to enforcement and penalties. Such exclusion is without prejudice to the obligations of Member States under the Treaties to take all measures necessary to guarantee the application and effectiveness of Union law.*

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Amendment 56
Proposal for a directive
Recital 53 a (new)

Text proposed by the Commission

Amendment

- (53a) *The accessibility requirements under this Directive should apply to products placed on the Union market after the date of application of the national measures transposing this Directive, including used and second-hand products imported from a third country and placed on the Union market after that date.*

Amendment 57
Proposal for a directive
Recital 53 b (new)

Text proposed by the Commission

Amendment

- (53b) *) However, public contracts for supplies, works or services which are subject to Directive 2014/24/EU or Directive 2014/25/EU, and which were awarded before the date of application of this Directive, should continue to be performed in accordance with the accessibility requirements, if any, specified in those public contracts.*

Amendment 58
Proposal for a directive
Recital 53 c (new)

Text proposed by the Commission

Amendment

- (53c) *In order to give service providers sufficient time to adapt to the requirements laid down in this Directive, it is necessary to provide for a transitional period, during which products used for the provision of a service do not need to comply with the accessibility requirements laid down in this Directive. Given the cost and long life cycle of automatic teller machines, ticketing machines and check-in machines, it is appropriate to provide that, when such machines are used in the provision of services, they may continue to be used until the end of their economically useful life.*

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Amendment 59
Proposal for a directive
Recital 54 a (new)

Text proposed by the Commission

Amendment

(54a) *The deployment of applications providing information based on spatial data services contributes to the independent and safe movement of persons with disabilities. The spatial data used by such applications should make it possible to provide information adapted to the specific needs of persons with disabilities.*

Amendment 60
Proposal for a directive
Article — 1 (new)

Text proposed by the Commission

Amendment

Article - 1
Subject matter

This Directive aims to eliminate and prevent barriers arising from divergent requirements for accessibility to the free movement of products and services covered by this Directive in the Member States. It also aims to contribute to the proper functioning of the internal market by approximating the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for certain products and services.

Amendment 61
Proposal for a directive
Article 1 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

1. Chapters I, II to V, and VII apply to the following products:

1. Chapters I, II to V, and VII apply to the following products ***placed on the Union market after ... [the date of application of this Directive]:***

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Amendment 62

Proposal for a directive

Article 1 — paragraph 1 — point a

Text proposed by the Commission

(a) general purpose computer hardware and operating systems;

Amendment(a) general purpose computer hardware and **its embedded** operating systems **intended for use by consumers**;

Amendment 63

Proposal for a directive

Article 1 — paragraph 1 — point b — point iii a (new)

Text proposed by the Commission

*Amendment***(iiia) payment terminals;**

Amendment 64

Proposal for a directive

Article 1 — paragraph 1 — point c

Text proposed by the Commission(c) consumer terminal equipment **with advanced computing capability** related to telephony services;

Amendment

(c) consumer terminal equipment related to telephony services;

Amendment 65

Proposal for a directive

Article 1 — paragraph 1 — point d

Text proposed by the Commission(d) consumer terminal equipment **with advanced computing capability** related to audio-visual media services.

Amendment

(d) consumer terminal equipment related to audiovisual media services;

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Amendment 66**Proposal for a directive****Article 1 — paragraph 1 — point d a (new)**

Text proposed by the Commission

Amendment

(da) e-book readers.**Amendment 67****Proposal for a directive****Article 1 — paragraph 2 — introductory part**

Text proposed by the Commission

Amendment

2. Chapters I, II to V, and VII, apply to the following services:

2. **Without prejudice to Article 27**, Chapters I, II to V, and VII, apply to the following services **provided after ... [the date of application of this Directive]**:**Amendment 68****Proposal for a directive****Article 1 — paragraph 2 — point -a (new)**

Text proposed by the Commission

Amendment

(-a) operating systems when they are not embedded in the computer hardware and are provided as intangible property to consumers;**Amendment 69****Proposal for a directive****Article 1 — paragraph 2 — point a**

Text proposed by the Commission

Amendment

(a) telephony services and related consumer terminal equipment **with advanced computing capability**;

(a) telephony services and related consumer terminal equipment;

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Amendment 70

Proposal for a directive

Article 1 — paragraph 2 — point b

Text proposed by the Commission

(b) audiovisual media services **and related consumer equipment with advanced computing capability**;

Amendment

(b) **websites and mobile device-based services of** audiovisual media services;

Amendments 235, 236, 237, 238, 239 and 253

Proposal for a directive

Article 1 — paragraph 2 — point c

Text proposed by the Commission

(c) air, bus, rail and waterborne passenger transport services;

Amendment

(c) air, bus, rail and waterborne passenger transport, **mobility and their intermodal connection** services, **including public urban transport such as underground, rail, tramway, trolleybus and bus related to:**

(i) **self-service terminals, located within the territory of the Union, including ticketing machines, payment terminals and check-in machines;**

(ii) **websites, mobile device-based services, smart ticketing and real-time information;**

(iii) **vehicles, the related infrastructure and the built environment, including step-free access on all public stations;**

(iv) **fleets of taxis and hire cars include an adequate proportion of adapted vehicles.**

Amendment 71

Proposal for a directive

Article 1 — paragraph 2 — point d

Text proposed by the Commission

(d) banking services;

Amendment

(d) **consumer** banking services;

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Amendment 72

Proposal for a directive

Article 1 — paragraph 2 — point e

Text proposed by the Commission

(e) e-books;

Amendment(e) e-books *and related equipment used in the provision of those services provided by the service provider and access thereto*;

Amendment 240

Proposal for a directive

Article 1 — paragraph 2 — point f a (new)

Text proposed by the Commission

Amendment(fa) *tourism services, including the provision of accommodation and catering.*

Amendment 73

Proposal for a directive

Article 1 — paragraph 3 — point a

Text proposed by the Commission(a) public contracts and concessions which are subject to Directive 2014/23/EU ⁽⁴²⁾ Directive 2014/24/EU and Directive 2014/25/EU.

Amendment(a) public contracts and concessions which are subject to Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU, *conceived or granted after ... [the date of application of this Directive]*;

⁽⁴²⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1)

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Amendment 74

Proposal for a directive

Article 1 — paragraph 3 — point b

Text proposed by the Commission

- (b) the preparation and implementation of programmes under Regulation (EU) No 1303/2013 of the European Parliament and of the Council **laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund;**⁽⁴³⁾ and Regulation (EU) No 1304/2013 of the European Parliament and of the Council⁽⁴⁴⁾.

⁽⁴³⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽⁴⁴⁾ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006.

Amendment

- (b) the preparation and implementation of programmes under Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽⁴³⁾ and Regulation (EU) No 1304/2013 of the European Parliament and of the Council⁽⁴⁴⁾, **adopted or implemented after ... [the date of application of this Directive];**

⁽⁴³⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽⁴⁴⁾ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L 347, 20.12.2013, p. 470).

Amendment 75

Proposal for a directive

Article 1 — paragraph 3 — point c

Text proposed by the Commission

- (c) **tender** procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁽⁴⁵⁾.

⁽⁴⁵⁾ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315 of 3.12.2007, p. 1).

Amendment

- (c) **public service contracts which, after ... [the date of application of this Directive], are awarded either through competitive tendering procedures or directly** for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁽⁴⁵⁾;

⁽⁴⁵⁾ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 3.12.2007, p. 1).

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Amendment 76**Proposal for a directive****Article 1 — paragraph 3 — point d***Text proposed by the Commission*

- (d) transport infrastructure in accordance with Regulation (EU) No 1315/2013 **of the European Parliament and of the Council**⁽⁴⁶⁾.

⁽⁴⁶⁾ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p. 1).

Amendment

- (d) transport infrastructure in accordance with Regulation (EU) No 1315/2013, **designed or constructed after ... [the date of application of this Directive];**

Amendment 79**Proposal for a directive****Article 1 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. This Directive does not apply to the following content of websites and mobile device-based applications:

- (a) office file formats published before ... [the date of application of this Directive];
- (b) online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use;
- (c) third-party content that is neither funded nor developed by, nor under the control of, the economic operator or competent authority concerned;
- (d) content of websites and mobile device-based applications qualifying as archives, meaning that they only contain content that is not updated or edited after ... [the date of application of this Directive].

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Amendment 80
Proposal for a directive
Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a**Exclusion of microenterprises**

This Directive does not apply to microenterprises that manufacture, import or distribute products and services that fall within its scope.

Amendment 81
Proposal for a directive
Article 2 — paragraph 1 — point 1

Text proposed by the Commission

Amendment

(1) ‘accessible products and services’ **are** products and services that are **perceptible, operable and understandable for persons with functional limitations, including** persons with disabilities, **on an equal basis with others;**

(1) ‘accessible products and services’ **means** products and services that are **capable of being perceived, operated and understood by** persons with disabilities **and are sufficiently robust for them to use;**

Amendment 82
Proposal for a directive
Article 2 — paragraph 1 — point 2

Text proposed by the Commission

Amendment

(2) ‘universal design’ referred to also as ‘design for all’ means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design; ‘universal design’ does not exclude assistive devices for particular groups of persons with functional limitations, including persons with disabilities where this is needed;

deleted

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Amendment 83**Proposal for a directive****Article 2 — paragraph 1 — point 5 a (new)**

Text proposed by the Commission

Amendment

(5a) ‘service’ means a service as defined in point 1 of Article 4 of Directive 2006/123/EC of the European Parliament and of the Council ^(1a);

^(1a) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Amendment 84**Proposal for a directive****Article 2 — paragraph 1 — point 5 b (new)**

Text proposed by the Commission

Amendment

(5b) ‘service provider’ means any natural or legal person who offers or provides a service which is directed towards the Union market;

Amendment 85**Proposal for a directive****Article 2 — paragraph 1 — point 16 a (new)**

Text proposed by the Commission

Amendment

(16a) ‘SME’ means a small or medium-sized enterprise as defined in Commission Recommendation 2003/361/EC ^(1a);

^(1a) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

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Amendment 86

Proposal for a directive

Article 2 — paragraph 1 — point 19

Text proposed by the Commission

(19) ‘recall’ means any measure aiming at the return of a product that has already been made available to the end user;

Amendment

deleted

Amendment 87

Proposal for a directive

Article 2 — paragraph 1 — point 20 a (new)

Text proposed by the Commission

Amendment

(20a) ‘consumer banking services’ means services enabling consumers to open and use payment accounts with basic features in the Union within the meaning of Directive 2014/92/EU of the European Parliament and of the Council ^(1a);

^(1a) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214).

Amendment 88

Proposal for a directive

Article 2 — paragraph 1 — point 21

Text proposed by the Commission

(21) ‘e-commerce’ means the online sale of products and services.

Amendment

(21) ‘e-commerce’ means the online sale of products and services **from business to consumers falling within the scope of Directive 2000/31/EC of the European Parliament and of the Council** ^(1a);

^(1a) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).

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Amendment 89**Proposal for a directive****Article 2 — paragraph 1 — point 21 a (new)**

Text proposed by the Commission

Amendment

(21a) ‘air passenger transport services’ means services provided by air carriers, tour operators and the managing bodies of airports as defined in points (b) to (f) of Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council ^(1a);

^(1a) Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).

Amendment 90**Proposal for a directive****Article 2 — paragraph 1 — point 21 b (new)**

Text proposed by the Commission

Amendment

(21b) ‘bus passenger transport services’ means services covered by Article 2(1) and (2) of Regulation (EU) No 181/2011;

Amendment 91**Proposal for a directive****Article 2 — paragraph 1 — point 21 c (new)**

Text proposed by the Commission

Amendment

(21c) ‘rail passenger transport services’ means all rail passenger services covered by Article 2(1) and (2) of Regulation (EC) No 1371/2007;

Amendment 92**Proposal for a directive****Article 2 — paragraph 1 — point 21 d (new)**

Text proposed by the Commission

Amendment

(21d) ‘waterborne passenger transport services’ means passenger services covered by Article 2(1) of Regulation (EU) No 1177/2010.

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Amendment 337

Proposal for a directive

Article 2 — paragraph 1 — point 21 e (new)

Text proposed by the Commission

Amendment

(21e) **'assistive technology' means any item, piece of equipment or product system that is used to increase, maintain, or improve functional capabilities of individuals with functional limitations, including persons with disabilities;**

Amendment 93

Proposal for a directive

Article 3 — paragraph 3

Text proposed by the Commission

Amendment

3. The following self-service terminals: Automatic Teller Machines, ticketing machines **and** check-in machines shall comply with the requirements set out in Section II of Annex I.

3. The following self-service terminals: Automatic Teller Machines, ticketing machines, check-in machines **and payment terminals** shall comply with the requirements set out in Section II of Annex I.

Amendment 94

Proposal for a directive

Article 3 — paragraph 4

Text proposed by the Commission

Amendment

4. Telephony services, including emergency services and the related consumer terminal equipment **with advanced computing capability**, shall comply with the requirements set out in Section III of Annex I.

4. Telephony services, including emergency services and the related consumer terminal equipment, shall comply with the requirements set out in Section III of Annex I.

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Amendment 95
Proposal for a directive
Article 3 — paragraph 5

Text proposed by the Commission

5. Audiovisual media services and the related consumer equipment **with advanced computing capability** shall comply with the requirements set out in Section IV of Annex I.

Amendment

5. **Websites and mobile device-based services of** audiovisual media services and the related consumer equipment shall comply with the requirements set out in Section IV of Annex I.

Amendment 244
Proposal for a directive
Article 3 — paragraph 6

Text proposed by the Commission

6. Air, bus, **rail and waterborne** passenger transport services, the websites, the mobile device-based services, smart ticketing and real-time information and Self-service terminals, **ticketing machines and** check-in machines used for provision of passenger transport services **shall comply with the corresponding requirements set out in** Section V of Annex I.

Amendment

6. Air, bus, **coach, rail, shipping and intermodal** passenger transport services, **including services related to urban transport, mobility, and the built environment**, the websites, the mobile device-based services, smart ticketing and real-time information and self-service terminals **such as payment machines, check-in machines used for the provision of passenger transport services, services related to tourism, inter alia, accommodation services and catering service, shall meet the requirements of** Section V of Annex I **only if these requirements are not already covered by the following specific legislation: regarding rail transport, Regulation (EC) No 1371/2007, Regulation (EU) No 1300/2014 and Regulation (EU) No 454/2011; regarding bus and coach transport, Regulation (EU) No 181/2011; regarding maritime and inland waterway transport, Regulation (EU) No 1177/2010; and, regarding air transport, Regulation (EC) No 1107/2006.**

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Amendment 97

Proposal for a directive

Article 3 — paragraph 7

Text proposed by the Commission

7. Banking services, the websites, the mobile device-based banking services, self-service terminals, including Automatic Teller machines used for provision of banking services shall comply with the requirements set out in Section VI of Annex I.

