Official Journal of the European Union

C 346

English edition

Information and Notices

Volume 61

27 September 2018

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EN

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EUROPEAN PARLIAMENT

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*	Consultation procedure
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***I	Ordinary legislative procedure: first reading
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(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments by Parliament:

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

EUROPEAN PARLIAMENT

2017-2018 SESSION

Sittings of 2 to 5 October 2017

The Minutes of this session have been published in OJ C 109, 22.3.2018.

TEXTS ADOPTED

Sittings of 23 to 26 October 2017

The Minutes of this session have been published in OJ C 138, 19.4.2018.

The text adopted of 25 October 2017 concerning the discharge for the financial year 2015 has been published in OJ L 318, 2.12.2017.

TEXTS ADOPTED

Tuesday 3 October 2017

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2017)0361

State of play of negotiations with the United Kingdom

European Parliament resolution of 3 October 2017 on the state of play of negotiations with the United Kingdom (2017/2847(RSP))

(2018/C 346/01)

The European Parliament,

— having regard to its resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union ([1]),

— having regard to the European Council (Art. 50) Guidelines of 29 April 2017 following the United Kingdom's notification under Article 50 TEU and to the Annex to the Council Decision of 22 May 2017, which lays down directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union,

— having regard to the Commission position papers of 12 June 2017 on 'Essential Principles on Citizens' Rights' and 'Essential Principles on Financial Settlement' and of 20 September 2017 on 'Guiding principles for the Dialogue on Ireland/Northern Ireland',

— having regard to the position papers of the United Kingdom Government on the issues pertaining to the United Kingdom's withdrawal from the European Union, and in particular that of 26 June 2017 on 'Safeguarding the position of EU citizens living in the UK and UK nationals living in the EU' and that of 16 August 2017 on 'Northern Ireland and Ireland',

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas there are currently around 3,2 million citizens of the remaining 27 Member States (EU-27) resident in the United Kingdom and 1,2 million citizens of the United Kingdom ('UK citizens') resident in the EU-27;

B. whereas EU citizens who took up residence in another Member State did so on the basis of rights they enjoy under European Union law and on the understanding that they would continue to enjoy those rights throughout their lives;

C. whereas the European Parliament represents all EU citizens, including UK citizens, and will act to protect their interests throughout the whole process leading to the withdrawal of the United Kingdom from the European Union;

([1]) Texts adopted, P8_TA(2017)0102.

D. whereas, in the United Kingdom and also in some other Member States, recent administrative incidents have demonstrated that discrimination against citizens of the EU-27 in the United Kingdom and UK citizens in the EU-27 is already taking place and is having an impact on the daily lives of the citizens concerned, limiting the effective exercise of their rights;

E. whereas an orderly withdrawal of the United Kingdom from the European Union requires that the unique position and the special circumstances confronting the island of Ireland be addressed, that the Good Friday Agreement of 10 April 1998 be preserved in all its parts and that a 'hardening' of the border be avoided;

F. whereas the people of Northern Ireland who have exercised, or may exercise, their entitlement to Irish citizenship will enjoy EU citizenship and no obstacles or impediments should be put in place that would prevent them from fully exercising their rights in accordance with the Treaties;

G. whereas the European Union and the United Kingdom should both respect in full the financial obligations resulting from the whole period of the United Kingdom's membership of the European Union;

H. whereas, in her speech in Florence on 22 September 2017, the Prime Minister of the United Kingdom offered some clarifications concerning citizens' rights, the Ireland and Northern Ireland issue, the financial settlement, the need for a transitional period and prospects for future relations between the European Union and the United Kingdom;

1. Reiterates all the elements set out in its resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union;

2. Stresses that the Guidelines approved by the European Council on 29 April 2017 and the subsequent negotiating directives adopted by the Council on 22 May 2017 are in line with the European Parliament's resolution of 5 April 2017; welcomes the fact that the European Union's negotiator is working in full compliance with that mandate;

3. Notes, in line with its resolution of 5 April 2017, that the Prime Minister of the United Kingdom proposed in her speech of 22 September 2017 a time-limited transitional period; points out that such a transition can only happen on the basis of the existing European Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures; underlines that such a transitional period, when the United Kingdom is no longer a Member State, can only be the continuation of the whole of the *acquis communautaire* which entails the full application of the four freedoms (free movement of citizens, capital, services and goods), and that this must take place without any limitation on the free movement of persons through the imposition of any new conditions; stresses that such a transitional period can only be envisaged under the full jurisdiction of the Court of Justice of the European Union ('CJEU'); insists that such a transition period can only be agreed provided that a fully-fledged withdrawal agreement covering all the issues pertaining to the United Kingdom's withdrawal is concluded;

Citizens' rights

4. Emphasises that the withdrawal agreement must incorporate the full set of rights citizens currently enjoy, such that there is no material change in their position, and that it must ensure reciprocity, equity, symmetry and non-discrimination for EU citizens in the United Kingdom and UK citizens in the European Union; underlines in particular that eligible EU national residents and children born after the United Kingdom's withdrawal should fall within the scope of the withdrawal agreement as family members and not as independent right holders, that future family members should continue to benefit from right of residence under the same provisions as current family members, that documents should be declaratory in line with EU law, that any burdensome administrative procedure should be avoided and that all benefits defined in EU legislation should be exportable;

5. Stresses in that regard that the withdrawal agreement should maintain the whole set of European Union rules on citizens' rights as defined in relevant European Union legislation, but is of the opinion that the United Kingdom's proposals set out in its position paper of 26 June 2017 fall short in that respect, not least as regards the proposal to create a new category of 'settled status' under United Kingdom immigration law; expresses its concern that these proposals, the slow process of the negotiations and the disclosed policy options on the future status of EU citizens are causing unnecessary hardship and anxiety for the citizens of the EU-27 living in the United Kingdom;

6. Expresses concern about regrettable administrative practices against EU citizens living in the United Kingdom; reminds the United Kingdom, moreover, that while it remains a Member State of the European Union, it must abide by, and enforce, European Union law and refrain from any administrative or other practices which result in obstacles and discrimination for citizens of the EU-27 resident in the United Kingdom, including in their workplace; expects that all other Member States, from their side, should ensure that UK citizens residing in the European Union are treated in full conformity with European Union law given that they remain EU citizens until the United Kingdom's withdrawal from the European Union;

7. Notes that the Prime Minister of the United Kingdom's speech of 22 September 2017 gave a commitment to ensuring that the rights of citizens of the EU-27 residing in the United Kingdom are given direct effect by means of the incorporation of the withdrawal agreement into United Kingdom law; underlines that this should be done in a manner that prevents it from being changed unilaterally, allows EU citizens to invoke the withdrawal agreement rights directly before United Kingdom courts and public administration, and gives it primacy over United Kingdom law; underlines that in order to guarantee the coherence and integrity of the EU legal order, the CJEU must remain the sole and competent authority for interpreting and enforcing European Union law and the withdrawal agreement; awaits concrete proposals from the United Kingdom in that regard;

Ireland and Northern Ireland

8. Stresses that the unique position and special circumstances confronting the island of Ireland must be addressed in the withdrawal agreement and this in a manner fully consistent with the Good Friday Agreement in all its parts, the agreed areas of cooperation, and with European Union law in order to ensure the continuity and stability of the Northern Ireland peace process;

9. Strongly believes that it is the responsibility of the UK Government to provide a unique, effective and workable solution that prevents a 'hardening' of the border, ensures full compliance with the Good Friday Agreement in all its parts, is in line with European Union law and fully ensures the integrity of the internal market and customs union; believes also that the United Kingdom must continue to contribute its fair share to the financial assistance supporting Northern Ireland/Ireland; regrets that the United Kingdom's proposals, set out in its position paper on 'Northern Ireland and Ireland', fall short in that regard; notes on the other hand that in her speech of 22 September 2017 the Prime Minister of the United Kingdom excluded any physical infrastructure at the border, which presumes that the United Kingdom stays in the internal market and customs union or that Northern Ireland stays in some form in the internal market and customs union;

10. Reiterates that any solution found for the island of Ireland cannot serve to predetermine solutions in the context of the discussions relating to the future relationship between the European Union and the United Kingdom;

Financial settlement

11. Takes note of the declaration by the Prime Minister of the United Kingdom, in her speech of 22 September 2017, on the financial settlement, but awaits concrete proposals from the UK Government in that regard; underlines that, so far, the absence of any clear proposals has seriously impeded the negotiations and that substantial progress in that area is required before entering into discussions on other issues, including the framework for the future relationship between the European Union and the United Kingdom;

12. Reaffirms, in accordance with the Commission's position paper of 12 June 2017 on 'Essential Principles on Financial Settlement', that the United Kingdom must respect in full its financial obligations made as a Member State of the European Union and insists that this issue must be fully settled in the withdrawal agreement; points in particular to financial obligations resulting from the multiannual financial framework and the Own Resources Decision of 2014 ([1]), which include, independently from any transitional period, the European Union's outstanding commitments, as well as its share of liabilities, including contingent liabilities, and the costs of withdrawal from the European Union, since it is out of the question that commitments taken by 28 Member States be honoured only by the remaining 27;

([1]) Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union (OJ L 168, 7.6.2014, p. 105).

Progress of the negotiations

13. Recalls that, in line with the phased approach to negotiations that is crucial for an orderly withdrawal of the United Kingdom from the European Union, substantial progress on citizens' rights, Ireland and Northern Ireland and the settlement of the United Kingdom's financial obligations is necessary to start the negotiations on the framework for the future relationship between the European Union and the United Kingdom, and on the transitional phase;

14. Underlines that it is vital that the commitments undertaken by the Prime Minister of the United Kingdom in her speech of 22 September 2017 translate into tangible changes to the United Kingdom's position and into concrete proposals accordingly, so as to speed up work during the first phase of the negotiations and to make it possible that, in a second phase on a basis of mutual trust and sincere cooperation, talks can start on a new and close partnership in the framework of an association of the United Kingdom with the European Union;

15. Is of the opinion that in the fourth round of negotiations sufficient progress has not yet been made on citizens' rights, Ireland and Northern Ireland, and the settlement of the United Kingdom's financial obligations; calls on the European Council, unless there is a major breakthrough in line with this resolution in all three areas during the fifth negotiation round, to decide at its October 2017 meeting to postpone its assessment on whether sufficient progress has been made;

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16. Instructs its President to forward this resolution to the European Council, the Council of the European Union, the European Commission, the national parliaments and the Government of the United Kingdom.

Tuesday 3 October 2017

P8_TA(2017)0364

Women's economic empowerment in the private and public sectors in the EU

European Parliament resolution of 3 October 2017 on women's economic empowerment in the private and public sectors in the EU (2017/2008(INI))

(2018/C 346/02)

The European Parliament,

— having regard to Articles 2 and 3(3) of the Treaty on European Union,

— having regard to Articles 8, 10, 153(1), 153(2) and 157 of the Treaty on the Functioning of the European Union,

— having regard to Articles 23 and 33 of the Charter of Fundamental Rights of the European Union,

— having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ([1]),

— having regard to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC ([2]),

— having regard to Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding ([3]) (Maternity Leave Directive),

— having regard to the Commission proposal of 2 July 2008 for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426),

— having regard to its position of 2 April 2009 on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ([4]),

— having regard to the Commission proposal of 3 October 2008 for a directive of the European Parliament and of the Council amending the Maternity Leave Directive (COM(2008)0637),

— having regard to its position adopted at first reading on 20 October 2010 with a view to the adoption of a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and on the introduction of measures to support workers in balancing work and family life ([5]),

— having regard to Council Directive 2013/62/EU of 17 December 2013 amending Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, following the amendment of the status of Mayotte with regard to the European Union ([6]),

([1]) OJ L 204, 26.7.2006, p. 23.
([2]) OJ L 180, 15.7.2010, p. 1.
([3]) OJ L 348, 28.11.1992, p. 1.
([4]) OJ C 137 E, 27.5.2010, p. 68.
([5]) OJ C 70 E, 8.3.2012, p. 163.
([6]) OJ L 353, 28.12.2013, p. 7.

— having regard to the Commission proposal of 14 November 2012 for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (Women on boards directive) (COM(2012)0614),

— having regard to its position adopted at first reading on 20 November 2013 with a view to the adoption of a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures ([1]),

— having regard to its resolution of 12 March 2013 on eliminating gender stereotypes in the EU ([2]),

— having regard to its resolution of 12 September 2013 on the application of the principle of equal pay for male and female workers for equal work or work of equal value ([3]),

— having regard to its resolution of 20 May 2015 on maternity leave ([4]),

— having regard to its resolution of 28 April 2016 on women domestic workers and carers in the EU ([5]),

— having regard to its resolution of 12 May 2016 on the application of Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC ([6]),

— having regard to its resolution of 26 May 2016 on 'Poverty: a gender perspective' ([7]),

— having regard to its resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance ([8]),

— having regard to its resolution of 15 September 2016 on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive') ([9]),

— having regard to its resolution of 8 October 2015 on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ([10]),

— having regard to its recommendation of 14 February 2017 to the Council on the EU priorities for the 61st session of the UN Commission on the Status of Women ([11]),

— having regard to its resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015 ([12]),

— having regard to its resolution of 4 April 2017 on women and their roles in rural areas ([13]),

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([1]) OJ C 436, 24.11.2016, p. 225.
([2]) OJ C 36, 29.1.2016, p. 18.
([3]) OJ C 93, 9.3.2016, p. 110.
([4]) OJ C 353, 27.9.2016, p. 39.
([5]) Texts adopted, P8_TA(2016)0203.
([6]) Texts adopted, P8_TA(2016)0226.
([7]) Texts adopted, P8_TA(2016)0235.
([8]) Texts adopted, P8_TA(2016)0338.
([9]) Texts adopted, P8_TA(2016)0360.
([10]) Texts adopted, P8_TA(2015)0351.
([11]) Texts adopted, P8_TA(2017)0029.
([12]) Texts adopted, P8_TA(2017)0073.
([13]) Texts adopted, P8_TA(2017)0099.

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— having regard to the Council conclusions of 19 June 2015 on 'Equal income opportunities for women and men: Closing the gender gap in pensions',

— having regard to the European Pact for gender equality for the period 2011-2020 adopted in the Council conclusions of 7 March 2011 ([1]),

— having regard to the Commission recommendation of 7 March 2014 on strengthening the principle of equal pay between men and women through transparency (2014/124/EU) ([2]),

— having regard to the Commission's initiative of December 2015, 'Roadmap: A new start to address the challenges of work-life balance faced by working families', as well as to the public and stakeholder consultations thereon,

— having regard to the UN Guiding Principles on Business and Human Rights (UNGPs), the first global set of guidelines on business and human rights, which were unambiguously endorsed by all UN member states at the meeting of the UN Human Rights Council of 16 June 2011; having regard to the Commission communication of 25 October 2011 on corporate social responsibility (COM(2011)0681), which encourages EU Member States to adapt the UNGPs to their national context,

— having regard to the Commission communication of 26 April 2017 on 'Establishing a European Pillar of Social Rights' (COM(2017)0250),

— having regard to the Commission communication of 26 April 2017 on 'An Initiative to Support Work-Life Balance for Working Parents and Carers' (COM(2017)0252),

— having regard to the European Investment Bank Group Strategy on Gender Equality and Women's Economic Empowerment,

— having regard to the Commission staff working document of 3 December 2015 on 'The Strategic engagement for gender equality 2016-2019' (SWD(2015)0278), and in particular its Chapter 3.1, 'Increasing female labour-market participation and the equal economic independence of women and men',

— having regard to the Commission's 2017 report on equality between women and men in the European Union, and in particular to its chapter 1 on increasing female labour market participation and equal economic independence and chapter 2 on reducing gender pay, earnings and pension gaps,

— having regard to the reports of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) entitled 'The gender employment gap: challenges and solutions' (2016),'Work-life balance: creating solutions for everyone' (2016), 'Social partners and gender equality in Europe' (2014), and 'Developments in working life in Europe: EurWORK annual review' (2014 and 2015), and to the Sixth European Working Conditions Survey (EWCS) (2016),

— having regard to the ILO Equal Remuneration Convention of 1951, the ILO Part-Time Work Convention of 1994, the ILO Home Work Convention of 1996, the ILO Maternity Protection Convention of 2000 and the ILO Domestic Workers Convention of 2011,

— having regard to the Agreed Conclusions of 24 March 2017 of the 61st session of the United Nations Commission on the Status of Women (CSW), entitled 'Women's economic empowerment in the changing world of work',

([1]) 3073rd Employment, Social Policy, Health and Consumer Affairs Council meeting, Brussels, 7 March 2011.
([2]) OJ L 69, 8.3.2014, p. 112.

— having regard to the report of the UN Secretary-General's High-Level Panel on Women's Economic Empowerment of September 2016 entitled 'Leave no one behind: A call to action for gender equality and women's economic empowerment',

— having regard to the Beijing Platform for Action and the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A8-0271/2017),

A. whereas the EU is committed to promoting gender equality and ensuring gender mainstreaming in all of its actions;

B. whereas women's equal participation in the labour market and in economic decision-making are both preconditions for women's empowerment and consequences of it;

C. whereas across the EU women remain considerably under-represented in the labour market and in management, with the overall employment rate of women still being almost 12 % lower than that of men;

D. whereas primary barriers to women's economic empowerment include adverse social norms, discriminatory laws or lack of legal protection, failure to equally share unpaid household work and care between men and women, and lack of access to financial, digital and property assets; whereas these barriers can be further exacerbated by intersecting discrimination ([1]), such as on grounds of race and ethnicity, religion, disability, health, gender identity, sexual orientation and/or socio-economic conditions;

E. whereas structural barriers to women's economic empowerment are the result of multiple and intersecting forms of inequalities, stereotypes and discrimination in the private and public spheres;

F. whereas economic empowerment of women is 'right and smart' at the same time, first of all as it is an essential dimension of gender equality and thus a matter of fundamental human rights and second as the higher participation of women in the labour market contributes to sustainable economic development at all levels of society; whereas companies that value women and enable them to participate fully in the labour market and in decision-making are more prosperous and help to boost productivity and economic growth; whereas evidence by the European Gender Equality Institute (EIGE) indicates that improvements to gender equality would generate up to 10,5 million additional jobs by 2050 in the EU, that the EU employment rate would reach almost 80 % and that EU GDP per capita could increase by between 6,1 % and 9,6 % and boost growth by between 15 % and 45 % in the Member States by 2050;

G. whereas the Europe 2020 strategy establishes among the EU's targets achieving 75 % of men and women in employment by 2020 and, in particular, closing the gender gap in employment; whereas coordinated efforts will be required to facilitate women's labour market participation;

H. whereas in late 2015 the Commission released the Gender Action Plan 2016-2020, with women's economic rights and empowerment as one of four 'pivotal areas' for action;

([1]) UN High-Level Panel on Women's Economic Empowerment: 'Leave no one behind: A call to action for gender equality and economic women's empowerment' (September 2016).

I. whereas 'reducing the gender pay, earnings and pension gaps and thus fighting poverty among women' is one of the priorities defined by the Commission in its document 'Strategic engagement for gender equality 2016-2019';

J. whereas targets are set for women's economic empowerment across the 17 Sustainable Development Goals (SDGs);

K. whereas an effective work-life balance has a positive impact on progressing towards an 'equal earner/equal carer' model between women and men, as well as on health aspects, and promotes an inclusive economic environment, growth, competitiveness, overall labour market participation, gender equality, a reduced risk of poverty, and intergenerational solidarity, and also helps address the challenges of an ageing society;

L. whereas Eurostat findings reveal that in the EU 31,5 % of working women work part-time compared with 8,2 % of working men, and whereas just over 50 % of women work full-time, compared with 71,2 % of men, representing a full-time employment rate gap of 25,5 %; whereas caring responsibilities are reasons for inactivity for almost 20 % of economically inactive women, while this is only the case for less than 2 % of economically inactive men; whereas caring responsibilities and difficulties arising from combining work and private life mean that women are far more likely to work part-time or be economically inactive than men, which has a negative impact on their wages and pension-related income;

M. whereas the majority of the recipients of care are usually the children, older family members or family members with disabilities of unpaid caregivers;

N. whereas women carry out at least two and a half times more unpaid household and care work than men;

O. whereas maternity should not be seen as an obstacle to women's professional development and consequently to their emancipation;

P. whereas women and men have equal rights and duties in relation to parenthood (with the exception of recovery after giving birth), bearing in mind that bringing up children should be shared and should therefore not be assigned exclusively to mothers;

Q. whereas in 2015 the average employment rate for women with one child under the age of six was nearly 9 % lower than that for women without young children, and whereas in some Member States the difference exceeded 30 %;

R. whereas maternity and parenthood are not acceptable grounds for discrimination against women in relation to accessing and remaining in the labour market;

S. whereas a publicly accessible wage-mapping framework including data collection should be established with the aim of eliminating the gender pay gap by putting pressure on both the public and private sectors to assess their payment structures and redress any gender-based differences that are found, and has the potential to create a 'culture of awareness' which makes it socially unacceptable to have a gender pay gap in a sector or company;

T. whereas quotas have been found to improve the performance of private companies and boost wider economic growth, in addition to bringing about better use of the talent pool in the labour force;

U. whereas gender equality and diversity in worker representation in companies at board level is a key democratic principle which has positive economic impacts, among them inclusive strategic decision-making and reducing the gender pay gap;

V. whereas OECD studies have shown that companies with more women on their boards experience greater profitability compared to those with all-male boards;

W. whereas typically female-dominated sectors or roles are generally characterised by lower wages than comparable sectors or roles which are male-dominated, constituting a component of the gender pay and pension gaps, which currently stand at 16 % and 40 % respectively;

X. whereas the ILO has developed a framework in which jobs are assessed on the basis of four factors: qualifications, effort, responsibility and working conditions, and are weighted according to their importance for the company or organisation in question;

Y. whereas social partners have the potential to strengthen women's economic empowerment through collective bargaining, by promoting equal pay between women and men, investing in work-life balance, encouraging women's career development in companies, and offering information and education in the field of workers' rights;

Z. whereas evidence attests that wage inequalities are smaller where collective bargaining is strong ([1]);

AA. whereas according to Eurostat 24,4 % of women in the EU are at risk of poverty or social exclusion, while single mothers, women over 55 and women with disabilities are at particular risk of unemployment and inactivity in the labour market;

AB. whereas implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is a prerequisite for women's empowerment and thus gender equality; whereas gender-based violence is an unacceptable form of discrimination and a violation of fundamental rights, affecting not only women's health and wellbeing, but also their access to employment and financial independence; whereas violence against women is one of the main impediments to gender equality, while education has the potential to reduce the risk of gender-based violence; whereas the subsequent social and economic empowerment can help women to escape situations of violence; whereas workplace violence and harassment, including sexism and sexual harassment, has serious negative consequences for all workers affected, their co-workers and their families, as well as the organisations they work in and society as a whole and may be partly responsible for women dropping out of the labour market;

AC. whereas economic violence is a form of gender-based violence occurring in women's everyday life, which hinders women from fulfilment of their right to freedom, reproduces gender inequality and neglects women's role in society at large;

AD. whereas many studies have clearly shown that cutbacks in the public sector have had a huge negative impact on women, their economic empowerment and gender equality;

AE. whereas education, qualifications and the acquisition of skills are essential to the empowerment of women on the social, cultural and economic level, and educational opportunities are recognised as a core element for combating inequalities such as under-representation in decision-making and managerial posts and in the fields of engineering and science, thus improving the economic empowerment of women and girls;

([1]) See: 'The European Trade Union Confederation', 'Collective bargaining: our powerful tool to close the gender gap' (2015).

AF. whereas digitalisation has positive effects in terms of shaping new job opportunities and inducing a constructive shift towards more flexible work patterns, particularly for women entering or re-entering the labour market, and also in terms of achieving a better balance between caring activity and professional life for both women and men;

I. ***General considerations***

1. Considers that women's economic participation and empowerment are key for strengthening their fundamental rights, enabling them to reach economic independence, to exert influence in society and to have control over their lives, while also breaking the glass ceilings preventing them from being treated equally to men in working life; encourages, therefore, the economic empowerment of women through political and financial means;

2. Emphasises that the strengthening of women's rights and economic empowerment means that it is necessary to address the deep-rooted unequal gender power-relations that give rise to discrimination and violence against women and girls, as well as against LGBTI persons, and that gender power structures interact with other forms of discrimination and inequality such as those related to race, disability, age and gender identity;

3. Calls on the Commission and the Member States to ensure equality and non-discrimination in the workplace for all;

4. Calls on the Member States to fully implement both the Employment Equality Directive and Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity; calls on the Commission to ensure better application of these directives;

5. Points out that the low female employment rates and women's exclusion from employment have a negative impact on women's economic empowerment; highlights that the total yearly economic costs of the lower female employment rate, taking into account forgone earnings, missed welfare contributions and additional public finance costs, corresponded to 2,8 % of the EU's GDP, or EUR 370 billion, in 2013 as estimated by Eurofound, while the cost of a woman's exclusion from employment is estimated by the EIGE at between EUR 1,2 and 2 million, depending on her level of education;

6. Stresses that women's economic empowerment and equal opportunities in the labour market are first of all crucial for women individually, but are also instrumental for the EU's economic growth, with a positive impact on GDP, inclusiveness and the competitiveness of businesses, while also helping to address challenges related to the ageing population in the EU; points out that, according to a 2009 study, the EU's GDP could theoretically increase by almost 27 % assuming a labour market in full gender balance;

II. ***Actions and tools for improving the economic empowerment of women***

Improved work-life balance

7. Notes that, in response to Parliament's call for work-life balance to be improved, the Commission has issued non-legislative proposals and a legislative proposal creating several types of leave in order to meet the challenges of the 21st century; stresses that the proposals made by the Commission are a good first step towards meeting the expectations of European citizens, as they will allow women and men to share occupational, family and social responsibilities more evenly, especially where care of dependants and childcare are concerned; calls on all institutions to deliver on this package as soon as possible;

8. Calls on the Member States to step up protection against discrimination and unlawful dismissal related to work-life balance and to ensure access to justice and legal action; calls on the Commission to step up the monitoring, transposition and implementation of EU anti-discrimination legislation, launch infringement procedures where necessary, and promote compliance by, among other means, information campaigns to increase awareness of legal rights to equal treatment;

9. Stresses that remuneration and social security contributions should continue to be paid during leave;

10. Calls on the Member States to guarantee rest leave to parents of children with disabilities, paying particular attention to single mothers and on the basis of an examination of best practices;