Amendment

7. **Consumer** banking services, the websites, the mobile device-based banking services, self-service terminals, including **payment terminals and** Automatic Teller machines used for provision of **those** banking services shall comply with the requirements set out in Section VI of Annex I.

Amendment 98

Proposal for a directive

Article 3 — paragraph 8

Text proposed by the Commission

8. E-books shall comply with the requirements set out in Section VII of Annex I.

Amendment

8. E-books **and related equipment** shall comply with the requirements set out in Section VII of Annex I.

Amendment 224

Proposal for a directive

Article 3 — paragraph 10

Text proposed by the Commission

10. Member States **may decide, in the light of national conditions**, that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators shall comply with the accessibility requirements **of Annex I**, section X, in order to maximise their use by persons with **functional limitations, including persons with disabilities**.

Amendment

10. Member States **shall ensure** that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of **consumer** banking services, and customer services centres and shops under the scope of telephony operators shall, **as regards the construction of new infrastructure or substantial renovations to existing infrastructure**, comply with the accessibility requirements **set out in** Section X **of Annex I**, in order to maximise their use by persons with **disabilities**. **This shall be without prejudice to Union legal acts and national legislation for the protection of national treasures possessing artistic, historic and archaeological value.**

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Amendment 100**Proposal for a directive****Article 4 — paragraph 1***Text proposed by the Commission*

Member States shall not impede the making available on the market in their territory of products **and** services that comply with this Directive **for reasons related to accessibility requirements**.

Amendment

Member States shall not impede **for reasons related to accessibility requirements** the making available on the market in their territory of products **that comply with this Directive**. **Member States shall not impede for reasons related to accessibility requirements the provision of services in their territory** that comply with this Directive.

Amendment 101**Proposal for a directive****Article 5 — paragraph 1***Text proposed by the Commission*

1. When placing their products on the market, manufacturers shall ensure that the products have been designed and manufactured in accordance with the applicable accessibility requirements set out in Article 3.

Amendment

1. When placing their products on the market, manufacturers shall ensure that the products have been designed and manufactured in accordance with the applicable accessibility requirements set out in Article 3, **unless those requirements are not achievable because the adaptation of the product concerned would require a fundamental alteration of the basic nature of that product or would impose a disproportionate burden for the manufacturer concerned as provided for in Article 12**.

Amendment 102**Proposal for a directive****Article 5 — paragraph 2 — subparagraph 2***Text proposed by the Commission*

Where compliance of a product with the applicable accessibility requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity **and affix the CE marking**.

Amendment

Where compliance of a product with the applicable accessibility requirements **set out in Article 3** has been demonstrated by that **conformity assessment** procedure, manufacturers shall draw up an EU declaration of conformity **which shall clearly indicate that the product is accessible**.

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Amendment 103

Proposal for a directive

Article 5 — paragraph 4

Text proposed by the Commission

4. Manufacturers shall keep a register of complaints, of non-conforming products **and products recalls, and shall keep distributors informed of any such monitoring.**

Amendment

4. Manufacturers shall keep a register of complaints **and** of non-conforming products.

Amendment 104

Proposal for a directive

Article 5 — paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure that the product is accompanied by instructions **and safety information** in a language which can be easily understood by consumers and end-users, as determined by the Member State concerned.

Amendment

7. Manufacturers shall ensure that the product is accompanied by instructions in a language which can be easily understood by consumers and end-users, as determined by the Member State concerned.

Amendment 105

Proposal for a directive

Article 5 — paragraph 8

Text proposed by the Commission

8. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it **or recall it**, if appropriate. Furthermore, where the product **presents a risk related to accessibility**, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

8. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this Directive**, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

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Amendment 106**Proposal for a directive****Article 5 — paragraph 9***Text proposed by the Commission*

9. Manufacturers shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to **eliminate the risks posed by products which they have placed on the market and to** ensure compliance with **the requirements referred to in Article 3**.

Amendment

9. Manufacturers shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to ensure compliance with **this Directive**.

Amendment 107**Proposal for a directive****Article 6 — paragraph 2 — point a***Text proposed by the Commission*

(a) further to a **reasoned** request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;

Amendment

(a) further to a request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;

Amendment 108**Proposal for a directive****Article 6 — paragraph 2 — point b***Text proposed by the Commission*

(b) co-operate with the competent national authorities, at their request, on any action taken to **eliminate the risks posed by** products covered by their mandate.

Amendment

(b) co-operate with the competent national authorities, at their request, on any action taken to **ensure compliance of** products covered by their mandate **with this Directive**.

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Amendment 109**Proposal for a directive****Article 7 — paragraph 2***Text proposed by the Commission*

2. Before placing a product on the market importers shall ensure that the conformity assessment procedure set out in Annex II has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product **bears the CE marking and** is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 5(5) and (6).

Amendment

2. Before placing a product on the market importers shall ensure that the conformity assessment procedure set out in Annex II has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 5 (5) and (6).

Amendment 110**Proposal for a directive****Article 7 — paragraph 3***Text proposed by the Commission*

3. Where an importer considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product **presents a risk**, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment

3. Where an importer considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product **is not in conformity with this Directive**, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 111**Proposal for a directive****Article 7 — paragraph 5***Text proposed by the Commission*

5. Importers shall ensure that the product is accompanied by instructions **and information** in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

Amendment

5. Importers shall ensure that the product is accompanied by instructions in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

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Amendment 112**Proposal for a directive****Article 7 — paragraph 7***Text proposed by the Commission*

7. Importers shall keep a register of complaints, of non-conforming products **and product recalls, and shall keep distributors informed of such monitoring.**

Amendment

7. Importers shall keep a register of complaints **and** of non-conforming products.

Amendment 113**Proposal for a directive****Article 7 — paragraph 8***Text proposed by the Commission*

8. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with **the requirements referred to in Article 3** shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it **or recall it**, if appropriate. Furthermore where the product **presents a risk**, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

8. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with **this Directive** shall immediately take the necessary corrective measures to bring that product into conformity **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this Directive**, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 114**Proposal for a directive****Article 7 — paragraph 9***Text proposed by the Commission*

9. Importers shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to **eliminate the risks posed by** products which they have placed on the market.

Amendment

9. Importers shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to **ensure compliance of** products which they have placed on the market **with the accessibility requirements set out in Article 3.**

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Amendment 115

Proposal for a directive

Article 8 — paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the product **bears the CE marking, that it** is accompanied by the required documents and by instructions **and information** in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and that the manufacturer and the importer have complied with the requirements set out in Article 5(5) and (6) and Article 7(4).

Amendment

2. Before making a product available on the market distributors shall verify that the product **is in conformity with this Directive and** is accompanied by the required documents and by instructions in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and that the manufacturer and the importer have complied with the requirements set out in Article 5(5) and (6) and Article 7(4).

Amendment 116

Proposal for a directive

Article 8 — paragraph 3

Text proposed by the Commission

3. Where a distributor considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, they shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product **presents a risk**, the distributor shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment

3. Where a distributor considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, they shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product **is not in conformity with this Directive**, the distributor shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 117

Proposal for a directive

Article 8 — paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the necessary corrective measures are taken to bring that product into conformity, to withdraw it **or recall it**, if appropriate. Furthermore, where the product **presents a risk**, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

5. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the necessary corrective measures are taken to bring that product into conformity **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this Directive**, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect giving details, in particular, of the non-compliance and of any corrective measures taken.

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Amendment 118**Proposal for a directive****Article 8 — paragraph 6***Text proposed by the Commission*

6. Distributors shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to **eliminate the risks posed by** products which they have made available on the market.

Amendment

6. Distributors shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to **ensure compliance of** products which they have made available on the market **with the accessibility requirements set out in Article 3**.

Amendment 119**Proposal for a directive****Article 10 — paragraph 2***Text proposed by the Commission*

2. Economic operators shall be able to present the information referred to in paragraph 1 for a **period of 10 years** after they have been supplied with the product **and for a period of 10 years** after they have supplied the product.

Amendment

2. Economic operators shall be able to present the information referred to in paragraph 1 for a **certain period, which shall be at least five years**, after they have been supplied with the product **or** after they have supplied the product.

Amendment 120**Proposal for a directive****Article 10 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. The Commission is empowered to adopt delegated acts in accordance with Article 23a supplementing this Directive in order to specify the period referred to in paragraph 2 of this Article. That period shall be in proportion to the life cycle of the product concerned.

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Amendment 121

Proposal for a directive

Article 11 — paragraph 2

Text proposed by the Commission

2. Service providers shall prepare the necessary information in accordance with Annex III explaining how **the** services meet the accessibility requirements referred to in Article 3. The information shall be made available to the public **in written and oral format, including** in a manner which is accessible to **persons with functional limitations and** persons with disabilities. Service providers shall keep the information as long as the service is in operation.

Amendment

2. Service providers shall prepare the necessary information in accordance with Annex III explaining how **their** services meet the accessibility requirements referred to in Article 3. The information shall be made available to the public in a manner which is accessible to persons with disabilities. Service providers shall keep the information as long as the service is in operation.

Amendment 122

Proposal for a directive

Article 11 — paragraph 4

Text proposed by the Commission

4. Service providers shall, further to a **reasoned** request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the accessibility requirements referred to in Article 3. They shall cooperate with those authorities, at their request, on any action taken to bring the service in conformity with those requirements.

Amendment

4. Service providers shall, further to a request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the accessibility requirements referred to in Article 3. They shall cooperate with those authorities, at their request, on any action taken to bring the service in conformity with those requirements.

Amendment 339

Proposal for a directive

Article 12 — paragraph 3 — point b

Text proposed by the Commission

(b) the estimated costs and benefits for the economic operators in relation to the estimated benefit for persons with disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment

(b) the estimated **additional** costs and benefits for the economic operators in relation to the estimated benefit for **persons with functional limitations, including** persons with disabilities, taking into account the frequency and duration of use of the specific product or service.

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Amendment 123

Proposal for a directive

Article 12 — paragraph 4

Text proposed by the Commission

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources, whether public or private.

Amendment

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources, ***made available for the purpose of improving accessibility***, whether public or private.

Amendment 124

Proposal for a directive

Article 12 — paragraph 5

Text proposed by the Commission

5. The assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator.

Amendment

5. The ***initial*** assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator.

Amendment 230

Proposal for a directive

Article 12 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall adopt delegated acts in accordance with Article 23a to supplement paragraph 3 of this Article by further specifying the criteria that are to be taken into account for all products and services covered by this Directive when assessing whether the burden is to be considered to be disproportionate, without modifying those criteria.

When further specifying those criteria, the Commission shall not only take into account the potential benefits for persons with disabilities, but also those for persons with functional limitations.

The Commission shall adopt the first such delegated act covering all products and services falling within the scope of this Directive by ... [one year after the date of entry into force of this Directive].

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Amendment 126

Proposal for a directive

Article 12 — paragraph 6

Text proposed by the Commission

6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. **Notification shall include** the assessment referred to in paragraph 3. Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

Amendment

6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. The assessment referred to in paragraph 3 **shall be submitted to the market surveillance authority upon its request**. Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

Amendment 127

Proposal for a directive

Article 12 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall adopt implementing acts establishing a model notification for the purposes of paragraph 6 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 24 (1a). The Commission shall adopt the first such implementing act by ... [two years after the date of entry into force of this Directive].

Amendment 128

Proposal for a directive

Article 12 — paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. A structured dialogue shall be established between relevant stakeholders, including persons with disabilities and their representative organisations, and the market surveillance authorities to ensure that adequate principles for the assessment of the exceptions are established in order to ensure that they are coherent.

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Amendment 129

Proposal for a directive

Article 12 — paragraph 6 c (new)

Text proposed by the Commission

Amendment

6c. Member States are encouraged to provide incentives and guidelines to microenterprises to facilitate the implementation of this Directive. The procedures and guidelines shall be developed in consultation with relevant stakeholders, including persons with disabilities and their representative organisations.

Amendment 130

Proposal for a directive

Chapter IV — title

Text proposed by the Commission

Amendment

Harmonised Standards, **common** technical specifications and Conformity of products and services

Harmonised Standards, technical specifications and conformity of products and services

Amendment 131

Proposal for a directive

Article 13 — paragraph 1

Text proposed by the Commission

Amendment

Products and services **which are in conformity with** harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, shall be presumed to be in conformity with the accessibility requirements covered by those standards or parts thereof, **referred to in Article 3.**

1. Products and services **that meet the** harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, shall be presumed to be in conformity with the accessibility requirements, **referred to in Article 3, that are** covered by those standards or parts thereof.

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Amendment 132**Proposal for a directive****Article 13 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft harmonised standards for each of the accessibility requirements of products set out in Article 3. The Commission shall adopt those requests by ... [two years after the date of entry into force of this Directive].

Amendment 133**Proposal for a directive****Article 13 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements set out in Article 3. However, it shall only do so if the following conditions are met:

- (a) no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;
- (b) the Commission has adopted a request referred to in paragraph 2 of this Article; and
- (c) the Commission notes undue delays in the standardisation procedure.

Before adopting implementing acts referred to in the first subparagraph, the Commission shall consult the relevant stakeholders, including organisations representing persons with disabilities.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

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Amendment 134**Proposal for a directive****Article 13 — paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published in the Official Journal of the European Union, products and services that meet the technical specifications referred to in paragraph 1b of this Article or parts thereof shall be deemed to be in conformity with the accessibility requirements set out in Article 3 that are covered by those technical specifications or parts thereof.

Amendment 135**Proposal for a directive****Article 14**

Text proposed by the Commission

*Amendment***Article 14****deleted****Common technical specifications**

1. Where no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012, and where further detail for the accessibility requirements of certain products and services would be needed for harmonisation of the market, the Commission may adopt implementing acts establishing common technical specifications ('CTS') for the accessibility requirements set out in Annex I to this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

2. Products and services which are in conformity with the CTS referred to in paragraph 1 or parts thereof shall be deemed to be in conformity with the accessibility requirements referred to in Article 3, covered by those CTS or parts thereof.

Thursday 14 September 2017

Amendment 136

Proposal for a directive

Article 15 — paragraph 2

Text proposed by the Commission

2. The EU declaration of conformity shall have the model structure set out in Annex III to Decision No 768/2008/EC. It shall contain the elements specified in Annex II to this Directive and shall be continuously updated. The requirements concerning the technical documentation shall avoid imposing any disproportionate burden for **micro**, small and medium-sized enterprises. It shall be translated into the language or languages required by the Member State in the market of which the product is placed or made available.

Amendment

2. The EU declaration of conformity shall have the model structure set out in Annex III to Decision No 768/2008/EC. It shall contain the elements specified in Annex II to this Directive and shall be continuously updated. The requirements concerning the technical documentation shall avoid imposing any disproportionate burden for small and medium-sized enterprises. It shall be translated into the language or languages required by the Member State in the market of which the product is placed or made available.

Amendment 137

Proposal for a directive

Article 15 — paragraph 3

Text proposed by the Commission

3. Where a product is subject to more than one Union act requiring an EU declaration of conformity, **a single** EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including the publication references.

Amendment

3. Where a product is subject to more than one Union act requiring an EU declaration of conformity, **the** EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including the publication references.

Amendment 138

Proposal for a directive

Article 15 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In addition to the EU declaration of conformity, the manufacturer shall include a notice on the packaging informing consumers in a cost-effective, simple and precise way that the product incorporates accessibility features.

Thursday 14 September 2017

Amendment 139
Proposal for a directive
Article 16

Text proposed by the Commission

Article 16

General principles of the CE marking of products

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Amendment

deleted

Amendment 140
Proposal for a directive
Article - 17 (new)

Text proposed by the Commission

Amendment

Article - 17

National database

Each Member State shall establish a publicly accessible database to register non-accessible products. Consumers shall be able to consult and log information about non-accessible products. Member States shall take the necessary measures to inform consumers or other stakeholders of the possibility of lodging complaints. An interactive system between national databases shall be envisaged, where possible under the responsibility of the Commission or the relevant representative organisations, so that information on non-accessible products can be disseminated across the Union.

Amendment 141
Proposal for a directive
Article 18 — paragraph 2 — subparagraph 2

Text proposed by the Commission

Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make the information **available** in accessible formats upon request.

Amendment

Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make **available** the information **on their own work and on the decisions that they have taken** in accessible formats upon request **by the members of the public concerned**.

Thursday 14 September 2017

Amendment 142

Proposal for a directive

Article 19 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this Directive **presents a risk related to accessibility aspects covered by** this Directive, they shall carry out an evaluation in relation to the product concerned covering all the requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

Amendment

Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this Directive **is not in conformity with** this Directive, they shall carry out an evaluation in relation to the product concerned covering all the **relevant** requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

Amendment 143

Proposal for a directive

Article 19 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, **or to recall it** within a reasonable period, **commensurate with the nature of the risk, as they may prescribe**.

Amendment

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product **concerned** into compliance with those requirements. **If the relevant economic operator fails to take any adequate corrective action, the market surveillance authorities shall require that economic operator** to withdraw the product from the market within a reasonable period.

Amendment 144

Proposal for a directive

Article 19 — paragraph 4

Text proposed by the Commission

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict products being made available on their national markets, to withdraw the product from that market **or to recall it**. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Amendment

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict products being made available on their national markets **or** to withdraw the product from that market. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Thursday 14 September 2017

Amendment 145

Proposal for a directive

Article 19 — paragraph 5 — introductory part

Text proposed by the Commission

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the alleged non-compliance **and the risk involved**, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

Amendment

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the alleged non-compliance, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

Amendment 146

Proposal for a directive

Article 19 — paragraph 5 — point a

Text proposed by the Commission

(a) the failure of the product to meet requirements **relating to those** set out in Article 3 **of this Directive**, or

Amendment

(a) the failure of the product to meet **relevant** requirements set out in Article 3, or

Amendment 147

Proposal for a directive

Article 19 — paragraph 8

Text proposed by the Commission

8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product concerned, such as withdrawal of the product from their market, without delay.

Amendment

8. Member States shall ensure that appropriate **and proportionate** restrictive measures are taken in respect of the product concerned, such as withdrawal of the product from their market, without delay.

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Amendment 148

Proposal for a directive

Article 20 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission **considers** a national measure **to be** contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission **has reasonable evidence to suggest that** a national measure **is** contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment 149

Proposal for a directive

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Working Group

1. The Commission shall establish a working group.

That working group shall consist of the representatives of the national market surveillance authorities and the relevant stakeholders, including persons with disabilities and their representative organisations.

2. The working group shall perform the following tasks:

- (a) *facilitating the exchange of information and best practices among the market surveillance authorities;*
- (b) *ensuring coherence in the application of the accessibility requirements set out in Article 3;*
- (c) *expressing an opinion on exceptions from the accessibility requirements set out in Article 3 in cases that are considered to be necessary, after receiving the Commission request.*

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Amendment 151**Proposal for a directive****Article 21 — paragraph 1 — point c**

Text proposed by the Commission

Amendment

(c) **When establishing the accessibility requirements related to social and quality criteria established by competent authorities in tender procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007;**

deleted

Amendments 247 and 281**Proposal for a directive****Article 21 — paragraph 1 — point d a (new)**

Text proposed by the Commission

Amendment

(da) where applicable, to all relevant Union legislation or to the provisions in Union legislation referring to accessibility for persons with disabilities;

Amendment 282**Proposal for a directive****Article 21 — paragraph 1 — point d b (new)**

Text proposed by the Commission

Amendment

(db) when the Union co-finances barrier-free accessible transport and telecommunication infrastructure projects under the CEF, the Structural Funds, or the EFSI, projects supporting or including accessibility components shall be prioritised.

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Amendment 152

Proposal for a directive

Article 22 — paragraph 1

Text proposed by the Commission

1. Accessibility requirements referred to in Article 21 apply to the extent that they do not impose a disproportionate burden on the competent authorities for the purposes of that Article.

Amendment

1. Accessibility requirements referred to in Article 21 apply to the extent that they do not impose a disproportionate burden on the competent authorities **or the operators contracted by them** for the purposes of that Article.

Amendments 226 and 257

Proposal for a directive

Article 22 — paragraph 2 — point b

Text proposed by the Commission

(b) the estimated costs and benefits for the competent authorities concerned in relation to the estimated benefit for persons with disabilities, taking into account the frequency and duration of use of the specific product or service;

Amendment

(b) the estimated costs and benefits for the competent authorities concerned in relation to the estimated benefit for persons with **functional limitations and persons with** disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment 153

Proposal for a directive

Article 22 — paragraph 3

Text proposed by the Commission

3. The assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.

Amendment

3. The **initial** assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.

Thursday 14 September 2017

Amendment 231

Proposal for a directive

Article 22 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall adopt delegated acts in accordance with Article 23a to supplement paragraph 2 of this Article by further specifying the criteria that are to be taken into account for all products and services covered by this Directive when assessing whether the burden is to be considered disproportionate, without modifying those criteria.

When further specifying those criteria, the Commission shall not only take into account the potential benefits for persons with disabilities, but also those for persons with functional limitations.

The Commission shall adopt the first such delegated act covering all products and services falling within the scope of this Directive by ... [one year after the date of entry into force of this Directive].

Amendment 155

Proposal for a directive

Article 22 — paragraph 4

Text proposed by the Commission

Amendment

4. Where a competent authority has used the exception provided for in paragraphs 1, 2 and 3 for a specific product or service it shall notify the Commission thereof. **The notification shall include** the assessment referred to in paragraph 2.

4. Where a competent authority has used the exception provided for in paragraphs 1, 2 and 3 for a specific product or service, it shall notify the Commission thereof. **The assessment referred to in paragraph 2 shall be submitted to the Commission upon its request.**

Amendment 156

Proposal for a directive

Article 22 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If the Commission has reason to doubt the decision of the competent authority concerned, the Commission may request the working group referred to in Article 20a to verify the assessment referred to in paragraph 2 of this Article and issue an opinion.

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Amendment 157**Proposal for a directive****Article 22 — paragraph 4 b (new)***Text proposed by the Commission**Amendment*

4b. The Commission shall adopt implementing acts setting out a model notification for the purposes of paragraph 4 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 24 (1a). The Commission shall adopt the first such implementing act by ... [two years after the date of entry into force of this Directive].

Amendment 158**Proposal for a directive****Chapter VII — title***Text proposed by the Commission**Amendment***IMPLEMENTING POWERS AND FINAL PROVISIONS****DELEGATED ACTS, IMPLEMENTING POWERS AND FINAL PROVISIONS****Amendment 159****Proposal for a directive****Article 23 a (new)***Text proposed by the Commission**Amendment***Article 23a****Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 10(2a), Article 12(5a) and Article 22(3a) shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Directive].

3. The delegation of power referred to in Article 10(2a), Article 12(5a) and Article 22(3a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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Text proposed by the Commission

Amendment

4. 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.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10(2a), Article 12(5a) and 22(3a) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 160

Proposal for a directive

Article 24 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Amendment 161

Proposal for a directive

Article 25 — paragraph 2 — introductory part

Text proposed by the Commission

Amendment

2. The means referred to paragraph 1 shall include:

2. The means referred to **in** paragraph 1 shall include:

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Amendment 162

Proposal for a directive

Article 25 — paragraph 2 — point a

Text proposed by the Commission

- (a) **provisions whereby a** consumer **may** take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

Amendment

- (a) **the possibility, for the** consumer **directly affected by the non-conformity of a product or service, to** take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

Amendment 163

Proposal for a directive

Article 25 — paragraph 2 — point b

Text proposed by the Commission

- (b) **provisions whereby** public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that the provisions of this Directive are complied with, **may** take action under national law before the courts or before the competent administrative bodies on behalf of consumers to ensure that the national provisions transposing this Directive are complied with.

Amendment

- (b) **the possibility, for the** public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that the provisions of this Directive are complied with, **to** take action under national law before the courts or before the competent administrative bodies on behalf of consumers to ensure that the national provisions transposing this Directive are complied with. **That legitimate interest could be the representation of consumers that are directly affected by the non-conformity of a product or service;**

Amendment 164

Proposal for a directive

Article 25 — paragraph 2 — point b a (new)

Text proposed by the Commission

Amendment

- (ba) **the possibility, for the consumer directly affected by the non-conformity of a product or service, to use a complaint mechanism; that mechanism could be handled by an existing body such as a national ombudsman.**

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Amendment 165**Proposal for a directive****Article 25 — paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall ensure that, prior to an action being brought before the courts or before the competent administrative bodies, as referred to in points (a) and (b) of paragraph 1, alternative dispute resolution mechanisms are in place to resolve any alleged non-compliance with this Directive which has been reported by means of a complaint mechanism referred to in point (ba) of paragraph 2.

Amendment 166**Proposal for a directive****Article 25 — paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2b. This Article shall not apply to contracts which are subject to Directives 2014/24/EU or 2014/25/EU.

Amendment 288**Proposal for a directive****Article 26 — paragraph 2**

Text proposed by the Commission

Amendment

2. The penalties provided for shall be effective, proportionate and dissuasive.

2. The penalties provided for shall be effective, proportionate and dissuasive, **but shall not serve as an alternative to the fulfilment by economic operators of their obligation to make their products or services accessible. Those penalties shall also be accompanied by effective remedial action in case of non-compliance of the economic operator.**

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Amendment 168

Proposal for a directive

Article 26 — paragraph 4

Text proposed by the Commission

4. Penalties shall take into account the extent of the non-compliance, including the number of units of non-complying products or services concerned, as well as the number of people affected.

Amendment

4. Penalties shall take into account the extent of the non-compliance, including **its seriousness, and** the number of units of non-complying products or services concerned, as well as the number of people affected.

Amendment 169

Proposal for a directive

Article 27 — paragraph 2

Text proposed by the Commission

2. They shall apply those provisions from [... **insert date** — **six** years after the entry into force of this Directive].

Amendment

2. They shall apply those provisions from ... [**five** years after the entry into force of this Directive].

Amendment 170

Proposal for a directive

Article 27 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Without prejudice to paragraph 2b of this Article, Member States shall provide for a transitional period of five years after ... [six years after the date of entry into force of this Directive] during which service providers may continue to provide their services using products which were lawfully used by them to provide similar services before that date.

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Amendment 171

Proposal for a directive

Article 27 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States may provide that self-service terminals lawfully used by service providers for the provision of services before ... [six years after the date of entry into force of this Directive] may continue to be used in the provision of similar services until the end of their economically useful life.

Amendment 172

Proposal for a directive

Article 27 — paragraph 5

Text proposed by the Commission

Amendment

5. Member States **using the possibility provided for in Article 3(10)** shall communicate to the Commission the text of the main provisions of national law which they adopt to **that** end and shall report to the Commission on the progress made in their implementation.

5. **Where appropriate**, Member States shall communicate to the Commission the text of the main provisions of national law which they adopt to **the end of Article 3(10)** and shall report to the Commission on the progress made in their implementation.

Amendment 173

Proposal for a directive

Article 28 — paragraph 1

Text proposed by the Commission

Amendment

By [...**insert date** — **five** years after the application of this Directive], and every five years thereafter, the Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

-1. By ... [**three** years after the **date of the** application of this Directive], and every five years thereafter, the Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

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Amendment 174

Proposal for a directive

Article 28 — paragraph 1

Text proposed by the Commission

1. **The report** shall, *inter alia*, **address** in the light of social, economic and technological developments the evolution of the accessibility of products and services **and** the impact on economic operators and persons with disabilities, identifying where possible, areas for burden reduction, with a view to assessing the need to review this Directive.

Amendment

1. **Those reports, drawn up on the basis of the notifications received in accordance with Article 12(6) and Article 22(4), shall assess whether this Directive has achieved its objectives, in particular with regard to enhancing the free movement of accessible products and services. In addition, those reports shall** in the light of social, economic and technological developments, **address** the evolution of the accessibility of products and services, **the need to include new products and services within the scope of this Directive, or the need to exclude certain products or services from the scope of this Directive as well as** the impact **of this Directive** on economic operators and persons with disabilities, identifying where possible, areas for burden reduction, with a view to assessing the need to review this Directive.