11. Urges Member States to invest in informal after-school play-centred learning facilities that could provide support for children after school and crèche hours in particular, as a way of responding to the gap between school and business hours;

12. Insists that achieving the Barcelona targets and the introduction of care targets for dependent and ageing members of society, including accessible, affordable and quality childcare and other care, facilities and services, as well as independent living policies for people with disabilities, is indispensable for Member States to be able to reach the Europe 2020 targets; recalls that investing in social infrastructure, such as childcare, not only has considerable employment effects, but also generates significant additional income for the public sector in employment taxes and savings in respect of unemployment insurance; emphasises, in that connection, the need for childcare facilities to be available throughout rural areas, and encourages Member States to promote investment in the provision of lifelong accessible and affordable quality care services, including care for children, dependents and the elderly; believes that adequate childcare should be available and affordable also to enable parents to access lifelong learning opportunities;

13. Underlines the crucial role of high-quality public services, especially for women; underlines the importance of universal access to high-quality, affordable, conveniently located and demand-driven public services as a tool to ensure women's economic empowerment;

14. Notes the current incoherence between the achievements of the Member States and the goals set out within the Barcelona targets, and urges the Commission to closely monitor the measures taken by the Member States in order to ensure that they fulfil their obligations;

15. Is convinced that the engagement of men in caring responsibilities is a precondition for changing the traditional stereotypes related to gender roles; further believes that both genders and the whole of society will benefit from a fairer distribution of unpaid work and from more equal take-up of leave related to care; is convinced that an equal-earner-equal-carer model is the most effective for achieving gender equality in all areas of life;

16. Calls on the Member States to pursue specific and active employment and training policies in order to support the return to work of women who have put their careers on hold to look after dependants;

17. Emphasises that a better work-life balance and greater equality between women and men are essential for achieving the goals of women's empowerment; stresses that a better work-life balance would ensure a fairer distribution of paid and unpaid work within families, increase women's participation in the labour market and, accordingly, reduce the gender pay and pension gap;

18. Stresses the importance of good and secure working conditions allowing both women and men to reconcile work and private life, and calls on the Commission and the Member States to promote the strengthening of labour rights, collective bargaining and increased gender equality;

19. Strongly encourages the promoting of the individualisation of the right to leave arrangements, the non-transferability between parents of their entitlements to parental leave, and the equal distribution of care-related tasks between both parents, with a view to achieving gender-balanced reconciliation of work and private life;

20. Calls on the Commission to finance studies on the analysis of the amount and value of unpaid family care work performed by women and men and the average number of hours spent on paid and unpaid work, with particular reference to caring for the elderly, children and people with disabilities;

21. Calls for the development of a framework for employee-oriented flexible employment models for women and men, accompanied by adequate social protection, in order to make it easier to maintain a balance between personal and professional responsibilities; believes, at the same time, that workers' rights and the right to secure employment must come before any increase in flexibility in the labour market, so as to ensure that flexibility does not increase precarious, undesirable and insecure forms of work and employment and does not undermine employment standards which currently concern women more than men, understanding precarious employment as that which does not comply with international, national or EU standards and laws and/or does not provide sufficient resources for a decent life or adequate social protection, such as discontinuous employment, the majority of temporary contracts, zero-hours contracts or involuntary part-time work; also stresses the need to create conditions to guarantee the right to return from voluntary part-time work to full time employment;

Equal pay for equal work of equal value and wage mapping

22. Recalls that the principle of equal pay for male and female workers for equal work or work of equal value is enshrined and defined in Article 157 of the TFEU and needs to be applied effectively by the Member States; insists, in this context, that the Commission recommendation on strengthening the principle of equal pay between men and women through transparency should be used to closely monitor the situation in Member States and draw up progress reports, also with the support of social partners, and encourages the Member States and the Commission to set out and implement the relevant policies in line with this recommendation with a view to eliminating the persistent gender pay gap;

23. Calls on the Member States and companies to respect pay parity and introduce binding measures as regards pay transparency in order to create methods for companies to tackle the issue of the gender pay gap, including through pay audits and the inclusion of equal pay measures in collective bargaining; highlights the importance of providing adequate training on employment non-discrimination legislation and case law for employees of national, regional and local authorities and law enforcement bodies and labour inspectors;

24. Underlines the need to recognise and re-evaluate typically female-dominated work, such as that in the health, social and teaching sectors, as compared to typically male-dominated work;

25. Expresses its conviction that achieving equal pay for male and female workers for equal work of equal value requires a clear framework of specific job evaluation tools with comparable indicators to assess 'value' in jobs or sectors;

26. Recalls that in line with the jurisprudence of the European Court of Justice, the value of work should be assessed and compared on the basis of objective criteria, such as educational, professional and training requirements, skills, efforts and responsibility, work undertaken and the nature of the tasks involved;

27. Highlights the importance of the principle of gender neutrality in job evaluation and classification systems in both the public and private sectors; welcomes the efforts of Member States to promote policies that prevent discrimination in recruitment, and encourages them to promote gender-blind CVs to discourage companies and public administrations from operating gender bias during their recruitment processes; calls on the Commission to explore the possibility of developing an anonymised 'Europass CV'; suggests that Member States draw up programmes to combat social and gender stereotypes, particularly among younger population groups, as a means of preventing an occupational categorisation of job scales that frequently restricts women's access to the highest-paid positions and jobs;

Gender balance in public and private sectors

28. Considers that quotas in the public sector may be necessary where public institutions do not fulfil their responsibility to ensure fair representation, and could thus improve the democratic legitimacy of decision-making institutions;

29. Notes that the use of gender quotas and zipped lists in political decision-making have proven most effective tools in addressing discrimination and gender power imbalances and improving democratic representation in political decision-making bodies;

30. Calls on the Commission to improve the collection, analysis and dissemination of comprehensive, comparable and reliable and regularly updated data on women's participation in decision-making;

31. Calls on the EU institutions to encourage women's participation in the European electoral process by including gender-balanced lists in the next revision of the European electoral law;

32. Reiterates its call on the Council for swift adoption of the directive on gender balance among non-executive directors of listed companies, as an important first step towards equal representation in the public and private sectors, and notes that corporate boards with more women have been found to improve the performance of private companies; notes also that progress is most tangible (from 11,9 % in 2010 to 22,7 % in 2015) in Member States in which binding legislation on quotas for boards has been adopted ([1]); urges the Commission to maintain pressure on the Member States to find an agreement;

Gender equality plans

33. Acknowledges that the Commission supports the adoption of gender equality plans by research-performing and research-funding organisations;

34. Notes that gender equality plans on a company or sectorial level may contain multiple human resource measures addressing recruitment, pay, promotion, training and work-life balance; that they often include concrete measures such as use of gender-neutral language, prevention of sexual harassment, appointment of the under-represented gender to top positions, part-time work and participation of fathers in childcare, and that a variety of approaches exist in Member States regarding the mandatory introduction of such measures;

35. Recognises that the adoption of gender equality plans and gender audits in the private sector may foster a positive, work-life balance-friendly image of companies and help increase employee motivation and reduce staff turnover; invites the Commission, therefore, to encourage companies with more than 50 employees to negotiate gender equality plans with social partners with a view to enhancing gender equality and combating discrimination in the workplace; calls for these gender equality plans to include a strategy to address, prevent and eliminate sexual harassment in the workplace;

Collective agreements and social partners

36. Expresses its conviction that social partners and collective agreements have the potential to promote gender equality, to empower women through unity and to combat gender pay inequalities; emphasises that ensuring equal and appropriate representation of women and men in collective bargaining teams is essential for promoting women's economic empowerment, and therefore considers that social partners should strengthen the position of women within their social partnership structure in leading decision-making roles and negotiate gender equality plans at company and sectorial level;

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

37. Encourages the Commission to work with social partners and civil society in order to strengthen them in their key role of detecting discriminatory gender bias in the setting of wage scales and in providing job evaluations which are free of gender bias;

III. ***Recommendations on enhancing economic empowerment of women***

38. Is of the view that economic models and practices, tax policies and spending priorities, especially during crises, should include a gender perspective, take women into account as economic actors and aim to close gender gaps to the benefit of citizens, businesses and society as a whole, and reiterates in this context that the economic crises have disadvantaged women in particular;

39. Calls for reforms to increase gender equality both in family life and on the labour market;

40. Notes that women in general have careers without significant progression; calls on the Member States to encourage and support women so that they can have successful careers, including through positive actions such as networking and mentoring programmes, as well as by creating suitable conditions and ensuring equal opportunities with men at all ages for training, advancement, reskilling and retraining, as well as pension rights and unemployment benefits that are equal to those applicable to men;

41. Encourages the Member States, on the basis of the provisions of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement ([1]) (the Public Procurement Directive), to promote the use of social clauses in public procurement as a tool for enhancing equality between women and men, where relevant national legislation exists and can be used as a basis for social clauses;

42. Stresses the need to combat all forms of gender-based violence, including domestic violence, such as rape, female genital mutilation (FGM), sexual abuse, sexual exploitation, sexual harassment and forced early/child marriage, as well as the phenomenon of economic violence; draws attention to the very worrying high levels of sexual harassment in the workplace ([2]), and underlines that, in order for women's empowerment to succeed, the workplace needs to be free from all forms of discrimination and violence; calls for the EU and the Member States to ratify the Istanbul Convention without reservations and organise public awareness and information campaigns on violence against women, and to encourage the exchange of good practices; notes that women's economic independence plays a crucial role in their ability to escape situations of violence; calls on the Member States, therefore, to provide social protection systems to support women in this situation;

43. Reiterates that women's individual, social and economic empowerment and independence is interlinked with the right to decide over their own bodies and sexuality; recalls that universal access to the full range of sexual and reproductive health and rights is a crucial driving force in enhancing equality for all;

44. Welcomes the conclusions of the 61st session of the CSW on 'Women's economic empowerment in the changing world of work', which, for the first time, make a direct and explicit link between women's economic empowerment and their sexual and reproductive health and reproductive rights; regrets, however that comprehensive sexuality education was omitted entirely from the agreement;

45. Notes that women constitute 52 % of the total European population, but only one third of self-employed workers or of all business starters in the EU; notes also that women face more difficulties than men in access to finance, training, networking and maintaining a work-life balance; encourages the Member States to promote measures and actions to assist and advise women who decide to become entrepreneurs, while stressing that financial independence is key to achieving equality; calls on the Member States to facilitate access to credit, cut red tape and remove other obstacles vis-à-vis women's start-ups; calls on the Commission to intensify its work with the Member States to identify and remove barriers to women's

([1]) OJ L 94, 28.3.2014, p. 65.
([2]) FRA survey on violence against women.

entrepreneurship and to encourage more women to start their own businesses, including through improving access to finance, market research, training and networks for business purposes, such as the WEgate Platform for women entrepreneurs and other European networks;

46. Highlights that improving digital skills and IT literacy among women and girls and boosting their inclusion in the ICT sector could contribute to their economic empowerment and independence, resulting in a reduction in the total gender pay gap; calls on the Member States and the Commission to advance their efforts to put an end to the digital divide between men and women as mentioned in the Europe 2020 Digital Agenda, by increasing women's access to the information society, with a particular focus on better female visibility in the digital sector;

47. Points out that women account for almost 60 % of graduates in the EU but, on account of persistent hindering factors, remain under-represented in science, mathematics, IT, engineering and related careers; invites the Member States and the Commission to promote, through information and awareness-raising campaigns, the participation of women in sectors traditionally viewed as 'male', notably the sciences and new technologies, among others, by mainstreaming gender equality in the digital agenda for the forthcoming years, as well as promoting the participation of men in sectors traditionally viewed as 'female', notably care and education; stresses the importance of extending social protection in sectors where women make up the majority of the workforce, as in the cases of personal care workers, cleaners and helpers, catering staff and health associate professionals, among others; highlights the importance of vocational education and training (VET) in diversifying career choices and introducing women and men to non-traditional career opportunities so as to overcome horizontal and vertical exclusion and to increase the numbers of women in decision-making bodies in political and business spheres;

48. Asks the Member States for legislative and non-legislative measures to guarantee the economic and social rights of workers in the so-called feminised sectors; highlights the importance of preventing the over-representation of women in precarious employment, and recalls the need to combat the precarious nature of these sectors, such as domestic work or caring; recognises that domestic work and the provision of household services, which are largely feminised, are often performed as undeclared work; calls on the Commission and the Member States to promote and further develop the formal sector of domestic services also through the European Platform Tackling Undeclared Work, and to recognise household services, family employment and home care as constituting a valuable economic sector with a job creation potential which needs to be better regulated within the Member States, with a view both to creating secure positions for domestic workers and to providing families with the capacity to assume their role as employers, as well as opportunities for reconciliation of private and professional life for working families;

49. Stresses the importance of education in combating gender stereotypes; calls, therefore, on the Commission to promote initiatives developing training programmes on gender equality for education professionals, and preventing stereotypes from being passed on through curricula and pedagogical material;

50. Stresses the importance of gender mainstreaming as a fundamental tool in the design of gender-sensitive policies and legislation, including in the field of employment and social affairs, and therefore for ensuring women's economic empowerment; calls on the Commission to introduce systematic gender impact assessments; reaffirms its call on the Commission to enhance the status of its 'Strategic engagement for gender equality 2016-2019' by adopting it as a communication; calls on the Commission to introduce gender-responsive budgeting in the next multiannual financial framework and to engage in increasingly rigorous scrutiny of EU budget-setting processes and expenditure, including taking steps to improve transparency and reporting around how funds are spent; further calls on the European Investment Bank to mainstream gender equality and women's economic empowerment throughout its activities inside and outside the EU;