Amendment 175

Proposal for a directive

Article 28 — paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission in due time all the information necessary for the Commission to draw up such **a report**.

Amendment

2. Member States shall communicate to the Commission in due time all the information necessary for the Commission to draw up such **reports**.

Amendment 176

Proposal for a directive

Article 28 — paragraph 3

Text proposed by the Commission

3. The Commission's report shall take into account the viewpoints of the economic stakeholders and relevant non-governmental organisations, including organisations of persons with disabilities **and those representing older persons**.

Amendment

3. The Commission's report shall take into account the viewpoints of the economic stakeholders and relevant non-governmental organisations, including organisations of persons with disabilities.

Thursday 14 September 2017

Amendment 177**Proposal for a directive****Annex I — Section I — Part A (new)**

Text proposed by the Commission

*Amendment***A. Operating systems**

1. *The provision of services in order to maximise their reasonably foreseeable use by persons with disabilities shall be achieved by meeting the functional performance requirements set out in Part C, and shall include:*
 - (a) *information about the functioning of the service concerned and about its accessibility characteristics and facilities; and*
 - (b) *electronic information, including the websites necessary for the provision of the service concerned.*

Amendment 178**Proposal for a directive****Annex I — Section I — Part B (new)**

Text proposed by the Commission

*Amendment***B. General-purpose computer hardware and its embedded operating systems****Amendment 180****Proposal for a directive****Annex I — Section I — point 2**

Text proposed by the Commission

Amendment

[...]

deleted

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Amendment 181
Proposal for a directive
Annex I — Section I — Part C (new)

Text proposed by the Commission

Amendment

C. Functional performance requirements

In order to make accessible their design and user interface products and services shall be designed, where applicable, as follows:

(a) Usage without vision

Where the product provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where the product provides visual modes of operation, it shall provide at least one mode of operation that enables users to operate the product with limited vision; which can be achieved for instance via features related to flexible contrast and brightness, flexible magnification without loss of content or functionalities, flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required.

(c) Usage without perception of colour

Where the product provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where the product provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where the product provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features; which can be achieved for instance for user control of volume and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams.

(f) Usage without vocal capability

Where the product requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output. Vocal output includes any orally-generated sounds like speech, whistles or clicks.

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Text proposed by the Commission

Amendment

(g) Usage with limited manipulation or strength

Where the product requires manual actions, it shall provide at least one mode of operation that enables users to make use of the product through alternative actions not requiring fine motor control and manipulation, hand strength or operation of more than one control at the same time.

(h) Usage with limited reach

Where the products are freestanding or installed, the operational elements shall be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where the product provides visual modes of operation, it shall avoid modes of operation that are known to trigger photosensitive seizures.

(j) Usage with limited cognition

The product shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where the product incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those product features that are provided for accessibility.

Amendment 182**Proposal for a directive****Annex I — Section I — Part D (new)**

Text proposed by the Commission

Amendment

D. Support services

Where available, support services shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for persons with disabilities.

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Amendments 183 and 291
Proposal for a directive
Annex I — Section II — title

Text proposed by the Commission

Self-service terminals: Automatic Teller Machines, ticketing machines **and** check- in machines

Amendment

Self-service terminals: Automatic Teller Machines, ticketing machines, check- in machines **and payment terminals**

Amendments 184, 291,299 and 342
Proposal for a directive
Annex I — Section II — point 1

Text proposed by the Commission

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities **and those with age related impairments**, shall be achieved by **making accessible** the following:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), **which:**

(i) **must be available by more than one sensory channel;**

(ii) **must be understandable**

(iii) **must be perceivable;**

(iv) **shall have an adequate size of fonts in foreseeable conditions of use;**

(b) the user interface of the product (handling, controls and feedback, input and output) **in accordance with point 2;**

Amendment

1. Design and production:

The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting** the **functional performance requirements set out in Part C of Section I. In that regard, products shall not require an accessibility feature to be activated in order to enable a user who needs the feature to turn it on.**

The design and production of products shall be made accessible, including the following:

(a) the information on the use of the product provided on the product itself (**the** labelling, instructions **and** warning);

(b) the user interface of the product (handling, controls and feedback, input and output);

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Text proposed by the Commission

Amendment

(c) the functionality of the product by providing functions aimed to address the needs of persons with **functional limitations, in accordance with point 2;**

(c) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities, which must be achieved by allowing for the use of personal headsets, where a timed response is required, by alerting the user by more than one sensory channel and by giving the possibility to extend the time permitted and by having an adequate contrast and tactilely discernible keys and controls;**

(d) **the interfacing of the product** with assistive devices.

(d) **when relevant, compatibility** with assistive devices **and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices.**

Amendment 185

Proposal for a directive

Annex I — Section II — point 2

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 186

Proposal for a directive

Annex I — Section III — title

Text proposed by the Commission

Amendment

Telephony services, including emergency services and the related consumer terminal equipment **with advanced computing capability**

Telephony services, including emergency services and the related consumer terminal equipment

Amendments 187, 292 and 300

Proposal for a directive

Annex I — Section III — Part A — point 1

Text proposed by the Commission

Amendment

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**

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Text proposed by the Commission

- (a) **ensuring the accessibility of** the products **they** use in the provision of the service, in accordance with the rules laid down in **point B on 'Related terminal equipment with advance computing capability used by consumers'**
- (b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows:**
 - (i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**
 - (ii) **alternatives to non-text content shall be provided;**
 - (iii) **the** electronic information, including the related online applications needed in the provision of the service **shall be provided in accordance with point (c).**
- (c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (d) **providing accessible** information to facilitate complementarities with assistive services;
- (e) **including** functions, practices, policies **and** procedures and alterations in the operation of the service targeted to address the needs of persons with **functional limitations.**

Amendment

- (a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in **Part B of this Section;**
- (b) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;
- (ba) electronic information, including the related online applications needed in the provision of the service **concerned;**
- (c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (ca) **mobile-based apps;**
- (d) information to facilitate complementarities with assistive services;
- (e) functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities and ensure interoperability; which must be achieved by supporting voice, video and real time text communication, alone or in combination (total conversation), between two users, or between a user and an emergency service.**

Thursday 14 September 2017

Amendment 344

Proposal for a directive

Annex I — Section III — Part A — point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendments 188 and 292

Proposal for a directive

Annex I — Section III — Part B — title

Text proposed by the Commission

Amendment

B. Related terminal equipment **with advance computing capability** used by consumers:

B. Related terminal equipment used by consumers:

Amendments 189, 292 and 301

Proposal for a directive

Annex I — Section III — Part B — point 1

Text proposed by the Commission

Amendment

1. Design and production:

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities **and those with age related impairments**, shall be achieved by **making accessible the following**:

The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), **which**:

(a) the information on the use of the product provided on the product itself (**the** labelling, instructions **and** warning);

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Text proposed by the Commission

Amendment

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| <p>(i) <i>must be available by more than one sensory channel;</i></p> <p>(ii) <i>must be understandable</i></p> <p>(iii) <i>must be perceivable;</i></p> <p>(iv) <i>shall have an adequate size of fonts in foreseeable conditions of use;</i></p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:</p> <p style="padding-left: 20px;">(i) <i>content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel, and</i></p> <p style="padding-left: 20px;">(ii) <i>instructions shall provide alternatives to non-text content;</i></p> <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;</p> <p>(f) the interfacing of the product with assistive devices.</p> | <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product;</p> <p>(d) the user interface of the product (handling, controls and feedback, input and output);</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with disabilities and ensure interoperability; which must be achieved by supporting high fidelity audio, a video resolution enabling sign language communication, real time text alone or in combination with voice and video communication or by ensuring effective wireless coupling to hearing technologies;</p> <p>(f) the interfacing of the product with assistive devices.</p> |
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Amendment 190
Proposal for a directive
Annex I — Section III — Part B — point 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
[...]	<i>deleted</i>

Amendment 346rev
Proposal for a directive
Annex I — Section III –Part B — point 2 a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p>2a. Support services:</p> <p><i>Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.</i></p>

Amendment 191
Proposal for a directive
Annex I — Section IV — title

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Audiovisual media services and the related consumer equipment with advance computing capability	Websites and online applications of audiovisual media services and the related consumer equipment

Amendment 192
Proposal for a directive
Annex I — Section IV — Part A — title

<i>Text proposed by the Commission</i>	<i>Amendment</i>
A. Services:	A. Websites and online applications:

Thursday 14 September 2017

Amendment 193

Proposal for a directive

Annex I — Section IV — Part A — point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

(a) *ensuring the accessibility of the products they use in the provision of the service, in accordance with the rules laid down in point B on 'Related terminal equipment with advance computing capability used by consumers'*

(b) *providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:*

(i) *the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,*

(ii) *alternatives to non-text content shall be provided;*

(iii) *the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).*

(c) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of section I, and shall include:**

(a) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

(b) *mobile device-based applications.*

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Text proposed by the Commission

Amendment

- (d) *providing accessible information to facilitate complementarities with assistive services;*
- (e) *including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations.*

Amendment 194

Proposal for a directive

Annex I — Section IV — Part B — title

Text proposed by the Commission

Amendment

B. Related consumer equipment **with advance computing capability:**

B. Related consumer equipment:

Amendments 195 and 293

Proposal for a directive

Annex I — Section IV — Part B — point 1

Text proposed by the Commission

Amendment

1. Design and production:

1. Design and production:

The design and production of products in order to maximise their foreseeable use by persons with **functional limitations, including persons with** disabilities **and those with age related impairments,** shall be achieved by **making accessible the following:**

The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in part C of Section I, and shall include:**

- (a) the information on the use of the product provided **in** the product itself (labelling, instructions, warning), **which:**

- (a) the information on the use of the product provided **on** the product itself (**the** labelling, instructions **and** warning);

(i) **must be available by more than one sensory channel;**

(ii) **must be understandable**

(iii) **must be perceivable;**

(iv) **shall have an adequate size of fonts in foreseeable conditions of use;**

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<i>Text proposed by the Commission</i>	<i>Amendment</i>
(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);	(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:	(c) the product instructions for use, installation and maintenance, storage and disposal of the product;
<p>(i) content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel, and</p> <p>(ii) instructions shall provide alternatives to non-text content;</p>	
(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;	(d) the user interface of the product (handling, controls and feedback, input and output);
(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;	(e) the functionality of the product by providing functions aimed to address the needs of persons with disabilities; which can be achieved for instance by supporting the possibility to select, personalise and display access services such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation, by providing means for effective wireless coupling to hearing technologies or by providing the user controls to activate access services for audiovisual services to the user at the same level of prominence as the primary media controls;
(f) the interfacing of the product with assistive devices.	(f) the interfacing of the product with assistive devices.

Amendment 196

Proposal for a directive

Annex I — Section IV — Part B — point 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
[...]	<i>deleted</i>

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Amendments 197 and 308
Proposal for a directive
Annex I — Section V — title

Text proposed by the Commission

Air, bus, rail and waterborne passenger transport services; websites used for provision of passenger transport services; mobile device-based services, smart ticketing and real time information; Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services

Amendment

Air, bus, **coach**, rail and waterborne passenger transport services; websites used for provision of passenger transport services; mobile device-based services, smart ticketing and real time information; self-service terminals, **including payment terminals**, ticketing machines and check-in machines used for provision of passenger transport, **mobility and tourism** services.

Amendments 198, 294/rev, 303, 311, 315 and 316
Proposal for a directive
Annex I — Section V — Part A — point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations**, **including** persons with disabilities, shall be achieved by:

(a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows**:

(i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel**,

(ii) **alternatives to non-text content shall be provided**;

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:

(a) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;

(aa) **information on how to use the accessibility features of the service including accessibility of vehicles and surrounding infrastructure and built environment shall be listed and explained and information about assistance shall be provided, in accordance with Regulations (EC) No 1107/2006, (EU) No 1177/2010, (EC) No 1371/2007 and (EU) No 181/2011**;

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Text proposed by the Commission

Amendment

- (iii) **the** electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).
- (b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, **including** the adaptability of **content** presentation and interaction, **when necessary providing** an accessible electronic alternative, **and in a way which** facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (c) including functions, practices, policies **and** procedures and alterations in the operation of the service targeted to address the needs of persons with **functional limitations**.
- (ab) electronic information, including the related online applications needed in the provision of the service **concerned** shall be provided in accordance with point (b);
- (b) making websites **including online applications needed for the provision of the passenger transport, tourism, accommodation and catering services**, accessible in a consistent and adequate way for users' perception, operation and understanding; **this includes** the adaptability of **the contents** presentation and interaction, **with the provision of** an accessible electronic alternative **when necessary, in a robust way that** facilitates interoperability with a variety of user agents and the assistive technologies available at Union and international level;
- (ba) **making mobile-based services including mobile applications needed in the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;**
- (c) including functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities, including making mobile-based services, including mobile applications needed in the provision of the service, accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;**
- This concerns services such as smart ticketing (electronic reservation, booking of tickets, etc.), real-time passenger information (timetables, information about traffic disruptions, connecting services, onwards travel with other transport modes, etc.), and additional service information (e.g. staffing of stations, lifts that are out of order or services that are temporarily unavailable).**
- (ca) **mobile device-based services, smart ticketing and real-time information.**

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Amendment 199
Proposal for a directive
Annex I — Section V — Part B

<i>Text proposed by the Commission</i>	<i>Amendment</i>
B. Websites used for the provision of passenger transport services:	<i>deleted</i>
 <i>(a) Making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, where necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level.</i>	

Amendment 200
Proposal for a directive
Annex I — Section V — Part C

<i>Text proposed by the Commission</i>	<i>Amendment</i>
C. Mobile device-based services, smart ticketing and real time information:	<i>deleted</i>
 1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:	
 <i>(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:</i>	
 <i>(i) the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,</i>	
 <i>(ii) alternatives to non-text content shall be provided;</i>	

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Text proposed by the Commission

Amendment

(iii) *the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).*

(b) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

Amendment 201

Proposal for a directive

Annex I — Section V — Part D — title

Text proposed by the Commission

Amendment

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services:

D. Self-service terminals, **including payment terminals**, ticketing machines and check-in machines used for provision of passenger transport services:

Amendments 202 and 327

Proposal for a directive

Annex I — Section V — Part D — point 1

Text proposed by the Commission

Amendment

1. Design and production:

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities **and those with age related impairments**, shall be achieved by **making accessible the following**:

The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), **which**:

(a) the information on the use of the product provided on the product itself (**the** labelling, instructions **and** warning);

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Text proposed by the Commission

Amendment

(i) *must be available by more than one sensory channel;*

(ii) *must be understandable*

(iii) *must be perceivable;*

(iv) *shall have an adequate size of fonts in foreseeable conditions of use;*

(b) the user interface of the product (handling, controls and feedback, input and output) *in accordance with point 2;*

(c) the functionality of the product by providing functions aimed to address the needs of persons with **functional limitations, in accordance with point 2;**

(d) the **interfacing** of the product with assistive devices

(b) the user interface of the product (handling, controls and feedback, input and output);

(c) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities;**

(d) the **compatibility** of the product with assistive devices **and technologies, including hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices; the product shall also allow for the use of personal headsets.**

Amendment 352

Proposal for a directive

Annex I — Section V — Part D — point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

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Amendment 203

Proposal for a directive

Annex I — Section V — Part D — point 2

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 204

Proposal for a directive

Annex I — Section VI — title

Text proposed by the Commission

Amendment

Banking services; websites used for provision of banking services; mobile device-based banking services; self service terminals, including Automatic Teller machines used for provision of banking services

Consumer banking services; websites used for provision of banking services; mobile device-based banking services; self-service terminals, including **payment terminals and** Automatic Teller machines used for provision of banking services

Amendments 205, 295 and 304

Proposal for a directive

Annex I — Section VI — Part A — point 1

Text proposed by the Commission

Amendment

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**

(a) **ensuring the accessibility of** the products **they** use in the provision of the service, in accordance with the rules laid down in **point D**:

(a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in **Part D of this Section**;

(b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows**:

(b) information about the functioning of the service and about its accessibility characteristics and facilities. **This information shall be understandable, without exceeding a level of complexity superior to level B2 (upper intermediate) of the Council of Europe's Common European Framework of Reference for Languages**;

(i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**

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Text proposed by the Commission

Amendment

(ii) *alternatives to non-text content shall be provided;*

(iii) *the* electronic information, including the related online applications needed in the provision of the service *shall be provided in accordance with point (c).*

(c) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

(d) *including* functions, practices, policies *and* procedures and alterations in the operation of the service targeted to address the needs of persons with *functional limitations*.

(ba) electronic information, including the related **websites and** online applications needed in the provision of the service **concerned, and including information on electronic identification, security and payment methods.**

(d) functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**;

(da) *mobile device-based banking services.*

Amendment 206

Proposal for a directive

Annex I — Section VI — Part B

Text proposed by the Commission

Amendment

B. Websites used for provision of banking services:

deleted

The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

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Amendment 207
Proposal for a directive
Annex I — Section VI — Part C

Text proposed by the Commission	Amendment
C. Mobile device-based banking services:	deleted
1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:	
(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:	
(i) the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,	
(ii) alternatives to non-text content shall be provided;	
(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).	
(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;	

Amendment 208
Proposal for a directive
Annex I — Section VI — Part D — title

Text proposed by the Commission	Amendment
D. Self-service terminals, including Automatic Teller machines used for provision of banking services'	D. Self-service terminals, including <i>payment terminals</i>, Automatic Teller machines used for provision of <i>consumer</i> banking services

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Amendment 209

Proposal for a directive

Annex I — Section VI — point D — point 1

Text proposed by the Commission

1. Design and production

The design and production of products in order to maximise their foreseeable use by persons with **functional limitations, including persons with disabilities and those with age related impairments**, shall be achieved by **making accessible the following**:

- (a) the information on the use of the product provided **in** the product itself (labelling, instructions, warning), **which**:

(i) **must be available by more than one sensory channel;**

(ii) **must be understandable**

(iii) **must be perceivable;**

(iv) **shall have an adequate size of fonts in foreseeable conditions of use;**

- (b) the user interface of the product (handling, controls and feedback, input and output) **in accordance with point 2;**

- (c) the functionality of the product by providing functions aimed to address the needs of persons with **functional limitations, in accordance with point 2;**

- (d) the interfacing of the product with assistive devices.

Amendment

1. Design and production

The design and production of products in order to maximise their foreseeable use by persons with disabilities, shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:

- (a) the information on the use of the product provided **on** the product itself (**the** labelling, instructions **and** warning);

- (b) the user interface of the product (handling, controls and feedback, input and output);

- (c) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities;**

- (d) the interfacing of the product with assistive devices.

Amendment 356

Proposal for a directive

Annex I — Section VI — Part D — point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

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Amendment 210

Proposal for a directive

Annex I — Section VI — Part D — point 2

Text proposed by the Commission

Amendment

[...]

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Amendment 211

Proposal for a directive

Annex I — Section VII — title

Text proposed by the Commission

Amendment

E-books

E-books *and related equipment*

Amendment 305

Proposal for a directive

Annex I — Section VII — Part A — point 1

Text proposed by the Commission

Amendment

1. The provision of services in order to maximise their foreseeable use by persons with **functional limitations, including persons with** disabilities, shall be achieved by:

(a) **ensuring the accessibility of** the products **they** use in the provision of the service, in accordance with the rules laid down in **point B ‘Products’**;

b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows**:

(i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**

(ii) **alternatives to non-text content shall be provided;**

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in this Directive, and shall include**:

(a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in **Part B of this Section**;

b) information about the functioning of the service and about its accessibility characteristics and facilities, **and provide available information (metadata) on accessibility features of products and services**;

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Text proposed by the Commission

Amendment

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| <p>(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).</p> | <p>(ba) electronic information, including the related online applications and the e-book device, needed in the provision of the service concerned;</p> |
| <p>(c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;</p> | <p>(c) making websites and mobile device-based applications accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;</p> |
| <p>(d) providing accessible information to facilitate complementarities with assistive services;</p> | <p>(d) providing accessible information to facilitate complementarities with assistive services;</p> |
| <p>(e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations.</p> | <p>(e) including functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with disabilities, which must be achieved by ensuring the navigation throughout the document, such as by means of dynamic layouts, the possibility to synchronize text and audio content, text-to-speech technology, allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that can be perceivable, understandable, operable and maximizes compatibility with user agents.</p> |

Amendment 358

Proposal for a directive

Annex I — Section VII — Part B — point 1

Text proposed by the Commission

Amendment

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| <p>1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by making accessible the following:</p> | <p>1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by complying with the following accessibility requirements:</p> |
| <p>(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:</p> | <p>(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which shall be provided in multiple accessible formats and which:</p> |

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Text proposed by the Commission

Amendment

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| <p>(i) must be available by more than one sensory channel;</p> <p>(ii) must be understandable;</p> <p>(iii) must be perceivable;</p> <p>(iv) shall have an adequate size of fonts in foreseeable conditions of use;</p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:</p> <p style="padding-left: 20px;">(i) content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel;</p> <p style="padding-left: 20px;">(ii) the instructions shall provide alternatives to non-text content;</p> <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> | <p>(i) shall be available by more than one sensory channel;</p> <p>(ii) shall be understandable;</p> <p>(iii) shall be perceivable;</p> <p>(iv) shall have an adequate size of fonts with sufficient contrast between the characters and their background in order to maximise its readability in foreseeable conditions of use;</p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal) and an indication of the brand, the name and the type of the product which:</p> <p style="padding-left: 20px;">(i) shall meet the requirements laid down in point a;</p> <p style="padding-left: 20px;">(ii) shall in a simple and precise way inform the users how the product incorporates accessibility features and its compatibility with assistive technology;</p> <p>(c) the instructions for the use, installation and maintenance, storage and disposal of the product, whether provided separately or integrated within the product, which shall comply with the following:</p> <p style="padding-left: 20px;">(i) shall be made available in accessible web format and electronic non-web document format that is both perceivable and operable; and</p> <p style="padding-left: 20px;">(ii) the manufacturer shall list and explain how to use the accessibility features of the product and its compatibility with assistive technologies;</p> <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> |
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Text proposed by the Commission

Amendment

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(f) *the interfacing of the product with assistive devices.*

(f) *when relevant, compatibility with assistive devices and technologies.*

Amendment 214

Proposal for a directive

Annex I — Section VII — Part B — point 2

Text proposed by the Commission

Amendment

[...]

deleted

Amendments 215, 296, 306 and 359

Proposal for a directive

Annex I — Section VIII — Part A — point 1

Text proposed by the Commission

Amendment

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**

(a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows:**

(a) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;

(i) *the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,*

(ii) *alternatives to non-text content shall be provided;*

(iii) *the* electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(aa) electronic information, including the related online **and mobile** applications **and websites, and including information on the electronic identification, security and payment methods,** needed in the provision of the service concerned shall be provided in accordance with point (b).

Thursday 14 September 2017

Text proposed by the Commission

- (b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment

- (b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(ba) mobile device-based e-commerce services.

Amendment 360

Proposal for a directive

Annex I — Section VIII — Part A — point 1 a (new)

Text proposed by the Commission

Amendment

- 1a. Support services: where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.***

Amendment 335

Proposal for a directive

Annex I — section VIII a (new)

Text proposed by the Commission

Amendment

SECTION VIIIa

Accommodation services

Services

- 1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:***

Thursday 14 September 2017

Text proposed by the Commission

Amendment

- (a) *providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:*
 - (i) *making them available in an accessible web format and by making them perceivable, operable, understandable and robust in accordance with point (b);*
 - (ii) *listing and explaining how to use the accessibility features of the service and its complementarity with a variety of assistive technologies.*

- (b) *making websites and online applications needed for the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

- (c) *making mobile-based services including mobile applications needed for the provision of e-commerce services accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

- (d) *making electronic identification, security and payment methods needed for the provision of the service understandable, perceivable, operable and robust without undermining the security and privacy of the user;*

Thursday 14 September 2017

Text proposed by the Commission

Amendment

(e) **making the built environment accessible to persons with disabilities in accordance with the requirements of Section X, including:**

(i) **all common areas (reception, entrance, leisure facilities, conference rooms, etc.).**

(ii) **rooms, in accordance with the requirements of Section X; the minimum number of accessible rooms per establishment shall be:**

— **1 accessible room, for establishments with less than 20 rooms overall**

— **2 accessible rooms, for establishments with more than 20 but fewer than 50 rooms**

— **1 supplementary accessible room for every additional 50 rooms.**

2. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies and services, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 216

Proposal for a directive

Annex I — Section IX — Part A — point 1

Text proposed by the Commission

Amendment

1. Design and production

The design and production of products in order to maximise their foreseeable use by persons with **functional limitations, including persons with** disabilities and those with age related impairments, shall be achieved by **making accessible the following:**

(a) the information on the use of the product provided in the product itself (labelling, instructions, warning), **which:**

1. Design and production

The design and production of products in order to maximise their foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**

(a) the information on the use of the product provided in the product itself (labelling, instructions, warning);

Thursday 14 September 2017

Text proposed by the Commission

Amendment

- | | |
|---|--|
| <p>(i) <i>must be available by more than one sensory channel;</i></p> <p>(ii) <i>must be understandable;</i></p> <p>(iii) <i>must be perceivable;</i></p> <p>(iv) <i>shall have an adequate size of fonts in foreseeable use conditions;</i></p> | |
| <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> | <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> |
| <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:</p> <p>(i) <i>content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel, and</i></p> <p>(ii) <i>instructions shall provide alternatives to non-text content;</i></p> | <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product;</p> |
| <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> | <p>(d) the user interface of the product (handling, controls and feedback, input and output);</p> |
| <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;</p> | <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with disabilities;</p> |
| <p>(f) the interfacing of the product with assistive devices.</p> | <p>(f) the interfacing of the product with assistive devices.</p> |

Amendments 217 and 297/rev

Proposal for a directive

Annex I — Section IX — Part A — point 2

Text proposed by the Commission

Amendment

[...]

deleted

Thursday 14 September 2017

Amendment 218

Proposal for a directive

Annex I — Section IX — Part B — point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by persons with **functional limitations, including persons with** disabilities, shall be achieved by:
- (a) **making accessible** the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;
- (b) **making** facilities **accessible**, including vehicles, crafts and equipment needed for the delivery of the service as follows:
- (i) the design of its built space shall follow the requirements **under** Part C in relation to boarding, disembarking, circulation and use;
- (ii) **the information shall be available in different ways and via more than one sensory channel;**
- (iii) **alternatives to non-text visual content shall be provided.**
- (c) **ensuring the accessibility of** the products used in the provision of the service, in accordance with the rules laid down in Part A;
- (d) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows:**
- (i) **the information content shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**
- (ii) **alternatives to non-text content shall be provided;**

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**
- (a) the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;
- (b) facilities, including vehicles, crafts and equipment needed for the delivery of the service as follows:
- (i) the design of its built space shall follow the requirements **set out in** Part C in relation to boarding, disembarking, circulation and use;
- (c) the products used in the provision of the service, in accordance with the rules laid down in Part A;
- (d) information about the functioning of the service and about its accessibility characteristics and facilities;

Thursday 14 September 2017

Text proposed by the Commission

Amendment

(iii) *the electronic information, including the online related applications needed in the provision of the service shall be provided in accordance with point (e).*

(e) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(f) **providing accessible** information to facilitate complementarities with assistive services;

(g) **including** functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **functional limitations**.