51. Calls on the Member States to mainstream the gender perspective into their national skills and labour market policies and to include such measures in national action plans and as part of the European Semester, in line with the employment guidelines;

52. Underlines the importance of offering lifelong learning to women in rural areas, including through, for example, inter-enterprise training courses; stresses the high proportion of self-employed workers in rural areas with a lack of appropriate social protection and the high proportion of 'invisible' work, which affects women in particular; calls on the Member States and regions with legislative powers, therefore, to ensure social security for both men and women working in rural areas; calls on the Member States also to facilitate equitable access to land, ensure ownership and inheritance rights, and facilitate access to credit for women;

53. Points out that the rates of people at risk of poverty or social exclusion are higher among women than among men, and stresses, therefore, that measures to combat poverty and social exclusion have a particular impact on women's economic empowerment; stresses that preventing and eliminating the gender pension gap and reducing women's poverty in old age depend first and foremost on conditions being created for women to make equal pension contributions through further inclusion in the labour market and safeguarding equal opportunities in terms of pay, career advancement and possibilities to work full-time; calls on the Commission and the Member States to ensure that the ESI funds and the European Fund for Strategic Investments contribute to reducing women's poverty with a view to achieving the overall Europe 2020 poverty reduction target; calls on the Member States to make sure that the allocated 20 % of ESF funding for social inclusion measures is also used to increase support to small local projects aimed at empowering women experiencing poverty and social exclusion;

54. Notes that poverty continues to be measured on accumulated household income, which assumes that all members of the household earn the same and distribute resources equally; calls for individualised rights and calculations based on individual incomes in order to reveal the true extent of women's poverty;

55. Notes that women have been the most affected by austerity measures and cuts in the public sector (less and more expensive childcare, reduced services for the elderly and people with disabilities, privatisation and closure of hospitals), in particular in areas such as education, health and social work, as they represent 70 % of the public-sector workforce;

56. Stresses the importance of paying attention to the specific needs and multifaceted challenges of certain vulnerable groups which face particular barriers to entry to the labour market; calls on the Member States to ensure, for these individuals, early and easy access to quality training, including internships, in order to ensure their full integration into our societies and the labour market, taking into consideration existing informal and formal skills and competences, talents and know-how; calls on the Member States to take up measures to prevent the intersectional discrimination that particularly affects women in vulnerable situations; emphasises how important it is that Directive 2000/78/EC on equal treatment in employment and occupation, as well as Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ([1]), are implemented correctly;

57. Calls on the Member States and the Commission to enforce and improve the practical application of the existing laws and workplace policies, and to improve those laws and policies where appropriate, in order to protect women from direct and indirect discrimination, particularly as regards the selection, hiring, retention, vocational training and promotion of women in employment in both the public and private sectors, and to offer women equal opportunities in terms of pay and career advancement;

58. Strongly deplores the fact that the Council has still not adopted the 2008 proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation; welcomes the prioritisation of this directive by the Commission; reiterates its call on the Council to adopt the proposal as soon as possible;

59. Calls on the Commission to improve the collection of specific gender indicators and gender-disaggregated data in order to estimate the gender equality impact of Member States and EU policies;

([1]) OJ L 180, 19.7.2000, p. 22.

60. Stresses that women are disproportionately and often involuntarily concentrated in precarious work; urges the Member States to implement the ILO recommendations intended to reduce the scale of precarious work, such as restricting the circumstances in which precarious contracts can be used and limiting the length of time workers can be employed on such a contract;

61. Calls on the EIGE to continue its work of compiling gender-specific data and establishing scoreboards in all relevant policy areas;

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

Tuesday 3 October 2017

P8_TA(2017)0365

Addressing shrinking civil society space in developing countries

European Parliament resolution of 3 October 2017 on addressing shrinking civil society space in developing countries (2016/2324(INI))

(2018/C 346/03)

The European Parliament,

— having regard to Article 21 of the Treaty on European Union (TEU),

— having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Article 7 of the TFEU, which reaffirms that the EU 'shall ensure consistency between its policies and activities, taking all of its objectives into account',

— having regard to the Charter of the United Nations,

— having regard to the Universal Declaration of Human Rights (UDHR) and other UN human rights treaties and instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted in New York on 16 December 1966, and the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),

— having regard to the UN Summit on Sustainable Development and the outcome document adopted by the UN General Assembly on 25 September 2015, entitled 'Transforming our world: the 2030 Agenda for Sustainable Development' ([1]),

— having regard to the European Consensus on Development,

— having regard to the 'Global Strategy for the European Union's Foreign and Security Policy — Shared Vision, Common Action: A Stronger Europe', presented in June 2016 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) ([2]),

— having regard to the Action Plan on Human Rights and Democracy 2015-2019, adopted by the Council on 20 July 2015 ([3]),

— having regard to the EU Country Roadmaps for Engagement with Civil Society,

— having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement), and to its revisions of 2005 and 2010,

— having regard to the Code of Good Practice for Civil Participation in the Decision-Making Process, adopted by the Conference of INGOs on 1 October 2009,

([1]) http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E
([2]) Council document 10715/16.
([3]) Council document 10897/15.

— having regard to the Berlin Declaration of the annual meeting of the Core Group of the Civil Society Platform for Peacebuilding and Statebuilding (CSPPS), which was held from 6 to 9 July 2016,

— having regard to Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation (DCI) for the period 2014-2020 ([1]), and to Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace ([2]),

— having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund ([3]) and to Declaration I of the Cotonou Agreement ('Joint Declaration on the actors of the partnership'),

— having regard to Article 187(2) of 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 ([4]) ('the Financial Regulation'),

— having regard to the DCI Multiannual Indicative Programme 2014-2020 for the 'Civil Society Organisations and Local Authorities' ([5]),

— having regard to the Commission communication of 12 September 2012 entitled 'The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations' (COM(2012)0492),

— having regard to the UN Human Rights Council resolution of 27 June 2016 on civil society space ([6]),

— having regard to the EU Annual Report on Human Rights and Democracy in the World, and the EU's policy for 2015,

— having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ([7]),

— having regard to its resolution of 4 October 2016 on the future of ACP-EU relations beyond 2020 ([8]),

— having regard to the European Union's Human Rights Guidelines, including the EU Guidelines on Human Rights Defenders, and the EU Guidelines on the promotion and protection of religion or belief, adopted by the Council on 24 June 2013,

— having regard to the Guidelines for EP Interparliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries ([9]),

— having regard to the opinion of the Committee of the Regions of 9 October 2013 entitled 'Empowering local authorities in partner countries for enhanced governance and more effective development outcomes',

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([1]) OJ L 77, 15.3.2014, p. 44.
([2]) OJ L 77, 15.3.2014, p. 1.
([3]) OJ L 58, 3.3.2015, p. 17.
([4]) OJ L 298, 26.10.2012, p. 1.
([5]) C(2014)4865 final.
([6]) A/HRC/32/L.29.
([7]) Texts adopted, P8_TA(2016)0405.
([8]) Texts adopted, P8_TA(2016)0371.
([9]) http://www.europarl.europa.eu/document/activities/cont/201203/20120329ATT42170/ 20120329ATT42170EN.pdf

Tuesday 3 October 2017

— having regard to the opinion of the Committee of the Regions of 24 February 2015 entitled 'A decent life for all: from vision to collective action',

— having regard to the report of the UN High Commissioner for Human Rights of 11 April 2016 on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned ([1]), and to the reports of the United Nations Special Rapporteur on the rights of peaceful assembly and of association,

— having regard to the World Economic Forum's 2017 Global Risks Report ([2]),

— having regard to its resolution of 14 February 2017 on the revision of the European Consensus on Development ([3]),

— having regard to its resolution of 22 November 2016 on increasing the effectiveness of development cooperation ([4]),

— having regard to its resolution of 7 June 2016 on the EU 2015 Report on Policy Coherence for Development ([5]),

— having regard to the UN Guiding Principles on Business and Human Rights,

— having regard to its resolution of 12 May 2016 on the follow-up to and review of the 2030 Agenda ([6]),

— having regard to its resolution of 22 October 2013 on local authorities and civil society: Europe's engagement in support of sustainable development ([7]),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Development and the opinion of the Committee on Foreign Affairs (A8-0283/2017),

A. whereas Article 21 TEU states that the Union's action on the international scene, which includes therein development cooperation, must be guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms;

B. whereas civil society represents the third sector of a healthy and decent society, along with the public and private sectors; whereas civil society comprises non-governmental and non-profit organisations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations;

C. whereas civil society plays a central role in building and strengthening democracy, in monitoring the power of the state, and in promoting good governance, transparency and accountability; whereas the presence of civil society organisations (CSOs) as a vital force in society is crucial, as they represent a necessary counterbalance to the powers that be by playing the role of intermediary and mediator between the population and the state, and in their capacity as guardians of democracy; whereas numerous civil society groups have been seeking to engage in constitutional reform processes so as to protect democratic principles and institutions;

D. whereas CSOs cover a wide spectrum of human rights, including the right to development, education and gender equality, as well as carrying out activities in the social and environmental fields; whereas civil society encompasses a wide and heterogeneous range of groups and aims, including not only CSOs, but also NGOs, human rights and community groups, diasporas, churches, religious associations and communities, safeguarding the interests of the

([1]) A/HRC/32/20.
([2]) http://www3.weforum.org/docs/GRR17_Report_web.pdf
([3]) Texts adopted, P8_TA(2017)0026.
([4]) Texts adopted, P8_TA(2016)0437.
([5]) Texts adopted, P8_TA(2016)0246.
([6]) Texts adopted, P8_TA(2016)0224.
([7]) OJ C 208, 10.6.2016, p. 25.

disabled, social movements and trade unions, indigenous peoples and foundations, and the representation of vulnerable, discriminated and marginalised people;

E. whereas the Cotonou Agreement recognises civil society as a key actor within ACP-EU cooperation; whereas the expiry of the Agreement in 2020 represents an opportunity to review the partnership and further increase the participation of CSOs;

F. whereas CSOs have become important players in global development assistance, particularly in the delivery of basic social services, public awareness, the promotion of democracy, human rights and good governance, peaceful and inclusive societies, fostering the resilience of individuals, families and local communities, countering violent extremism, and the response to humanitarian crises;

G. whereas as recognised by international organisations in their protocols and practices, churches, religious communities and associations, together with other religion- or belief-based organisations are among the frontline and long-standing operational field actors in the provision of development and humanitarian assistance;

H. whereas the DCI Multiannual Indicative Programme 2014-2020 for the 'Civil Society Organisations and Local Authorities' thematic programme includes the promotion of an enabling environment for CSOs and local authorities as a cross-cutting element; whereas the programme aims to strengthen CSOs' voice and participation in the development process of partner countries and to advance political, social and economic dialogue;

I. whereas the EU is the largest donor to local civil society organisations in developing countries and has been a leading actor in the protection of civil society actors and human rights defenders (HRDs) through the use and implementation of a range of instruments and policies, including the European Instrument for Democracy and Human Rights (EIDHR), the DCI thematic programme for Civil Society Organisations and Local Authorities (CSOs-LAs), the European Endowment for Democracy, the Civil Society Roadmaps implemented in 105 countries and country strategy papers;

J. whereas there has been an expansion in the size, scope, composition and influence of civil society around the world over the past decade; whereas, at the same time, restrictions against civil society actors and activities have become increasingly repressive and forceful in a growing number of countries worldwide, both developing and developed;

K. whereas, moreover, the agenda set by institutional donors may in some cases not prioritise the real needs of the civil society actors working in the field;

L. whereas the 2016 State of Civil Society Report considered 2015 a dismal year for civil society, with civic rights being placed under serious threat in more than a hundred countries; whereas the Sub-Saharan African and Middle East and North African (MENA) regions are particularly concerned by this report, as they are more often faced with situations of political stress, conflict and fragility;

M. whereas an increasing number of governments are clamping down in legal or administrative terms on civil society organisations, including by imposing restrictive laws, limits on funding, strict licensing procedures and punitive taxes;

N. whereas in developing countries, there has been a worrying increase in the number of reports of activists, CSOs staff members, HRDs, trade unionists, lawyers, intellectuals, journalists and religious leaders being persecuted, harassed, stigmatised as 'foreign agents', and arbitrarily arrested or detained, and in the number of victims of abuse and violence in recent years; whereas in a number of countries, this is being done with complete impunity, and at times with the support or compliance of the authorities;

O. whereas human rights are universal and inalienable, indivisible, interdependent and interrelated; whereas civil society's ability to act relies on the exercise of fundamental freedoms, including the right to freedom of association, peaceful assembly, expression, thought, conscience, religion or belief, and free access to information;

P. whereas there is a link between a weakened civil society, reduced political and civic space, increased corruption, social and gender inequality, low human and socio-economic development, as well as fragility and conflicts;

Q. whereas any credible and effective EU response in addressing shrinking civic space requires an accurate and timely assessment and understanding of the threats and factors driving the restrictions; whereas such a response also requires a coordinated approach between development and political cooperation, in order to ensure coherence between all EU external and internal instruments by projecting a common message on the importance of freely functioning civil society, as well as cooperation at local, regional and international levels;

R. whereas the 2030 Agenda, and SDGs 16 and 17 in particular, provide for enhanced cooperation with civil society as key partner and enabler as regards the promotion, implementation, follow-up and review of the SDGs;

1. Believes that a genuinely independent, diverse, pluralistic and vibrant civil society is pivotal to a country's development and stability, to ensuring democratic consolidation, social justice, respect for human rights, and to building inclusive societies, so that no one is left behind; recalls, furthermore, that civil society is a key actor in achieving the SDGs;

2. Emphasises the central role played by civil society worldwide in supporting democracy, in guaranteeing the separation of powers, and in promoting transparency, accountability and good governance, in particular in the fight against corruption and violent extremism, and its direct impact on countries' economic and human development, as well as on environmental sustainability;

3. Is deeply concerned that the closing down of civil society space in developing countries is being carried out in increasingly complex and sophisticated ways, which are harder to tackle and imposed through legislation, taxation, funding limitations, increased bureaucracy, reporting and banking requirements, the criminalisation and stigmatisation of CSO representatives, defamation, all forms of harassment, online repression and internet access limitations, censorship, arbitrary detention, gender-based violence, torture and assassination, in particular in conflict-stricken states; insists on the necessity of tackling governmental and non-governmental tactics of marginalising critical voices;

4. Expresses concern that when CSOs are legally able to receive foreign funding, they may be labelled as 'foreign agents', which stigmatises them and significantly increases the risks they face; calls for the EU to reinforce its instruments and policies addressing institution-building and the rule of law and to include strong benchmarks for accountability and the fight against impunity for arbitrary arrests, police abuse, torture and other ill-treatment of HRDs, bearing in mind that women and men experience this differently;

5. Underlines that shrinking civil society space is a global phenomenon, which is not restricted to developing countries but also, and increasingly, occurs in established democracies and middle- and high-income countries, including EU Member States and some of the EU's closest allies; calls for the EU and its Member States to lead by example in strictly upholding the fundamental rights of civil society and to address any negative trends in this field;

6. Insists that states have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons, and have a duty to provide a political, legal and administrative environment conducive to a free and functioning civil society, in which free and safe operation and access to funding is ensured, including through foreign sources;

7. Calls for the EU to acknowledge the need to provide guidance to governments, political parties, parliaments and administrations in beneficiary countries on developing strategies for establishing the appropriate legal, administrative and political environment to enable the efficient work of CSOs;

8. Is deeply concerned by the increasing attacks against HRDs worldwide; calls on the EU, and the VP/HR in particular, to adopt a policy to denounce, systematically and unequivocally, the killing of HRDs and any attempt to subject them to any form of violence, persecution, threat, harassment, forced disappearance, imprisonment or arbitrary arrest, to condemn those who commit or tolerate such atrocities, and to step up public diplomacy in open and clear support of HRDs; encourages the EU delegations and the Member States' diplomatic representations to continue actively supporting HRDs, notably by systematically monitoring trials, visiting them in jail and issuing statements on individual cases, where appropriate;

9. Considers that in cases of the rapid and dramatic shrinking of civil society space, Member States should grant high-level public recognition to affected human rights NGOs/individual HRDs for their work, for example by visiting them during official visits;

10. Encourages the EU to develop guidelines on freedom of peaceful assembly and freedom of association; calls for the EU to make full use of the EU Human Rights and Democracy Country Strategies, to put in place monitoring tools for the effective joint implementation of the EU Guidelines on Human Rights Defenders, and to ensure that there are no protection gaps and that serious human rights abuses are met with sanctions;

11. Recalls that civil society plays an important role in promoting freedom of thought, conscience, religion or belief, and reiterates its support for the implementation of the EU guidelines on the promotion and protection of freedom of religion or belief;

12. Stresses that it is essential that CSOs' relationship with citizens and the state is strengthened, in order that communities and constituencies, including women and women's rights organisations and all vulnerable groups, are genuinely represented, and in order to help make the state more effective and accountable in delivering development and upholding all human rights;

13. Welcomes the EU's long-standing commitment to and support for civil society in developing countries, and reiterates its unequivocal call for continued and increased EU support and funding in creating a free and enabling environment for civil society at country and local level, including through annual programming; calls for the EU to diversify and maximise funding modalities and mechanisms for civil society actors, by taking account of their specificities and ensuring not to restrict their scope for action or the number of potential interlocutors;

14. Calls for the EU to ensure that EU funding is used for both long-term support and emergency interventions, in order to help civil society activists at risk in particular;

15. Recalls that civic participation and the strength of civil society should be taken into consideration as an indicator for democracy; strongly encourages any inter-parliamentary debates on democracy to include CSO members and civil society to be involved in the consultation process on all legislation that affects it;

16. Calls for the EU to continue to work towards greater autonomy of civic space, not only through EU development and human rights policies, but also by integrating all other EU internal and external policies, including justice, home affairs, trade and security policies, in accordance with the principle of policy coherence for development;

17. Warns the EU and its Member States against a more lenient approach on shrinking civil society space and other human rights issues when countries with which the EU cooperates on migration issues are concerned; underlines the fact that shrinking civil society space and human rights violations may contribute to forced migration;

18. Underlines the fact that tackling shrinking civil society space requires a unified and consistent approach in the EU's relationship with third countries; calls for the EU and its Member States to proactively address the root causes of shrinking civil society space, in particular by mainstreaming the promotion of free and responsible CSO engagement and participation in bilateral and multilateral cooperation as a partner in political, economic and social dialogue; calls, in this regard, for the EU to take into account the different sizes, capacities and expertise of CSOs;

19. Encourages the EU to become an active facilitator and to promote institutional mechanisms and multi-stakeholder initiatives for reinforced dialogues and to develop stronger and broader coalitions and partnerships among developing countries' governments, CSOs, local authorities and the private sector in an enabling civil society environment; underlines the importance of safe spaces for such dialogues;

20. Calls for the EU to monitor counter-terrorism measures and aspects of anti-money laundering and transparency legislation, and to take action to ensure that these do not place illegitimate limits on CSO funding and activities; reiterates, in this context, that the recommendations of the Financial Action Task Force (FATF) should not be interpreted and applied in a way that unduly restricts civil society space;

21. Recalls that the private sector is a key partner in achieving the SDGs, and has an important role to play in fostering civic space and promoting an enabling environment for CSOs and trade unions, in particular by reaffirming corporate social responsibility and due diligence obligations in supply chains, and through the use of public-private partnerships;

22. Reiterates the obligation incumbent on the private sector to adhere to both human rights and the highest social and environmental standards; calls for the EU and its Member States to continue to engage actively in the work of the UN to set up an international treaty that holds corporations accountable for any involvement in human rights violations, and by introducing human rights risk assessments for public procurement and investment;

23. Believes that trade and investment agreements concluded by the EU and its Member States must not undermine — either directly or indirectly — the promotion and protection of human rights and civic space in developing countries; considers that binding human rights clauses in trade agreements are an influential tool for opening up civic space; calls on the Commission to strengthen the role of civil society actors in trade agreement institutions, including Domestic Advisory Groups and EPA Consultative Committees;

24. Calls on the Commission to develop a monitoring framework of EU external financing instruments, with a special focus on human rights;

25. Calls on the Commission and the EEAS to establish best practices and to develop clear benchmarks and indicators related to shrinking space in the context of the EU Action Plan on Human Rights and Democracy and the EIDHR mid-term review, in order to measure tangible progress;

26. Calls on all EU actors to advocate more effectively in multilateral fora the strengthening of the international legal framework underpinning democracy and human rights, inter alia by engaging with multilateral organisations such as the UN, including the UN Special Procedures and the UN Human Rights Council's Universal Periodic Review (UPR) mechanism, and regional organisations such as the Organisation of American States (OAS), the African Union (AU), the Association of Southeast Asian Nations (ASEAN), the Arab League (AL) and the Community of Democracies Working Group on Enabling and Protecting Civil Society; recalls the importance to the Union of establishing an inclusive human rights dialogue with all partner states by including CSOs; calls on both the Union and its Member States to step up their good governance programmes with third countries and to promote the exchange of good practices with regard to the inclusion and participation of CSOs in decision-making processes; considers it necessary to promote tripartite dialogues between governments, the EU and CSOs, including on difficult issues such as security and migration;

27. Requests the establishment of a 'Shrinking Space Monitoring and Early Warning' mechanism, with the involvement of the relevant EU institutions, capable of monitoring threats against civil society space and HRDs and issuing an alert whenever there is evidence that a developing country is preparing serious new restrictions against civil society, or when the

government is using government-organised non-governmental organisations (GONGOs) to simulate the existence of independent civil society, so that the EU is able to respond in a timelier, coordinated and tangible manner;

28. Calls for the EU to strengthen its support for the full participation and empowerment of minorities and other vulnerable groups, such as persons with disabilities, indigenous people and isolated populations, in cultural, social, economic and political processes; calls upon states, in that regard, to ensure that their legislation and policies do not undermine enjoyment of their human rights or the activities of civil society defending their rights;

29. Deplores the lack of organisations helping victims of terrorism in third countries at a time when global terrorism is on the rise; underlines, therefore, the urgent need to establish a secure climate for such organisations in order to protect the victims of terrorism;

30. Underlines the critical role played by women and women's rights organisations in social progress, including youth-led movements; calls for the EU to insist on the need to support women's empowerment and the creation of a safe and enabling environment for women's CSOs and women's rights defenders, and to address specific gender-based forms of repression, particularly in conflict-affected regions;

31. Highlights the importance of actively contributing to the support of women-rights related policies and actions, including sexual and reproductive health and rights;

32. Reiterates the importance of mainstreaming the rights-based approach (RBA) into EU development policy, with the aim of integrating human rights and rule of law principles into EU development activities and of synchronising human rights and development cooperation activities;

33. Recalls the importance of regional cooperation in strengthening enabling environments for civil society; encourages developing countries to promote dialogue and the best practice of protecting and engaging with civil society;

34. Welcomes the EU Country Roadmaps for Engagement with Civil Society as an effective tool, and as the possible new EU framework for engagement with civil society; considers it paramount that CSOs be involved not only in the consultation process leading to the drafting of the roadmaps, but also in their implementation, monitoring and review;

35. Commits to establishing, on an annual basis and through in-depth consultation with relevant institutional and NGO actors, a list of countries where civil society space is most under threat;

36. Calls on the VP/HR to regularly place on the agenda of the Foreign Affairs Council a discussion of, and follow-up to, the EU's efforts in pursuing the release of HRDs, aid workers, journalists, political activists, persons imprisoned for their religious or moral convictions, and others imprisoned as a result of shrinking civil society space;

37. Welcomes the appointment of human rights and civil society focal points in EU Delegations dedicated to improving cooperation with local civil society, in particular in providing assistance to vulnerable and marginalised groups and individuals; calls on the EU Delegations to systematically raise awareness about shrinking civil society space and the protection of activists with national members of parliament, governments and local authority officials, and to further engage with CSOs in the programming cycle of EU funds and in their subsequent monitoring, even where bilateral cooperation is being phased out; calls, furthermore, on the EU Delegations to provide, in a regular and transparent manner, information to civil society about funds and funding opportunities;

38. Calls for the EU and its Member States to systematically include shrinking civic space in their bilateral relations and to make use of all available instruments and tools, including development and trade, so as to ensure that partner countries uphold their commitment to protecting and guaranteeing human rights; calls for the EU to closely monitor the involvement of civil society actors in partner countries and to urge governments to repeal all laws that violate the rights to freedom of

assembly and association; considers, in this regard, that the EU should introduce positive conditionality in budget support as regards any restriction of civic space;

39. Stresses that western civil society should support the creation and strengthening of NGOs by transferring know-how in order to help them contribute to the development of their own countries;

40. Strongly encourages synergies among the EU's External Financing Instruments in support of civil society, and calls for a comprehensive mapping exercise at country level of all EU civil society funding, so as to avoid duplications and overlap, and to help identify possible funding gaps and needs;

41. Encourages the EU to adopt guidelines on partnerships with churches and faith-based organisations and religious leaders in cooperation for development, based on the experiences of international organisations and programmes (such as UNICEF, the World Bank, WHO or the UN Development Programme), and good practices in EU Member States and abroad;

42. Strongly recommends better protection for the representatives of CSOs in third countries in order to tackle any possible hostility directed towards them;

43. Welcomes the greater flexibility provided by a number of EU financing instruments relevant to development cooperation, which enables, inter alia, easier registration of grant applicants and confidentiality for recipients where necessary; considers, however, that more can be done to provide the most appropriate and tailored response to specific country situations, including more up-stream information on upcoming calls for proposals, more funding opportunities, more regular roadmap updates, the public availability of roadmaps, the harmonisation and simplification of funding modalities, and support for CSOs in their administrative procedures;

44. Calls on the Commission to include in the DCI Multiannual Indicative Programme 2018-2020, a thematic global call for proposals, specifically addressing the issue of shrinking civil society space;