(e) making websites **and mobile-based devices** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(f) information to facilitate complementarities with assistive services;

(g) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

Amendment 219

Proposal for a directive

Annex I — Section IX — Part C — point 1 — introductory part

Text proposed by the Commission

Amendment

1. The accessibility to persons with **functional limitations, including persons with** disabilities, of the built environment for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

1. The accessibility to persons with disabilities of the built environment for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

Amendment 220

Proposal for a directive

Annex I — Section X — point 1 — introductory part

Text proposed by the Commission

Amendment

The accessibility to **persons with functional limitations, including** persons with disabilities, of the built environment where the service is provided, referred to in Article 3(10) for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

The accessibility to persons with disabilities of the built environment where the service is provided, referred to in Article 3(10) for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

Thursday 14 September 2017

Amendment 221

Proposal for a directive

Annex II — paragraph 4 — point 4.1

Text proposed by the Commission

Amendment

4.1. The manufacturer shall affix the CE marking referred to in this Directive to each individual product that satisfies the applicable requirements of this Directive.

deleted

Thursday 14 September 2017

P8_TA(2017)0352

EU-Chile Agreement on trade in organic products ***

European Parliament legislative resolution of 14 September 2017 on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Chile on trade in organic products (05530/2017 — C8-0144/2017 — 2016/0383(NLE))

(Consent)

(2018/C 337/40)

The European Parliament,

- having regard to the draft Council decision (05530/2017),
 - having regard to the draft Agreement between the European Union and the Republic of Chile on trade in organic products (05551/2017),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, Article 218(6), second subparagraph, point (a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union (C8-0144/2017),
 - 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 International Trade and the opinion of the Committee on Agriculture and Rural Development (A8-0257/2017),
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 Chile.
-

Thursday 14 September 2017

P8_TA(2017)0353

Protocol to the EU-Chile Association Agreement (accession of Croatia) ***

European Parliament legislative resolution of 14 September 2017 on the draft Council decision on the conclusion, on behalf of the European Union and its Member States, of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union (06750/2017 — C8-0225/2017 — 2017/0042(NLE))

(Consent)

(2018/C 337/41)

The European Parliament,

- having regard to the draft Council decision (06750/2017),
 - having regard to the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union (06905/2017),
 - having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6) second subparagraph, point (a)(i) of the Treaty on the Functioning of the European Union (C8-0225/2017),
 - 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 International Trade (A8-0277/2017),
1. Gives its consent to conclusion of the protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Chile.
-

Thursday 14 September 2017

P8_TA(2017)0355

Extension of the European statistical programme to 2020 *I**

European Parliament legislative resolution of 14 September 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 99/2013 of the European Parliament and of the Council on the European statistical programme 2013-17, by extending it to 2018-2020 (COM(2016)0557 — C8-0367/2016 — 2016/0265(COD))

(Ordinary legislative procedure: first reading)

(2018/C 337/42)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0557),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0367/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Protocol No 1 of the Treaties on the role of national parliaments in the European Union,
 - having regard to Protocol No 2 of the Treaties on the application of the principles of subsidiarity and proportionality,
 - having regard to the opinion of the European Economic and Social Committee of 14 December 2016 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 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 Economic and Monetary Affairs and the opinion of the Committee on Employment and Social Affairs (A8-0158/2017),
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)0265

Position of the European Parliament adopted at first reading on 14 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Regulation (EU) No 99/2013 on the European statistical programme 2013-17, by extending it to 2020

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1951.)

⁽¹⁾ OJ C 75, 10.3.2017, p. 53.

Thursday 14 September 2017

P8_TA(2017)0356

European venture capital funds and European social entrepreneurship funds *I**

European Parliament legislative resolution of 14 September 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds (COM(2016)0461 — C8-0320/2016 — 2016/0221(COD))

(Ordinary legislative procedure: first reading)

(2018/C 337/43)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0461),
 - 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 (C8-0320/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank of 12 September 2016 ⁽¹⁾,
 - having regard to the opinion of the European Economic and Social Committee of 14 December 2016 ⁽²⁾,
 - 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 Economic and Monetary Affairs (A8-0120/2017),
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)0221

Position of the European Parliament adopted at first reading on 14 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1991.)

⁽¹⁾ OJ C 394, 26.10.2016, p. 2.

⁽²⁾ OJ C 75, 10.3.2017, p. 48.

Thursday 14 September 2017

P8_TA(2017)0357

Multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks ***I

Amendments adopted by the European Parliament on 14 September 2017 on the proposal for a regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) No 676/2007 and Council Regulation (EC) No 1342/2008 (COM(2016)0493 — C8-0336/2016 — 2016/0238(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 337/44)

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

- (4) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.

Amendment

- (4) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management **to ensure that stocks of harvested species are restored and maintained at levels above those that can produce MSY**, and to implement the ecosystem-based approach to fisheries management.

Amendment 3

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) **Regarding the exploitation of living marine biological resources, Regulation (EU) No 1380/2013 includes as an explicit goal the restoration and maintenance of populations of harvested species above levels capable of producing MSY. Therefore, in accordance with Article 2 (2) thereof, the corresponding exploitation rate is to be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks, and should be maintained thereafter.**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0263/2017).

Thursday 14 September 2017

Amendment 4
Proposal for a regulation
Recital 5

Text proposed by the Commission

- (5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities.

Amendment

- (5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities ***in full accordance with the best available scientific advice.***

Amendment 5
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points and safeguards.

Amendment

- (6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points, ***objectives*** and safeguards, ***goals for stock conservation and technical measures to be taken to achieve the targets for the maximum possible avoidance of and reduction of unwanted catches as set out in Article 15 thereof.***

Amendment 6
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) ***In addition, the Commission may be empowered to establish fish stock recovery areas in a multi-annual plan pursuant to Article 8(3) of Regulation (EU) No 1380/2013.***

Thursday 14 September 2017

Amendment 7
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) *Some stocks of common interest are also exploited by third countries, which makes it very important that the Union should consult those third countries in order to ensure that the stocks concerned are managed sustainably. In the absence of a formal agreement, the Union should do everything in its power to agree common arrangements for the fishing of those stocks in order to facilitate sustainable management, in which connection equal terms for the Union's market operators should be secured, enforced and promoted.*

Amendment 8
Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

- | | |
|--|---|
| <p>(10) The objective of this plan should be to contribute to the achievement of the objectives of the CFP, and especially reaching and maintaining MSY for the stocks concerned, contributing to the implementation of the landing obligation for demersal stocks subject to catch limits and contributing to the implementation of the ecosystem-based approach to fisheries management.</p> | <p>(10) The objective of this plan should be to contribute to the achievement of the objectives of the CFP, and especially restoring and maintaining fish stocks above levels of biomass capable of producing MSY contributing to the implementation of the landing obligation for demersal stocks subject to catch limits as well as implementation and achievement of the socio-economic aspects of the CFP and contributing to the implementation of the ecosystem-based approach to fisheries management by minimising the negative effects of fishing on the marine ecosystem.</p> |
|--|---|

Thursday 14 September 2017

Amendment 9
Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) *This plan should also contribute to the achievement of good environmental status, as laid down in Directive 2008/56/EC, and to the achievement of favourable conservation status for habitats and species as required by Directive 2009/147/EC of the European Parliament and of the Council ^(1a) and Council Directive 92/43/EEC ^(1b) respectively.*

^(1a) *Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).*

^(1b) *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).*

Amendment 10
Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

(11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the **targets** set out in the multi-annual plans.

(11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the **objectives** set out in **Article 2(2) of Regulation (EU) No 1380/2013 and comply with the targets, time-frames and margins established in** the multi-annual plans.

Amendment 11
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) *In accordance with Article 33(1) of Regulation (EU) No 1380/2013, stocks managed jointly with third countries are to be managed wherever possible with joint agreements in line with the objectives laid down in Article 2(2) thereof. In addition, the goals set out in Articles 1 and 2 of Regulation (EU) No 1380/2013 as well as the definitions set out in Article 4 thereof should apply to such agreements.*

Thursday 14 September 2017

Amendment 12
Proposal for a regulation
Recital 14

Text proposed by the Commission

- (14) Where the targets relating to **MSY** are not available, the **precautionary approach should apply**.

Amendment

- (14) Where the targets relating to *the maximum sustainable yield* are not available, the *multi-annual plan should establish measures on the basis of the precautionary approach to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013. Those measures must guarantee a degree of conservation of the relevant stocks that is at least comparable to exploitation rates in accordance with the maximum sustainable yield, as set out in Article 9(2) of Regulation (EU) No 1380/2013.*

Amendment 13
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) *Recreational fisheries can have a significant impact on fish resources. Member States are to collect catch data of recreational fisheries, in accordance with legal requirements on data collection. Where such fisheries have a significant negative impact on resources, the plan should provide for the possibility to decide on specific management measures in line with the principle of proportionality. Any management and technical measures concerning recreational fisheries at Union level should be proportionate to the objectives aimed for.*

Thursday 14 September 2017

Amendment 14
Proposal for a regulation
Recital 16

Text proposed by the Commission

- (16) For Norway lobster functional units for which they are available, it is appropriate to use **the following trigger abundance levels:** minimum abundance (Abundancebuffer) **that corresponds to the Bbuffer reference point defined in the Long Term Management Plan for North Sea Nephrops by the North Sea Advisory Council** ⁽⁴²⁾ **and the limit abundance (Abundancelimit) that corresponds to abundance MSY Btrigger (equivalent to Blim) as defined by ICES.**

⁽⁴²⁾ A Long Term Management Plan for North Sea Nephrops

Amendment

- (16) For Norway lobster functional units for which they are available, it is appropriate to use **ICES-advised** minimum abundance (Abundancebuffer) **and** limit abundance (Abundancelimit) **as trigger abundance levels.**

Amendment 15
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) Appropriate safeguard measures should be envisaged in case the stock size falls below these levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice states that remedial measures are needed. These measures should be supplemented by all other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member State measures in accordance with Article 13 of Regulation (EU) No 1380/2013.

Amendment

- (17) Appropriate safeguard measures should be envisaged in case the stock size falls below these levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when **the best available** scientific advice states that remedial measures are needed. These measures should be supplemented by all other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member State measures in accordance with Article 13 of Regulation (EU) No 1380/2013.

Thursday 14 September 2017

Amendment 16
Proposal for a regulation
Recital 19

Text proposed by the Commission

- (19) It is appropriate to **set the TAC for Norway lobster in ICES zones IIa and IV as the sum of the catch limits established for each functional unit and of the statistical rectangles outside the functional units within that TAC area. However, this does not preclude the adoption of measures** to protect **specific functional units**.

Amendment

- (19) It is appropriate to **define a separate TAC for Norway lobster for each functional unit wherever possible. Separate measures** to protect **the respective functional units may be taken**.

Amendment 17
Proposal for a regulation
Recital 20

Text proposed by the Commission

- (20) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for **additional management measures**.

Amendment

- (20) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for **other conservation measures, in particular measures to gradually eliminate discards, taking into account the best available scientific advice, or to minimise the negative impact of fishing on the ecosystem, to be further specified, where appropriate, in accordance with Article 18 of Regulation (EU) No 1380/2013**.

Amendment 18
Proposal for a regulation
Recital 25

Text proposed by the Commission

- (25) Thresholds should be established for the demersal stocks that a fishing vessel is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating these ports or places close to the shore, Member States should apply the criteria provided in Article 43(5) of that Regulation in such a way as to ensure effective control of the **stocks** covered by this Regulation.

Amendment

- (25) Thresholds should be established for the demersal stocks that a fishing vessel is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating those ports or places close to the shore, Member States should apply the criteria provided for in Article 43(5) of that Regulation in such a way as to ensure effective control of the **landing of catches** covered by this Regulation.

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Amendment 19
Proposal for a regulation
Recital 26

Text proposed by the Commission

- (26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013 provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on periodic evaluation of the plan based on scientific advice: the plan should be evaluated every five years. This period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also the minimum required period by scientific bodies.

Amendment

- (26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013 provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on periodic evaluation of the plan based on **the best available** scientific advice: the plan should be evaluated **by ... [three years after the date of entry into force of this Regulation], and** every five years **thereafter**. This period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also the minimum required period by scientific bodies.

Amendment 20
Proposal for a regulation
Article 1 — paragraph 1

Text proposed by the Commission

1. This Regulation establishes a multi-annual plan ('plan') for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV ('North Sea') and the fisheries exploiting those stocks.

Amendment

1. This Regulation establishes a multi-annual plan ('plan') for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV ('North Sea' **refers to those three zones**) and the fisheries, **including recreational fisheries**, exploiting those stocks.

Amendment 22
Proposal for a regulation
Article 1 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

- 2a. Where, on the basis of scientific advice or of a request from the Member States concerned, the Commission considers that the list referred to in Article 2 needs to be adjusted, the Commission may submit a proposal for the amendment of that list.**

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Amendment 23

Proposal for a regulation

Article 1 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. This Regulation also sets out details for the implementation of the landing obligation for all species provided for in Article 15(1) of Regulation (EU) No 1380/2013, other than the stocks already referred to in paragraph 1 of this Article.

Amendment 24

Proposal for a regulation

Article 2 — paragraph 1 — point 1

Text proposed by the Commission

Amendment

(1) 'demersal stocks' means those roundfish **and** flatfish species **and** Norway lobster that live at or near the bottom of the water column.

(1) 'demersal stocks' means: those roundfish, flatfish **and cartilaginous fish** species, Norway lobster (***Nephrops norvegicus***) **and Northern prawn (*Pandalus borealis*)** that live at or near the bottom of the water column.

Amendment 25

Proposal for a regulation

Article 2 — paragraph 1 — point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'Best available scientific advice' means scientific advice which has been reviewed by ICES or STECF and is supported by the most up-to-date data available and which meets all the requirements set out in Regulation (EU) No 1380/2013, in particular Article 25 thereof.

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Amendment 26

Proposal for a regulation

Article 2 — paragraph 1 — point 1 b (new)

Text proposed by the Commission

Amendment

(1b) ' F_{MSY} range' means a range calculated by ICES delivering no more than a 5 % reduction in long-term yield compared to the maximum sustainable yield. The ICES advice rule indicates that, when spawning stock biomass is below the minimum spawning stock biomass reference point ($MSY B_{trigger}$), F is to be reduced to a value which does not exceed an upper limit equal to the F_{MSY} point value multiplied by the spawning stock biomass in the TAC year divided by $MSY B_{trigger}$.

Amendment 27

Proposal for a regulation

Article 2 — paragraph 1 — point 1 c (new)

Text proposed by the Commission

Amendment

(1c) ' $MSY F_{lower}$ ' and ' $MSY F_{upper}$ ' mean the lowest and highest value within the F_{MSY} range.

Amendment 28

Proposal for a regulation

Article 2 — paragraph 1 — point 2

Text proposed by the Commission

Amendment

(2) 'Group 1': means demersal stocks for which targets as FMSY ranges and safeguards linked to biomass are established in this plan as follows:

(a) Cod (*Gadus morhua*) in Subarea IV and Divisions VIIId and IIIa West (**North Sea, Eastern Channel**, Skagerrak), hereafter referred to as **North Sea** cod;

(b) Haddock (*Melanogrammus aeglefinus*) in Subarea IV and Divisions VIa and IIIa west (**North Sea, West of Scotland**, Skagerrak) hereafter referred to as haddock;

(2) 'Group 1' means demersal stocks for which targets as FMSY ranges and safeguards linked to biomass are established in this plan, **as listed in Annexes I and II**, as follows.