45. Calls on the Commission to increase EIDHR funds to address the shrinking space and the situation of HRDs; deplores the fact that the annual sums in some countries are at an extremely low level; calls on the Commission to identify new forms of activism to be funded by the EIDHR, by taking a comprehensive approach to CSOs, and to continue its efforts to put in place a more flexible and simplified procedure for accessing EIDHR funding, especially for young people, including more significant exceptions for those CSOs in particular danger and support for unregistered groups which should eventually be recognised by the authorities; considers that greater emphasis should be put on support for local groups and actors, since human rights issues are often experienced in a more real and acute way at local level; reiterates the importance of the EIDHR in providing urgent direct financial and material support for HRDs at risk and the emergency fund that enables the EU delegations to award them direct ad-hoc grants; recognises the importance of coalitions or consortiums of international and national civil society actors to facilitate and protect the work of local NGOs against repressive measures; calls on the Commission, the EEAS and the Member States to promote the effective joint implementation of the EU Guidelines on Human Rights Defenders in all third countries where civil society is at risk by adopting local strategies for their full operationalisation;

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

Tuesday 3 October 2017

P8_TA(2017)0366

The fight against cybercrime

European Parliament resolution of 3 October 2017 on the fight against cybercrime (2017/2068(INI))

(2018/C 346/04)

The European Parliament,

— having regard to Articles 2, 3 and 6 of the Treaty on European Union (TEU),

— having regard to Articles 16, 67, 70, 72, 73, 75, 82, 83, 84, 85, 87 and 88 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Articles 1, 7, 8, 11, 16, 17, 21, 24, 41, 47, 48, 49, 50 and 52 of the Charter of Fundamental Rights of the European Union (CFR),

— having regard to the UN Convention on the Rights of the Child of 20 November 1989,

— having regard to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, of 25 May 2000,

— having regard to the Stockholm Declaration and Agenda for Action, adopted at the 1st World Congress against the Commercial Sexual Exploitation of Children, to the Yokohama Global Commitment adopted at the 2nd World Congress against the Commercial Sexual Exploitation of Children, and to the Budapest Commitment and Plan of Action, adopted at the preparatory conference to the 2nd World Congress against the Commercial Sexual Exploitation of Children,

— having regard to the Council of Europe Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse,

— having regard to its resolution of 20 November 2012 on protecting children in the digital world ([1]),

— having regard to its resolution of 11 March 2015 on child sexual abuse online ([2]),

— having regard to Council Framework Decision 2001/413/JAI of 28 May 2001 on combating fraud and counterfeiting of non-cash means of payment ([3]),

— having regard to the Budapest Convention on Cybercrime of 23 November 2001 ([4]) and the Additional Protocol thereto,

— having regard to Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency ([5]),

([1]) OJ C 419, 16.12.2015, p. 33.
([2]) OJ C 316, 30.8.2016, p. 109.
([3]) OJ L 149, 2.6.2001, p. 1.
([4]) Council of Europe, European Treaty Series, No 185, 23.11.2001.
([5]) OJ L 77, 13.3.2004, p. 1.

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— having regard to Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection ([1]),

— having regard to Directive 2002/58/EC of the European Parliament and the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ([2]),

— having regard to Directive 2011/93/EU of the European Parliament and of the Council 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 ([3]),

— having regard to the Joint Communication of 7 February 2013 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, entitled 'Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace' (JOIN(2013)0001),

— having regard to Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA ([4]),

— having regard to Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ([5]) (the EIO Directive),

— having regard to the judgment of the Court of Justice of the European Union (CJEU) of 8 April 2014 ([6]) invalidating the Data Retention Directive,

— having regard to its resolution of 12 September 2013 on a Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace ([7]),

— having regard to the Commission communication of 6 May 2015 entitled 'A Digital Single Market Strategy for Europe' (COM(2015)0192),

— having regard to the Commission communication of 28 April 2015 entitled 'The European Agenda on Security' (COM(2015)0185) and the subsequent follow-up progress reports entitled 'Towards an effective and genuine Security Union',

— having regard to the Report of the conference on jurisdiction in cyberspace held in Amsterdam on 7 and 8 March 2016,

— having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ([8]),

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([1]) OJ L 345, 23.12.2008, p. 75.
([2]) OJ L 201, 31.7.2002, p. 37.
([3]) OJ L 335, 17.12.2011, p. 1.
([4]) OJ L 218, 14.8.2013, p. 8.
([5]) OJ L 130, 1.5.2014, p. 1.
([6]) ECLI:EU:C:2014:238.
([7]) OJ C 93, 9.3.2016, p. 112.
([8]) OJ L 119, 4.5.2016, p. 1.

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([1]),

— having regard to Regulation (EU) 2016/794 of the European Parliament and the Council of 11 May 2016 on the European Agency for Law Enforcement Cooperation (Europol) ([2]),

— having regard to the Commission decision of 5 July 2016 on the signing of a contractual arrangement on a public-private partnership for cybersecurity industrial research and innovation between the European Union, represented by the Commission, and the stakeholder organisation (C(2016)4400),

— having regard to the Joint Communication of 6 April 2016 to the European Parliament and the Council by the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy entitled 'Joint framework on countering hybrid threats: a European Union response' (JOIN(2016)0018),

— having regard to the Commission Communication entitled 'European Strategy for a Better Internet for Children' (COM(2012)0196), and to the Commission report of 6 June 2016 entitled 'Final evaluation of the multi-annual EU programme on protecting children using the Internet and other communication technologies (Safer Internet)' (COM(2016)0364),

— having regard to the Europol and ENISA Joint Statement of 20 May 2016 on lawful criminal investigation that respects 21st Century data protection,

— having regard to the Council conclusions of 9 June 2016 on the European Judicial Cybercrime Network,

— having regard to Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union ([3]),

— having regard to the ENISA's Opinion Paper of December 2016 on Encryption — Strong Encryption Safeguards our Digital Identity,

— having regard to the final report of the T-CY Cloud Evidence Group of the Council of Europe entitled 'Criminal justice access to electronic evidence in the cloud: Recommendations for consideration by the T-CY' of 16 September 2016,

— having regard to the work of the Joint Cyber Crime Action Taskforce (J-CAT),

— having regard to the Europol Serious and Organised Crime Threat Assessment (EU SOCTA) of 28 February 2017 and the Internet Organised Crime Threat Assessment (IOCTA) of 28 September 2016,

— having regard to the judgment of the CJEU in case C-203/15 (TELE2 judgment) of 21 December 2016 ([4]),

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([1]) OJ L 119, 4.5.2016, p. 89.
([2]) OJ L 135, 24.5.2016, p. 53
([3]) OJ L 194, 19.7.2016, p. 1.
([4]) Judgment of the Court of Justice of 21 December 2016, *Tele2 Sverige AB* v *Post- och telestyrelsen* and *Secretary of State for the Home Department* v *Tom Watson and Others*, C-203/15, ECLI:EU:C:2016:970.

— having regard to Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA ([1]),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0272/2017),

A. whereas cybercrime is causing increasingly significant social and economic damage affecting the fundamental rights of individuals, posing threats to the rule of law in cyberspace and endangering the stability of democratic societies;

B. whereas cybercrime is a growing problem in the Member States;

C. whereas the 2016 IOCTA reveals that cybercrime is increasing in intensity, complexity and magnitude, that reported cybercrime exceeds traditional crime in some EU countries, that it extends to other areas of crime, such as human trafficking, that the use of encryption and anonymisation tools for criminal purposes is increasing and that ransomware attacks outnumber traditional malware threats such as trojans;

D. whereas there was an increase of 20 % in the attacks on the Commission's servers in 2016 compared to 2015;

E. whereas the vulnerability of computers to attack has its origins in the unique way information technology has developed over the years, the speed at which business has grown online, and lack of government action;

F. whereas there is an ever-growing black market in computerised extortion, the use of hired botnets and hacking, and stolen digital goods;

G. whereas the key focus of cyber-attacks continues to be malware, such as banking trojans, but attacks on industrial control systems and networks aimed at destroying critical infrastructure and economic structures as well as destabilising societies, as was the case of the 'WannaCry' ransomware attack of May 2017, are also growing in number and impact and thus pose an increasing threat to security, defence and other important sectors; whereas the majority of international law enforcement requests for data are related to fraud and financial crime, followed by violent and serious crime;

H. whereas, while the constantly growing interconnectedness of people, places and things brings many benefits, it increases the risk of cybercrime; whereas devices connected to the Internet of Things (IoT), which include smart grids, connected fridges, cars, medical tools or aids, are often not as well protected as traditional internet devices and are thus an ideal target for cybercriminals, especially because the regime for security updates for connected devises is often patchy or lacking completely; whereas hacked IoT devices that have or can control physical actuators may represent a concrete threat to the lives of human beings;

I. whereas an effective legal framework for data protection is critical for building confidence and trust in the online world, allowing consumers as well as businesses to fully reap the benefits of the digital single market and to address cybercrime;

J. whereas companies alone cannot deal with the challenge of making the connected world more secure, and government should contribute to cyber security through regulation and the provision of incentives encouraging safer behaviour by users;

([1]) OJ L 88, 31.3.2017, p. 6.

K. whereas the lines between cybercrime, cyber espionage, cyber warfare, cyber sabotage and cyber terrorism are becoming increasingly blurred; whereas cybercrimes can target individuals, public or private entities and cover a wide range of offences, including privacy breaches, child sexual abuse online, public incitement to violence and hatred, sabotage, espionage, financial crime and fraud, such as payment fraud, theft and identity theft as well as illegal system interference;

L. whereas the World Economic Forum's Global Risks Report 2017 lists massive incident of data fraud and theft as one of the five major global risks in terms of likelihood;

M. whereas a considerable number of cybercrimes remain unprosecuted and unpunished; whereas there is still significant underreporting, long detection periods allowing cybercriminals to develop multiple entries/exits or backdoors, difficult access to e-evidence, problems in obtaining it and with its admissibility in court, as well as complex procedures and jurisdictional challenges related to the cross-border nature of cybercrimes;

N. whereas the Council in its conclusions of June 2016 highlighted that, given the cross-border nature of cybercrime as well as the common cybersecurity threats faced by the EU, enhanced cooperation and information exchange between police and judicial authorities and cybercrime experts is essential for conducting effective investigations in cyberspace and obtaining electronic evidence;

O. whereas the invalidation of the Data Retention Directive by the CJEU in its judgment of 8 April 2014 as well as the prohibition of general, indiscriminate and non-targeted data retention as confirmed by the ruling of the CJEU in its TELE2 judgment of 21 December 2016 impose stringent limitations on the processing of bulk telecommunications data as well as on the access of competent authorities to such data;

P. whereas the Maximillian Schrems judgment of the CJEU ([1]) highlights that mass surveillance is a breach of fundamental rights;

Q. whereas the fight against cybercrime must respect the same procedural and substantive guarantees and fundamental rights, namely regarding data protection and freedom of speech, just as the fight against any other area of crime;

R. whereas children use the internet at an increasingly early age and are particularly vulnerable to falling victim to grooming and other forms of sexual exploitation online (cyber bullying, sexual abuse, sexual coercion and extortion), misappropriation of personal data as well as dangerous campaigns intended to promote various kinds of self-harm, as in the case of 'blue whale', and therefore require special protection; whereas online perpetrators can find and groom victims faster via chat rooms, emails, online games and social networking sites and hidden peer-to-peer (P2P) networks remain the central platforms for child sex offenders to access, communicate, store and share child sexual exploitation material and to track new victims without being detected;

S. whereas the growing trend of sexual coercion and extortion is still not being sufficiently studied or reported, mostly owing to the nature of the crime, which causes the victims to feel shame and guilt;

T. whereas live distant child abuse is being reported as a growing threat; whereas live distant child abuse has the most obvious links with the commercial distribution of child sexual exploitation materials;

([1]) ECLI:EU:C:2015:650.

U. whereas a recent study by the National Crime Agency in the UK found that younger persons who engage in hacking activities are less motivated by money and often attack computer networks to impress friends or to challenge a political system;

V. whereas awareness about the risks posed by cybercrime has increased, but precautionary measures taken by individual users, public institutions and businesses, remain wholly inadequate, primarily due to lack of knowledge and resources;

W. whereas the fight against cybercrime and against illegal activities online should not obscure the positive aspects of a free and open cyberspace, offering new possibilities for the sharing of knowledge and the promotion of political and social inclusion worldwide;

General considerations

1. Stresses that the sharp increase in ransomware, botnets and the unauthorised impairment of computer systems has an impact on the security of individuals, the availability and integrity of their personal data, as well as on the protection of privacy and fundamental freedoms and the integrity of critical infrastructure including, but not limited to, energy and electricity supply and financial structures such as the stock exchange; recalls, in this context, that the fight against cybercrime is a priority under the European Agenda on Security of 28 April 2015;

2. Stresses the need to streamline common definitions of cybercrime, cyber warfare, cybersecurity, cyber harassment and cyberattacks to ensure that the EU institutions and EU Member States share a common legal definition;

3. Underlines that the fight against cybercrime should be first and foremost about safeguarding and hardening critical infrastructures and other networked devices, and not only about pursuing repressive measures;

4. Reiterates the importance of the legal measures taken at European level to harmonise the definition of offences linked to attacks against information systems as well as to sexual abuse and exploitation of children online and to oblige the Member States to set up a system for the recording, production and provision of statistical data on these offences, in order to fight against these kinds of crime more effectively;

5. Strongly urges those Member States that have not yet done so to swiftly and properly transpose and implement Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography; calls on the Commission to strictly monitor and ensure its full and effective implementation, and to report back to Parliament and to the committee responsible on its findings in a timely manner, replacing at the same time Council Framework Decision 2004/68/JHA; stresses that Eurojust and Europol must be given appropriate resources to improve the identification of victims, to fight organised networks of sexual abusers and to accelerate the detection, analysis and referral of child abuse material both online and offline;

6. Deplores the fact that 80 % of companies in Europe have experienced at least one cyber security incident and that cyber-attacks against businesses often remain undetected or unreported; recalls that various studies estimate the annual cost of cyber-attacks to be significant to the world economy; believes that the obligation to disclose security breaches and to share information on risks, introduced by Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the General Data Protection Regulation (GDPR)) and Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union (the Directive on security of network and information systems (NIS Directive)), will help to address this problem by providing support for businesses, especially SMEs;

7. Stresses that the constantly changing nature of the cyber-threat landscape presents all stakeholders with serious legal and technological challenges; believes that new technologies should not be seen as a threat and acknowledges that technological advances on encryption will improve the overall security of our information systems, including by allowing end-users to better protect their data and communications; points out, however, that there are still notable gaps in securing communications and that techniques such as onion routing and hidden networks can be used by malicious users, including

terrorists and child sex offenders, hackers sponsored by non-friendly foreign states or extremist political or religious organisations for criminal purposes, in particular to conceal their criminal activities or identities, causing serious challenges for investigations;

8. Is highly concerned about the recent global ransomware attack, which appeared to affect tens of thousands of computers in nearly 100 countries and numerous organisations, including the National Health Service (NHS) in the UK, the highest-profile victim of this extensive malware hit; recognises, in this context, the important work of the No More Ransom (NMR) initiative which provides over 40 free decryption tools allowing victims of ransomware worldwide to decrypt their affected devices;

9. Underlines that hidden networks and onion-routing also provide a free space for journalists, political campaigners and human rights defenders in certain countries to avoid detection by repressive state authorities;

10. Notes that the recourse of criminal and terrorist networks to cybercrime tools and services is still limited; highlights, however, that this is likely to change in light of the growing links between terrorism and organised crime and the wide availability of firearms and explosive precursors on hidden networks;

11. Strongly condemns any system interference undertaken or directed by a foreign nation or its agents to disrupt the democratic process of another country;

12. Underlines that cross-border requests for domain seizures, content takedowns and access to user data pose serious challenges that require urgent action, as the stakes involved are high; stresses, in this context, that international human rights frameworks, which apply online as well as offline, represent a substantive benchmark at global level;

13. Calls on the Member States to ensure that victims of cyber-attacks can fully benefit from all the rights enshrined in Directive 2012/29/EU, and to step up their efforts in relation to victim identification and victim-centred services, including through continued support for the Europol Task Force Victim ID; calls on the Member States in cooperation with Europol to set up related platforms as a matter of urgency with the aim of ensuring that all internet users know how to appeal for help when they are illegally targeted online; calls on the Commission to issue a study on to the implications of cross-border cybercrime on the basis of Directive 2012/29/EU;

14. Underlines that Europol's 2014 IOCTA refers to the need for more efficient and effective legal tools, taking into account the current limitations of the Mutual Legal Assistance Treaty (MLAT) process, and also advocates further harmonisation of legislation across the EU where appropriate;

15. Underlines that cybercrime severely undermines the functioning of the digital single market by reducing trust in digital service providers, undermining cross-border transactions and seriously harming the interests of consumers of digital services;

16. Stresses that cybersecurity strategies and measures can only be sound and effective if they are based on fundamental rights and freedoms, as enshrined in the Charter of Fundamental Rights of the European Union, and on the EU's core values;

17. Stresses that there is a legitimate and strong need to protect communications between individuals and between individuals and public and private organisations in order to prevent cybercrime; highlights that strong cryptography can help fulfil this need; stresses, furthermore, that limiting the use of or weakening the strength of cryptographic tools will create vulnerabilities that can be exploited for criminal purposes and lower trust in electronic services, which in turn will damage civil society and industry alike;

18. Calls for an action plan to protect children's rights online and offline in cyberspace, and recalls that in fighting cybercrime law enforcement authorities need to pay special attention to crimes against children; stresses, in this connection, the need to strengthen judicial and police cooperation among the Member States, and with Europol and its European

Cybercrime Centre (EC3), with a view to preventing and combating cybercrime and in particular the online sexual exploitation of children;

19. Urges the Commission and the Member States to put in place all juridical measures to fight against the phenomenon of online violence against women and cyberbullying; calls, in particular, for the EU and the Member States to combine forces in order to create a criminal offence framework that obliges online corporations to delete or stop the spreading of degrading, offensive and humiliating content; also asks to put in place psychological support for women victims of online violence and girls who have been cyberbullied;

20. Stresses that illegal online content should be removed immediately by due legal process; highlights the role of information and communications technology, internet service providers and internet host providers in ensuring the fast and efficient removal of illegal online content at the request of the responsible law enforcement authority;

Prevention

21. Calls on the Commission, in the context of the review of the European cybersecurity strategy, to continue identifying network and information security vulnerabilities of European critical infrastructure, to incentivise the development of resilient systems, and to assess the situation regarding the fight against cybercrime in the EU and the Member States, in order to achieve a better understanding of trends and developments in relation to offences in cyberspace;

22. Stresses that cyber-resilience is key in preventing cybercrime and should therefore be given the highest priority; calls on Member States to adopt proactive policies and actions towards the defence of networks and critical infrastructure, calls for a comprehensive European approach to the fight against cybercrime that is compatible with fundamental rights, data protection, cybersecurity, consumer protection and e-commerce;

23. Welcomes, in this regard, the investment of EU funds in research projects such as the Cybersecurity public-private partnership (Cybersecurity PPP), aimed at fostering European cyber-resilience through innovation and capacity-building; recognises particularly the efforts made by the Cybersecurity PPP to develop appropriate responses to handling zero-day vulnerabilities;

24. Stresses, in this regard, the importance of free and open-source software; calls for more EU funds to be made available specifically for free and open-source software- based research into IT security;

25. Notes with concern that there is a lack of qualified IT professionals working on cybersecurity; urges Member States to invest in education;

26. Considers that regulation should play a greater role in managing cybersecurity risks through improved product and software standards on design and subsequent updates, as well as minimum standards on default usernames and passwords;

27. Urges the Member States to step up information exchanges through Eurojust, Europol and ENISA, as well as best practice sharing through the European Network of CSIRT (Cyber Security Incident Response Teams) and CERTs (Computer Emergency Response Teams) on the challenges they face in the fight against cybercrime, as well as on concrete legal and technical solutions to address them and increase cyber-resilience; in this regard, calls on the Commission to promote effective cooperation and facilitate the exchange of information with a view to anticipating and managing potential risks, as provided for in the NIS Directive;

28. Is concerned by the Europol finding that the majority of successful attacks on individuals are attributable to a lack of digital hygiene and user awareness, or to insufficient attention being paid to technical security measures such as security by design; underlines that users are the first victims of badly secured hardware and software;

29. Calls on the Commission and the Member States to launch an awareness campaign, involving all relevant actors and stakeholders, to empower children and support parents, caretakers and educators in understanding and handling online risks and protecting children's safety online, to support Member States in setting up online sexual abuse prevention programmes, to promote awareness-raising campaigns on responsible behaviour in social media, and to encourage major search engines and social media networks to take a proactive approach to protecting child safety online;

30. Calls on the Commission and the Member States to launch awareness-raising information and prevention campaigns and to promote good practices in order to ensure that citizens, in particular children and other vulnerable users, but also central and local governments, vital operators and private-sector actors, especially SMEs, are aware of the risks posed by cybercrime, know how to be safe online and know how to protect their devices; calls further on the Commission and Member States to promote practical security measures such as encryption or other security and privacy-enhancing technologies and anonymisation tools;

31. Stresses that awareness-raising campaigns should be accompanied by educational programmes on the 'informed use' of information technology instruments; encourages Member States to include cybersecurity, as well as the risks and consequences of online personal data use, in schools' computing education curricula; underlines in this context the efforts made in the framework of the European strategy for an internet better suited to children (Better Internet for Kids (BIK) Strategy 2012);

32. Stresses the urgent need for the fight against cybercrime to include more efforts on education and training in network and information security (NIS), education and training, by introducing training on NIS, on secure software development and on personal data protection for computer science students, as well as basic NIS training for staff working in public administrations;

33. Considers that insurance against cyber-hacking could be one of the tools spurring action on security, both by companies made liable for software design and by users prompted to use software properly;

34. Stresses that businesses should identify vulnerabilities and risks through regular assessments, protect their products and services by fixing vulnerabilities immediately, including through patch management policies and data protection updates, mitigate the effect of ransomware attacks by setting up robust backup regimes, and consistently report cyber-attacks;

35. Urges the Member States to set up CERTs to which businesses and consumers can report malicious emails and websites as foreseen by the NIS Directive, so that Member States are regularly informed of security incidents and measures to combat and mitigate the risk to their own systems; encourages Member States to consider establishing a database to record all types of cybercrime and to monitor the evolution of the relevant phenomena;

36. Urges the Member States to invest in making their critical infrastructure and associated data more secure in order to withstand cyber-attacks;

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Enhancing the responsibility and liability of service providers

37. Considers enhanced cooperation between competent authorities and service providers to be a key factor in accelerating and streamlining mutual legal assistance and mutual recognition procedures. within the remits provided for by the European legal framework; calls on providers of electronic communications services not established in the Union to designate in writing representatives in the Union;

38. Reiterates that with respect to the Internet of Things (IoT), producers are the key starting-point for tightening up liability regimes which will lead to a better quality of products and a more secure environment in terms of external access and a documented update facility;

39. Believes that in view of innovation trends and the growing accessibility of IoT devices, particular attention must be paid to the security of all and even the simplest of devices; considers that it is in the interest of hardware producers and developers of innovative software to invest in solutions to prevent cybercrime and to exchange information on cybersecurity threats; urges the Commission and the Member States to promote the security by design approach, and urges the industry to include security by design solutions in all such devices; in this context, encourages the private sector to implement voluntary measures developed on the basis of relevant EU legislation such as the NIS Directive and aligned with internationally recognised standards in order to bolster trust in the security of software and devices, such as the IoT trust label;

40. Encourages service providers to subscribe to the Code of Conduct on Countering Illegal Hate Speech Online, and calls on the Commission and participating companies to continue cooperation on this issue;

41. Recalls that 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 ([1]) (the e-Commerce Directive) exempts intermediaries from liability for content only if they play a neutral and passive role in relation to the transmitted and/or hosted content, but also requires an expeditious reaction to remove or disable access to content when an intermediary has actual knowledge of infringement or illegal activity or information;

42. Underlines the absolute need to protect law enforcement databases from security incidents and unlawful access, since this is a matter of concern for individuals; expresses concern regarding extraterritorial reach by law enforcement authorities in accessing data in the context of criminal investigations, and underlines the need to implement strong rules on the matter;

43. Believes that issues related to illegal on-line activity must be tackled in an expeditious and efficient manner, including through takedown procedures if the content is not or no longer needed for detection, investigation and prosecution; reminds that Member States may, when removal is not feasible, take necessary and proportionate measures to block access from Union territory to such content; stresses that such measures must comply with existing legislative and judicial procedures, as well as with the Charter, and must also be subject to adequate safeguards, including the possibility of judicial redress;

44. Highlights the role of digital information society service providers in ensuring the fast and efficient removal of illegal online content at the request of the responsible law enforcement authority, and welcomes the progress achieved in this regard, including through the contribution of the EU Internet Forum; stresses the need for stronger commitment and cooperation on the part of competent authorities and information society service providers to achieve quick and effective takedowns by the industry and avoid blocking illegal content through government measures; calls on the Member States to hold non-compliant platforms legally responsible; reiterates that any measures for removing illegal online content which stipulate terms and conditions should only be permitted if national procedural rules provide users with the option of asserting their rights before a court after learning of such measures;

45. Highlights that, in line with Parliament's resolution of 19 January 2016, 'Toward a Digital Single Market Act' ([2]), the limited liability of intermediaries is essential to the protection of the openness of the internet, fundamental rights, legal certainty and innovation; welcomes the Commission's intention to provide guidance on notice-and-takedown procedures, to assist online platforms in complying with their responsibilities and the rules on liability defined by the e-commerce

([1]) OJ L 178, 17.7.2000, p. 1.
([2]) Texts adopted, P8_TA(2016)0009.