(a) Cod (*Gadus morhua*) in Subarea IV (**North Sea**) and Divisions VIIId (**Eastern Channel**) and IIIa West (Skagerrak), hereafter referred to as cod **in Subarea IV and Divisions VIIId and IIIa West**;

(b) Haddock (*Melanogrammus aeglefinus*) in Subarea IV (**North Sea**) and Divisions VIa (**West of Scotland**) and IIIa west (Skagerrak) hereafter referred to as haddock **in Subarea IV and Divisions VIa and IIIa West**;

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Text proposed by the Commission

- (c) Plaice (*Pleuronectes platessa*) in Subarea IV (North Sea) and Division IIIa (Skagerrak), hereafter referred to as **North Sea** plaice;
- (d) Saithe (*Pollachius virens*) in Subareas IV and VI and Division IIIa (**North Sea, Rockall and West of Scotland**, Skagerrak and Kattegat), hereafter referred to as saithe;
- (e) Sole (*Solea solea*) in Subarea IV (North Sea), hereafter referred to as **North Sea** sole;
- (f) Sole (*Solea solea*) in Division IIIa and Subdivisions 22–24 (**Skagerrak and Kattegat**, Western Baltic Sea), hereafter referred to as **Kattegat** sole;
- (g) Whiting (*Merlangius merlangus*) in Subarea IV and Division VIIId (**North Sea and** Eastern English Channel), hereafter referred to as **North Sea** whiting.

Amendment

- (c) Plaice (*Pleuronectes platessa*) in Subarea IV (North Sea) and Division IIIa (Skagerrak), hereafter referred to as plaice **in Subarea IV and Division IIIa**;
- (d) Saithe (*Pollachius virens*) in Subareas IV (**North Sea**) and VI (**West of Scotland and Rockall**) and in Division IIIa (Skagerrak and Kattegat), hereafter referred to as saithe **in Subareas IV and VI and Division IIIa**;
- (e) Sole (*Solea solea*) in Subarea IV (North Sea), hereafter referred to as sole **in Subarea IV**;
- (f) Sole (*Solea solea*) in Division IIIa (**Skagerrak and Kattegat**) and Subdivisions 22–24 (Western Baltic Sea), hereafter referred to as sole **in Division IIIa and Subdivisions 22-24**;
- (g) Whiting (*Merlangius merlangus*) in Subarea IV (**North Sea**) and Division VIIId (Eastern English Channel), hereafter referred to as whiting **in Subarea IV and Division VIIId**;
- (ga) **Anglerfish (*Lophius piscatorius*) in Division IIIa (Skagerrak and Kattegat) and Subareas IV (North Sea) and VI (West of Scotland and Rockall)**;
- (gb) **Northern Prawn (*Pandalus borealis*) in Divisions IVa East and IIIa.**

The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to amend the list of stocks in Group 1, as set out in the first paragraph of this point and in Annexes I and II to this Regulation, in accordance with the best available scientific advice.

Amendment 29

Proposal for a regulation

Article 2 — paragraph 1 — point 3 — introductory part

Text proposed by the Commission

- (3) 'Group 2' means Norway lobster (*Nephrops norvegicus*) functional units (FU) for which targets as FMSY ranges and safeguards linked to abundance are established in this plan consisting of:

Amendment

- (3) 'Group 2' means Norway lobster (*Nephrops norvegicus*) functional units (FU) for which targets as FMSY ranges and safeguards linked to abundance are established in this plan, **as set out in Annexes I and II**, consisting of:

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Amendment 32

Proposal for a regulation

Article 2 — paragraph 1 — point 8 a (new)

Text proposed by the Commission

Amendment

(8a) The stocks concerned shall only be amended on the basis of the best available scientific advice.

Amendment 33

Proposal for a regulation

Article 2 — paragraph 1 — point 10

Text proposed by the Commission

Amendment

10. 'MSY Btrigger' means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing **MSY** in the long term.

10. 'MSY Btrigger' means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing **maximum sustainable yield** in the long term.

Amendment 34

Proposal for a regulation

Article 2 — paragraph 1 — point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'Recreational fisheries' means non-commercial fishing activities exploiting marine living biological resources for recreation, tourism or sport.

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Amendment 35

Proposal for a regulation

Article 3 — paragraph 1

Text proposed by the Commission

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

Amendment

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management **as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013, as well as contribute to a fair standard of living for those who depend on fishing activities, bearing in mind socio-economic aspects**, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. **The level of fishing which allows the maximum sustainable yield is to be achieved, as quickly as possible and, on a gradual, incremental basis by 2020 at the latest for all stocks covered by this Regulation under all circumstances, and it is to be maintained from that point in time. For stocks where no scientific advice and data exist, the targets set out in Article 9(2) of Regulation (EU) No 1380/2013 are to be met. Those targets ensure that the relevant stocks will be preserved at a level which is at least comparable with the targets for the highest sustainable yield.**

Amendment 37

Proposal for a regulation

Article 3 — paragraph 3

Text proposed by the Commission

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. **It** shall be **coherent** with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC.

Amendment

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem, **particularly threatened habitats and protected species including marine mammals and seabirds**, are minimised. **The plan shall complement and be consistent with the ecosystem-based approach to fisheries management as defined in point 9 of Article 4(1) of Regulation (EU) No 1380/2013, with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC, and with the targets and rules laid down in Directives 2009/147/EC and 92/43/EEC. Furthermore, the plan shall provide for measures designed to mitigate adverse socio-economic impacts and enable operators to acquire more economic visibility in the long term.**

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Amendment 38

Proposal for a regulation

Article 3 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The plan shall contribute to ensuring that stocks managed jointly with third countries pursuant to Article 33(1) of Regulation (EU) No 1380/2013 are managed in line with the objectives set out in Article 2(2) of Regulation (EU) No 1380/2013, and that the total fishing opportunities do not exceed the ranges set out in Annex I to this Regulation.

Amendment 39

Proposal for a regulation

Article 3 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The plan shall take account of the Union's bilateral relations with third countries. Future bilateral agreements with third countries shall take account of the plan.

Amendment 40

Proposal for a regulation

Article 3 — paragraph 4 — point b

Text proposed by the Commission

Amendment

(b) **contribute to** the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

(b) the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

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Amendment 41**Proposal for a regulation****Article 3 — paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. All measures in the plan shall be taken on the basis of the best available scientific advice in accordance with point 1a of Article 2 of this Regulation. The best available scientific advice shall be reviewed by ICES or STECF by the time at which those measures are proposed by the Commission in accordance with Articles 4, 5, 6 and 18 of this Regulation, and with Article 16 of Regulation (EU) No 1380/2013.

Amendment 42**Proposal for a regulation****Article 4 — paragraph 1**

Text proposed by the Commission

Amendment

1. The target fishing mortality shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks of Groups 1 and 2, and shall be maintained thereafter within the ranges set out in Annex I.

1. The target fishing mortality shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks of Groups 1 and 2, and shall be maintained thereafter within the ranges set out in Annex I **and shall comply with the goals set out in Article 3(1).**

Amendment 43**Proposal for a regulation****Article 4 — paragraph 2**

Text proposed by the Commission

Amendment

2. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities shall comply with the target fishing mortality ranges set out in Annex I, column A to this Regulation.

2. In accordance with Article 16(4) **and Article 17** of Regulation (EU) No 1380/2013, fishing opportunities shall **be established in line with the objectives and targets set out in the plan and with the best available scientific advice and shall** comply with the target fishing mortality ranges set out in Annex I, column A to this Regulation.

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Amendment 44

Proposal for a regulation

Article 4 — paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, fishing opportunities may be fixed at levels corresponding to lower levels of fishing mortality than those set out in Annex I, **column A**.

Amendment

3. Notwithstanding paragraphs 1 and 2, fishing opportunities may be fixed at levels corresponding to lower levels of fishing mortality than those set out in Annex I.

Amendments 83 and 99

Proposal for a regulation

Article 4 — paragraph 4

Text proposed by the Commission

4. *Notwithstanding paragraphs 2 and 3, fishing opportunities for a stock may be fixed in accordance with the fishing mortality ranges set out in Annex I, column B, provided that the stock concerned is above the minimum spawning biomass reference point set out in Annex II, column A:*

(a) if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;

(b) if, on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or

(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20 %.

Amendment

deleted

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Amendment 48

Proposal for a regulation

Article 4 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Fishing opportunities shall in any event be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below the limit spawning stock biomass reference point (B_{lim}) set out in particular in Annex II, column B.

Amendment 49

Proposal for a regulation

Article 4 — paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Where, on the basis of the best available scientific advice, the Commission considers that the fishing mortality ranges set out in Annex I no longer correctly express the objectives of the plan, the Commission may as a matter of urgency submit a proposal for amendment of those ranges.

Amendment 50

Proposal for a regulation

Article 5 — paragraph 1

Text proposed by the Commission

Amendment

1. Fishing opportunities for the stocks of Groups 3 and 4 shall be consistent with scientific advice related to maximum sustainable yield.

1. Fishing opportunities for the stocks of Groups 3 and 4 shall be consistent with **the best available** scientific advice related to maximum sustainable yield.

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Amendment 51

Proposal for a regulation

Article 5 — paragraph 2

Text proposed by the Commission

2. In the absence of scientific advice on fishing mortality rate consistent with maximum sustainable yield, fishing opportunities ***shall be consistent with scientific advice to ensure the sustainability of the stocks in line with*** the precautionary approach.

Amendment

2. In the absence of scientific advice ***and data*** on ***the*** fishing mortality rate consistent with maximum sustainable yield, fishing opportunities ***and measures shall be decided on in line with*** the precautionary approach ***to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013, and in keeping with the targets set out in Article 3(1) of this Regulation.***

Amendment 52

Proposal for a regulation

Article 6 — paragraph 1

Text proposed by the Commission

Stocks of Group 5 shall be managed based on the precautionary approach in ***line*** with scientific advice.

Amendment

Stocks of Group 5 shall be managed based on the precautionary approach ***to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013 and in accordance with the best available*** scientific advice ***and with the targets set out in Article 3(1) and Article 3(3) of this Regulation. The absence of adequate scientific information shall not justify postponing or failing to take management measures to conserve marine biological resources.***

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Amendment 53

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission

1. When scientific advice indicates that for a given year the spawning biomass of any of the stocks in Group 1 is below the MSY Btrigger or that the abundance of any of the functional units in Group 2 is below the Abundancebuffer set out in Annex II, column A, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing maximum sustainable yield. In particular, by way of derogation from Article 4(2) fishing opportunities shall be set at levels consistent with a fishing mortality, taking into account the decrease in biomass or abundance, that is reduced below the range laid down in Annex I, column A.

Amendment

1. When **the best available** scientific advice indicates that for a given year the spawning biomass of any of the stocks in Group 1 is below the MSY Btrigger or that the abundance of any of the functional units in Group 2 is below the Abundancebuffer set out in Annex II, column A, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing maximum sustainable yield. In particular, by way of derogation from Article 4(2) fishing opportunities shall be set at levels consistent with a fishing mortality, taking into account the decrease in biomass or abundance, that is reduced below the range laid down in Annex I, column A **in proportion to the decrease in biomass, following the ICES advice rule. The ICES advice rule referred to in point 1b of Article 2 shall apply.**

Amendment 54

Proposal for a regulation

Article 8 — paragraph 2

Text proposed by the Commission

2. When scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the Blim or the abundance of any of the Norway lobster functional units is below Abundancelimit as set out in Annex II, column B to this Regulation, further remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing maximum sustainable yield. In particular, those remedial measures shall include, by way of derogation from paragraphs 2 and 4 of Article 4, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

Amendment

2. When **the best available** scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the Blim or the abundance of any of the Norway lobster functional units is below Abundancelimit as set out in Annex II, column B to this Regulation, further remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing maximum sustainable yield. In particular, those remedial measures shall include, by way of derogation from paragraphs 2 and 4 of Article 4, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

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Amendment 55

Proposal for a regulation

Article 8 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When the best available scientific advice indicates that for a given year the spawning stock biomass of any of the stocks to which this Regulation applies is below $MSY B_{trigger}$, all appropriate remedial measures shall be adopted to ensure rapid return of the stock to levels above those capable of producing maximum sustainable yield, and fishing mortality shall be reduced on a linear basis in proportion to the decrease in biomass in accordance with the ICES advice rule. The ICES advice rule referred to in point 1b of Article 2(1) shall apply.

Amendment 56

Proposal for a regulation

Article 8 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. When the best available scientific advice indicates that the spawning stock biomass of any of the stocks to which this Regulation applies is below B_{lim} or another relevant limit, additional remedial measures shall be adopted to ensure rapid return of the stock to levels above those capable of producing maximum sustainable yield. In particular, the remedial measures may involve a suitable reduction of fishing opportunities or suspension of the targeted fishery of the stock.

Amendment 57

Proposal for a regulation

Article 8 — paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Remedial measures referred to in this Article may include:

(a) emergency measures in accordance with Articles 12 and 13 of Regulation (EU) No 1380/2013;

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Text proposed by the Commission

Amendment

(b) measures pursuant to Articles 11 and 11a of this Regulation.

The choice of measures referred to in this Article shall be made in accordance with the nature, seriousness, duration and repetition of the situation where the spawning stock biomass is below the levels referred to in paragraph 1.

Amendment 58

Proposal for a regulation

Article 9 — title

Text proposed by the Commission

Amendment

Specific conservation measures **for Groups 3 to 7**

Specific conservation measures

Amendment 84

Proposal for a regulation

Article 9 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

When scientific advice indicates that **remedial** action is required **for the conservation of** any of the **demersal stocks of Groups 3 to 7**, or when the spawning biomass of any of the stocks in Group 1 or abundance of any of the functional units in Group 2 for a given year is below the conservation reference points set out in Annex II, column A to this Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding:

When scientific advice indicates that **additional** action is required **to ensure that** any of the **fisheries to which this Regulation applies is managed in accordance with Article 3 of this Regulation**, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013. Notwithstanding Article 18(1) and (3) the Commission may adopt delegated acts in the absence of a joint recommendation referred to in those paragraphs. These delegated acts shall include measures regarding:

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Amendment 60

Proposal for a regulation

Article 9 — paragraph 1 — point a

Text proposed by the Commission

- (a) characteristics of fishing gear, in particular mesh size, hook size, construction of the gear, twine thickness, size of the gear or use of selectivity devices to ensure or improve selectivity;

Amendment

- (a) **defining the** characteristics **and specifications** of fishing gear, in particular mesh size, hook size, construction of the gear, twine thickness, size of the gear or use of selectivity devices to ensure or improve selectivity, **particularly with a view to reducing unwanted by-catches;**

Amendment 61

Proposal for a regulation

Article 9 a (new)

Text proposed by the Commission

Amendment**Article 9a****Designation of spawning grounds and stock recovery areas**

By 2020 at the latest, Member States shall designate spawning grounds and areas where there is clear evidence of heavy concentrations of fish below minimum conservation reference size, and they shall draft joint recommendations in line with Article 12(2) of this Regulation with a view to establishing stock recovery areas for stocks to which this Regulation applies.

Amendment 62

Proposal for a regulation

Article 10 — title

Text proposed by the Commission

Amendment**Total allowable catches****Fishing opportunities**

Thursday 14 September 2017

Amendment 63**Proposal for a regulation****Article 10 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States shall take into account objective and transparent criteria pursuant to Article 17 of Regulation (EU) No 1380/2013 when allocating quotas.

Amendment 64**Proposal for a regulation****Article 10 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. Member States shall enable the exchange of quotas pursuant to Article 33(2) of Regulation (EU) No 1380/2013 in the context of the joint management of stocks with third countries.

Amendment 65**Proposal for a regulation****Article 10 — paragraph 2**

Text proposed by the Commission

Amendment

2. Without prejudice to Article 8, the TAC for the stock of Norway lobster in ICES zones IIa and IV shall be the sum of the catch limits of the functional units and of the statistical rectangles outside the functional units.

2. For the stock of Norway lobster in ICES zones IIa and IV, catch limits for each functional unit and a joint TAC for the statistical rectangles outside the functional units shall be established.

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Amendment 66
Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Impact of recreational fisheries

1. All available data on catches by recreational fisheries shall be examined in order to assess their likely impact on the stocks of regulated species.

2. The Council shall consider the assessment provided for in the first paragraph. For those stocks for which recreational catches are considered to be significant, the Council shall, when setting fishing opportunities, take account of recreational catches by, inter alia:

(a) considering the sum of estimates of catches by recreational fisheries, derived from the best available scientific advice, and the best available scientific advice on commercial fishing opportunities as total catch which corresponds to the target fishing mortality;

(b) imposing restrictions on recreational fisheries, including daily bag limits and closed seasons; or

(c) other means which are deemed appropriate.

Amendment 67
Proposal for a regulation
Article 11 — title

Text proposed by the Commission

Amendment

Provisions linked to the landing obligation **for Groups 1 to 7**

Provisions linked to the landing obligation

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Amendment 68**Proposal for a regulation****Article 11 — paragraph 1 — point a***Text proposed by the Commission*

- (a) exemptions from the application of the landing obligation for species for which scientific **evidence** demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, to facilitate the implementation of the landing obligation; and

Amendment

- (a) exemptions from the application of the landing obligation for species for which **the best available** scientific **advice** demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, to facilitate the implementation of the landing obligation; and

Amendment 69**Proposal for a regulation****Article 11 — paragraph 1 — point c***Text proposed by the Commission*

- (c) specific provisions on documentation of catches, in particular for the purpose of monitoring **the implementation of** the landing obligation; and

Amendment

- (c) specific provisions on documentation of catches, in particular for the purpose of monitoring **and controlling in order to ensure a level playing field by ensuring full compliance with** the landing obligation; and

Amendment 70**Proposal for a regulation****Article 11 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

The measures set out in the first paragraph of this Article shall contribute to achieving the objectives set out in Article 3 of this Regulation, in particular the protection of juvenile fish and spawning fish.

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Amendment 71
Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Technical measures

1. The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding the following technical measures:

- (a) specifications of characteristics of fishing gears and rules governing their use, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;
- (b) specifications of modifications or additional devices to the fishing gears, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;
- (c) limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods to protect spawning fish, fish below the minimum conservation reference size or non-target fish species, or to minimise the negative impact on the ecosystem; and
- (d) the fixing of minimum conservation reference sizes for any of the stocks to which this Regulation applies, to ensure the protection of juveniles of marine organisms.

2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3.

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Amendment 97**Proposal for a regulation****Article 12 — paragraph 2***Text proposed by the Commission*

2. For the purpose of paragraph 1 of this Article, Member States having direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter twelve months after each submission of the evaluation of the plan in accordance with Article 17. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for any of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 July of the previous year.

Amendment

2. For the purpose of paragraph 1 of this Article, Member States having direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter twelve months after each submission of the evaluation of the plan in accordance with Article 17. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for any of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 July of the previous year.

Notwithstanding Article 18(1) and (3) of Regulation (EU) No 1380/2013, the Commission may adopt delegated acts also in the absence of a joint recommendation as referred to in those paragraphs.

Amendment 74**Proposal for a regulation****Article 17 — paragraph 1***Text proposed by the Commission*

No less than **five** years after the entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. It shall submit the results of this evaluation to the European Parliament and to the Council.

Amendment

No less than **three** years after the entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks, ***as well as the extent to which the objectives of this Regulation have been met, including the recovery of fish stocks above levels capable of producing the maximum sustainable yield and the progress towards good environmental status.*** It shall submit the results of this evaluation to the European Parliament and to the Council. ***The Commission may report, where this is considered necessary, at an earlier date.***

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Text proposed by the Commission

Amendment

The Commission shall report annually to the European Parliament and to the Council on progress in achieving the objectives of this Regulation and on the situation of fish stocks in the waters and for the stocks covered by this Regulation, as early as possible following the adoption of the yearly regulation fixing the fishing opportunities available in Union waters and in certain non-Union waters. That report shall be annexed to the annual report referred to in Article 50 of Regulation (EU) No 1380/2013.

That report shall contain:

- (a) the comprehensive scientific advice on the basis of which the fishing opportunities were fixed; and*
- (b) a scientific justification demonstrating that the fishing opportunities fixed are in line with the objectives and provisions of this Regulation, in particular the fishing mortality targets.*

Amendment 75

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Support from the European Maritime and Fisheries Fund

Temporary cessation measures adopted in order to achieve the objectives of the plan shall be deemed as temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.

(This Article should appear in Chapter X)

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Amendment 85
Proposal for a regulation
Annex I

Text proposed by the Commission

1. Group 1

Stock	Target fishing mortality range consistent with achieving maximum sustainable yield (F_{MSY})	
	Column A	Column B
North Sea cod	0.22 – 0.33	0.33 – 0.49
Haddock	0.25 – 0.37	0.37 – 0.52
North Sea plaice	0.13 – 0.19	0.19 – 0.27
Saithe	0.20 – 0.32	0.32 – 0.43
North Sea sole	0.11 – 0.20	0.20 – 0.37
Kattegat sole	0.19 – 0.22	0.22 – 0.26
North Sea whiting	Not defined	Not defined

2. Group 2

Norway lobster functional unit (FU)	Target fishing mortality range consistent with achieving maximum sustainable yield (F_{MSY}) (as harvest rate)	
	Column A	Column B
Division IIIa FU 3 and 4	0,056 – 0,079	0,079 – 0,079
Farn Deepes FU 6	0,07 – 0,081	0,081 – 0,081
Fladen Ground FU 7	0,066 – 0,075	0,075 – 0,075
Firth of Forth FU 8	0,106 – 0,163	0,163 – 0,163
Moray Firth FU 9	0,091 – 0,118	0,118 – 0,118

Amendment

1. Group 1

Figures in the table come from the most recent ICES Special Request Advice, the ‘EU request to ICES to provide F_{MSY} ranges for selected North Sea and Baltic Sea stocks’

STOCK	Target fishing mortality ranges consistent with achieving maximum sustainable yield (F_{MSY})	
Cod in Subarea IV and Divisions VIIId and IIIa West	F_{MSY} lower — F_{MSY}	

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Haddock <i>in Subarea IV and Divisions VIa and IIIa West</i>	$FMSY_{lower} — FMSY$	
Plaice <i>in Subarea IV and Division IIIa</i>	$FMSY_{lower} — FMSY$	
Saithe <i>in Subareas IV and VI and Division IIIa</i>	$FMSY_{lower} — FMSY$	
Sole <i>in Subarea IV</i>	$FMSY_{lower} — FMSY$	
Sole <i>in Division IIIa and Subdivisions 22-24</i>	$FMSY_{lower} — FMSY$	
Whiting <i>in Subarea IV and Division VIIId</i>	$FMSY_{lower} — FMSY$	
Anglerfish <i>in Division IIIa and Subareas IV and VI</i>	$FMSY_{lower} — FMSY$	
Northern Prawn <i>in Divisions IVa East and IIIa</i>	$FMSY_{lower} — FMSY$	

2. Group 2

Figures in the table come from the most recent ICES Special Request Advice, the 'EU request to ICES to provide F_{MSY} ranges for selected North Sea and Baltic Sea stocks'

Norway lobster functional unit (FU)	Target fishing mortality ranges consistent with achieving maximum sustainable yield (F_{MSY}) (as harvest rate)	
	Column A	
Division IIIa FU 3 and 4	$FMSY_{lower} — FMSY$	
Farn Deepes FU 6	$FMSY_{lower} — FMSY$	
Fladen Ground FU 7	$FMSY_{lower} — FMSY$	
Firth of Forth FU 8	$FMSY_{lower} — FMSY$	
Moray Firth FU 9	$FMSY_{lower} — FMSY$	

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Amendment 77
Proposal for a regulation
Annex II

<i>Text proposed by the Commission</i>			<i>Amendment</i>		
Annex II			Annex II		
Conservation reference points			Conservation reference points		
(as referred to in Article 7)			(as referred to in Article 7)		
1. Group 1			1. Group 1		
STOCK	Minimum spawning stock biomass reference point (in tonnes) (MSY Btrigger)	Limit biomass reference point (in tonnes) (Blim)	STOCK	Minimum spawning stock biomass reference point (in tonnes) (MSY Btrigger)	Limit biomass reference point (in tonnes) (Blim)
				Column A	Column B
North Sea cod	165 000	118 000	Cod in Subarea IV and Divisions VIIId and IIIa West	165 000	118 000
Haddock	88 000	63 000	Haddock in Subarea IV and Divisions VIa and IIIa West	88 000	63 000
North Sea plaice	230 000	160 000	Plaice in Subarea IV and Division IIIa	230 000	160 000
Saithe	200 000	106 000	Saithe in Subareas IV and VI and Division IIIa	150 000	106 000
North Sea sole	37 000	26 300	Sole in Subarea IV	37 000	26 300
Kattegat sole	2 600	1 850	Sole in Division IIIa and Subdivisions 22-24	2 600	1 850
North Sea whiting	Not defined	Not defined	Whiting in Subarea IV and Division VIIId	Not defined	Not defined
			Anglerfish in Division IIIa and Subareas IV and VI	Not defined	Not defined
			Northern Prawn in Divisions IVa East and IIIa	Not defined	Not defined

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Text proposed by the Commission					Amendment				
2. Group 2					2. Group 2				
Norway lobster functional unit (FU)	Minimum abundance point (in millions) (Abundancebuffer)	abundance reference (in millions)	Limit reference (in millions)	abundance point (in millions) (Abundancebuffer)	Norway lobster functional unit (FU)	Minimum abundance point (in millions) (Abundancebuffer)	abundance reference (in millions)	Limit reference (in millions)	abundance point (in millions) (Abundancebuffer)
Division IIIa FU 3 and 4	NA			NA	Division IIIa FU 3 and 4	NA			NA
Farn Deep FU 6	999			858	Farn Deep FU 6	999			858
Fladen Ground FU 7	3 583			2 767	Fladen Ground FU 7	3 583			2 767
Firth of Forth FU 8	362			292	Firth of Forth FU 8	362			292
Moray Firth FU 9	262			262	Moray Firth FU 9	262			262

Amendment 78
Proposal for a regulation
Annex II a (new)

Text proposed by the Commission

Amendment

Annex II a

Prohibited species

- (a) *starry ray (Amblyraja radiata)*;
- (b) *the following species of sawfish*:
 - (i) *narrow sawfish (Anoxypristis cuspidata)*;
 - (ii) *dwarf sawfish (Pristis clavata)*;
 - (iii) *smalltooth sawfish (Pristis pectinata)*;
 - (iv) *largetooth sawfish (Pristis pristis)*;
 - (v) *green sawfish (Pristis zijsron)*;
- (c) *basking shark (Cetorhinus maximus) and white shark (Carcharodon carcharias)*;
- (d) *common skate (Dipturus batis) complex (Dipturus cf. flossada and Dipturus cf. intermedia)*;

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Text proposed by the Commission

Amendment

-
- (e) smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES Subarea IV and ICES Division IIIa;
 - (f) reef manta ray (*Manta alfredi*);
 - (g) giant manta ray (*Manta birostris*);
 - (h) the following species of *Mobula* rays:
 - (i) devil fish (*Mobula mobular*);
 - (ii) *Mobula rochebrunei*;
 - (iii) spinetail mobula (*Mobula japanica*);
 - (iv) smoothtail mobula (*Mobula thurstoni*);
 - (v) longhorned mobula (*Mobula eregoodootenkee*);
 - (vi) Munk's devil ray (*Mobula munkiana*);
 - (vii) Chilean devil ray (*Mobula tarapacana*);
 - (viii) shortfin devil ray (*Mobula kuhlii*);
 - (ix) lesser devil ray (*Mobula hypostoma*);
 - (i) thornback ray (*Raja clavata*) in Union waters of ICES Division IIIa;
 - (j) guitarfishes (*Rhinobatidae*);
 - (k) angel shark (*Squatina squatina*);
 - (l) salmon (*Salmo salar*) and sea trout (*Salmo trutta*) when fishing with any towed net within the waters outside the six-mile limit measured from Member States' baselines in ICES Subareas II and IV (Union waters);
 - (m) berried female crawfish (*Palinuridae* spp.) and berried female lobster (*Homarus gammarus*) except when used for direct restocking or transplantation purposes.
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