Directive (2000/31/EC), to enhance legal certainty, and to increase user confidence; urges the Commission to come forward with a legislative proposal on the matter;

46. Calls for the application of the 'follow the money' approach, as outlined in Parliament's resolution of 9 June 2015 entitled 'Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan' ([1]), based on the regulatory framework of the e-Commerce directive and the IPRED directive;

47. Underlines the crucial importance of providing continued and specific training and psychological support to content moderators in private and public entities that are responsible for assessing objectionable or illegal content online, as they should be considered the first responders in this field;

48. Calls on service providers to make provision for clear types of referrals and to set up a properly defined back-office infrastructure which makes it possible to act quickly and appropriately on referrals;

49. Calls on service providers to step up their efforts to raise awareness of the risks inherent in going online, in particular for children, by developing interactive tools and information materials;

Strengthening police and judicial cooperation

50. Is concerned that a considerable number of cybercrimes remain unpunished; deplores the fact that the use by internet service providers of technologies such as NAT CGN seriously hampers investigations by making it technically impossible to identify who exactly is using an IP address and thus who is responsible for online crimes; emphasises the need to allow law enforcement authorities to have lawful access to relevant information, in the limited circumstances where such access is necessary and proportionate for reasons of security and justice; stresses that judicial and law enforcement authorities have to be provided with sufficient capabilities to conduct legitimate investigations;

51. Urges the Member States not to impose any obligation on encryption providers that would result in the weakening or compromising of the security of their networks or services, such as the creation or facilitation of 'back doors'; stresses that feasible solutions must be offered, via both legislation and continuous technological evolution, where finding them is imperative for justice and security; calls on the Member States to cooperate, in consultation with the judiciary and Eurojust, in aligning the conditions for the lawful use of investigative tools online;

52. Stresses that lawful interception can be a highly effective measure to combat unlawful hacking, on condition that it is necessary, proportionate, based on due legal process and in full compliance with fundamental rights and EU data protection law and case law; calls on all Member States to make use of the possibilities of lawful interception targeting suspected individuals, to establish clear rules regarding the prior judicial authorisation process for lawful interception activities, including restrictions on the use and duration of lawful hacking tools, to set up an oversight mechanism, and to provide effective legal remedies for the targets of hacking activities;

53. Encourages the Member States to engage with the ICT security community and to encourage it to take a more active role in 'white hat' hacking and the reporting of illegal content, such as child sex abuse material;

54. Encourages Europol to establish an anonymous system for reporting from within hidden networks, which will allow individuals to report illegal content, such as depictions of child sex abuse material, to the authorities, using technical safeguards similar to those implemented by numerous press organisations which use such systems to facilitate the exchange of sensitive data with journalists in a way that permits a greater degree of anonymity and security than is afforded by conventional email;

([1]) OJ C 407, 4.11.2016, p. 25.

55. Stresses the need to minimise the risks posed to the privacy of internet users by leaks of exploits or tools used by law enforcement authorities as part of their legitimate investigations;

56. Emphasises that judicial and law enforcement authorities have to be equipped with sufficient capabilities and funding to allow them to respond effectively to cybercrime;

57. Underlines that the patchwork of separate, territorially defined national jurisdictions causes difficulties in determining the applicable law in transnational interactions and gives rise to legal uncertainty, thereby preventing cooperation across borders, which is necessary to deal efficiently with cybercrime;

58. Emphasises the need to develop the practical basis for a common EU approach to the issue of jurisdiction in cyberspace, as pointed out at the informal meeting of justice and home affairs ministers held on 26 January 2016;

59. Stresses, in this regard, the need to develop shared procedural standards which can determine the territorial factors that provide grounds for the applicable law in cyberspace, and to define investigative measures which can be used regardless of geographic borders;

60. Recognises that such a common European approach, which needs to respect fundamental rights and privacy, will build trust among stakeholders, reduce the treatment delays of cross-border requests, establish interoperability among heterogeneous actors, and provide the opportunity to incorporate due process requirements in operational frameworks;

61. Believes that, in the long term, shared procedural standards on enforcement jurisdiction in cyberspace should also be developed at global level; welcomes, in this regard, the work of the Cloud Evidence Group of the Council of Europe;

e-Evidence

62. Underlines that a common European approach to criminal justice in cyberspace is a matter of priority, as it will improve the enforcement of the rule of law in cyberspace and facilitate the obtaining of e-evidence in criminal proceedings, as well as contributing to making the settlement of cases much speedier than today;

63. Underlines the need to find means to secure and obtain e-evidence more rapidly, as well as the importance of close cooperation between law enforcement authorities, including through the increased use of joint investigation teams, third countries and service providers active on European territory, in accordance with the GDPR ((EU) 2016/679), Directive (EU) 2016/680 (the Police Directive) and existing mutual egal assistance (MLA) agreements; stresses the need to set up single contact points within all Member States and to optimise the use of existing contact points, as this will facilitate access to e-evidence as well as information-sharing, improve cooperation with service providers, and accelerate MLA proceedings;

64. Recognises that the currently fragmented legal framework can create challenges for service providers seeking to comply with law enforcement requests; calls on the Commission to put forward a European legal framework for e-evidence, including harmonised rules to determine the status of a provider as domestic or foreign, and to impose an obligation on service providers to respond to requests from other Member States that are based on due legal process and in line with the European Investigation Order (EIO), while taking account of the principle of proportionality to avoid adverse effects on the exercise of the freedom of establishment and the freedom to provide services and ensuring adequate safeguards, with a view to establishing legal certainty as well as improving the ability of service providers and intermediaries to respond to law enforcement requests;

65. Stresses the need for any e-evidence framework to include sufficient safeguards for the rights and freedoms of all concerned; highlights that this should include a requirement that requests for e-evidence be directed in the first instance to the controllers or owners of the data, in order to ensure respect for their rights, as well as the rights of those to whom the data relates (for example their entitlement to assert legal privilege and to seek legal redress in the case of disproportionate or

otherwise unlawful access); also highlights the need to ensure that any legal framework protects providers and all other parties from requests that could create conflicts of law or otherwise impinge on the sovereignty of other states;

66. Calls on the Member States to implement fully Directive 2014/41/EU regarding the European Investigation Order in criminal matters (the EIO Directive) for the purposes of the effective securing and obtaining of e-evidence in the EU, as well as to include specific provisions relating to cyberspace in their national penal codes, in order to facilitate the admissibility of e-evidence in court and allow judges to be issued clearer guidance regarding the penalisation of cybercrime;

67. Welcomes the ongoing work of the Commission towards a cooperation platform with a secure communication channel for digital exchanges of EIOs for e-evidence and replies between EU judicial authorities; invites the Commission, in association with Member States, Eurojust and service providers, to examine and align the forms, tools and procedures for requesting the securing and obtainment of e-evidence with a view to facilitating authentication, ensuring swift procedures and increasing the transparency and accountability of the process of securing and obtaining e-evidence; calls on the European Union Agency for Law Enforcement Training (CEPOL) to develop training modules on the effective use of current frameworks used to secure and obtain electronic evidence; stresses, in this context, that streamlining service providers' policies will help reduce the heterogeneity of approaches, notably regarding procedures and conditions for granting access to the requested data;

Capacity-building at European level

68. Points out that recent incidents have clearly demonstrated the acute vulnerability of the EU, and in particular the EU institutions, national governments and parliaments, major European companies, European IT infrastructures and networks, to sophisticated attacks using complex software and malware; calls on the European Union Agency for Network and Information Security (ENISA) to continuously evaluate the threat level, and on the Commission to invest in the IT capacity as well as the defence and resilience of the critical infrastructure of the EU institutions in order to reduce the EU's vulnerability to serious cyberattacks originating from large criminal organisations, state-sponsored attacks or terrorist groups;

69. Recognises the important contribution of the European Cybercrime Centre (EC3) of Europol and Eurojust, as well as of ENISA, to the fight against cybercrime;

70. Calls on Europol to support national law enforcement authorities in setting up secure and adequate transmission channels;

71. Deplores the fact that currently no EU standards for training and certification exist; acknowledges that future trends in cybercrime require an increasing level of expertise from practitioners; welcomes the fact that existing initiatives such as the European Cybercrime Training and Education Group (ECTEG), the Training of Trainers (TOT) Project and the training activities under the EU Policy Cycle framework are already paving the way towards addressing the expertise gap at EU level;

72. Calls on CEPOL and the European Judicial Training Network to extend their offer of training courses dedicated to cybercrime-related topics to competent law enforcement bodies and judicial authorities across the Union;

73. Underlines that the number of cybercrime offences referred to Eurojust has increased by 30 %; calls for sufficient funding to be allocated, with more posts created if necessary, to enable Eurojust to cope with its increasing cybercrime-related workload, as well as to develop and strengthen further its support for national cybercrime prosecutors in cross-border cases, including via the recently established European Judicial Cybercrime Network;

74. Asks for a revision of ENISA's mandate and the reinforcement of the national cybersecurity agencies; calls for ENISA to be reinforced in terms of its tasks, staff and resources; stresses that the new mandate should also include stronger links with Europol and industry stakeholders, to allow the agency to better support the competent authorities in the fight against cybercrime;

75. Asks the Fundamental Rights Agency (FRA) to draw up a practical and detailed handbook providing guidelines regarding supervisory and scrutiny controls for Member States;

Improved cooperation with third countries

76. Highlights the importance of close cooperation with third countries in the global fight against cybercrime, including through the exchange of best practices, joint investigations, capacity-building and mutual legal assistance;

77. Calls on the Member States that have not yet done so to ratify and fully implement the Council of Europe Convention on Cybercrime of 23 November 2001 (the Budapest Convention), as well as its additional protocols, and, in cooperation with the Commission, to promote it in the appropriate international fora;

78. Stresses its serious concern regarding the work being done within the Council of Europe's Cybercrime Convention Committee on the interpretation of Article 32 of the Budapest Convention on transborder access to stored computer data ('cloud evidence'), and opposes any conclusion of an additional protocol or guidance intended to broaden the scope of this provision beyond the current regime established by this Convention, which is already a major exception to the principle of territoriality because it could result in unfettered remote access for law enforcement authorities to servers and computers located in other jurisdictions without recourse to MLAs or other instruments of judicial cooperation put in place to guarantee the fundamental rights of the individual, including data protection and due process, including in particular Council of Europe Convention 108;

79. Regrets the fact that there is no binding international law on cybercrime, and urges the Member States and the European institutions to work towards establishing a convention on the matter;

80. Calls on the Commission to propose options for initiatives to improve the efficiency and promote the use of Mutual Legal Assistance Treaties (MLATs) in order to counter the assumption of extraterritorial jurisdiction by third countries;

81. Calls on the Member States to ensure sufficient capacity for handling MLA requests related to investigations in cyberspace, and to develop relevant training programmes for the staff responsible for handling such requests;

82. Underlines that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation;

83. Takes note of the fact that the highest number of law enforcement requests are sent to the US and Canada; is concerned that the disclosure rate of big US service providers in response to requests from European criminal justice authorities falls short of 60 %, and recalls that according to Chapter V of the GDPR, MLATs and other international agreements are the preferred mechanism to enable access to personal data held overseas;

84. Calls on the Commission to put forward concrete measures to protect the fundamental rights of the suspected or accused person when exchange of information between European law enforcement authorities and third countries takes place, notably safeguards as regards the quick obtaining, upon a court decision, of relevant evidence, subscriber-related information or detailed metadata and content data (if not encrypted) from law-enforcement authorities and/or service providers, with a view to improving mutual legal assistance;

85. Calls on the Commission, in cooperation with Member States, the associated European bodies and, where necessary, third countries, to consider new ways to efficiently secure and obtain e-evidence hosted in third countries, in full compliance with fundamental rights and EU data protection law, by accelerating and streamlining the use of MLA proceedings, and where applicable, mutual recognition;

86. Highlights the importance of the NATO Cyber Incidents Response Centre;

87. Calls on all Member States to participate in the Global Forum on Cyber Expertise (GFCE) in order to facilitate the establishment of partnerships to build capacity;

88. Supports the capacity-building assistance provided by the EU to the Eastern Neighbourhood countries, given that many cyberattacks originate in those countries;

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

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P8_TA(2017)0367

EU political relations with ASEAN

European Parliament resolution of 3 October 2017 on EU political relations with ASEAN (2017/2026(INI))

(2018/C 346/05)

The European Parliament,

— having regard to the founding of the Association of Southeast Asian Nations (ASEAN) on 8 August 1967,

— having regard to the main legal framework for EU-ASEAN relations, namely the ASEAN-EEC Cooperation Agreement, signed in March 1980 ([1]),

— having regard to the ASEAN Charter, signed in November 2007, establishing legal personality and a legal and institutional framework for ASEAN, including the creation of the Committee of Permanent Representatives (CPR) to support and coordinate the work of ASEAN,

— having regard to the ASEAN Regional Forum (ARF), established in 1993 to foster dialogue and consultation on political and security issues and to contribute to confidence-building and preventive diplomacy in the Asia-Pacific region,

— having regard to the various ASEAN frameworks for regional trust-building: the ARF, the ASEAN Defence Ministers' Meeting (ADMM-Plus), the East Asia Summit (EAS), ASEAN Plus Three (ASEAN plus China, Japan and South Korea) and ASEAN Plus Six (ASEAN plus China, Japan, South Korea, India, Australia and New Zealand),

— having regard to the trade agreements existing between ASEAN and Japan, China, South Korea, India, Australia and New Zealand,

— having regard to the ongoing negotiations and/or the conclusion of seven Partnership and Cooperation Agreements between the European Union and certain ASEAN member states, namely Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam,

— having regard to the negotiations for Free Trade Agreements (FTAs) under way with Indonesia and the Philippines, to the negotiations for FTAs with Malaysia and Thailand, both of which are currently on hold, to the expected conclusion of FTAs with Singapore and Vietnam in the coming months, and to the negotiations for an investment agreement with Myanmar;

— having regard to the meeting between the Commissioner for trade, Cecilia Malmström, and the ASEAN finance ministers held in Manila on 10 March 2017,

— having regard to the 9th Asia-Europe Parliamentary Partnership Meeting (ASEP9), held in Ulaanbaatar (Mongolia) on 21 and 22 April 2016,

— having regard to the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership of March 2007 and its Plan of Action of November 2007,

— having regard to the Bandar Seri Begawan Plan of Action to Strengthen the ASEAN-EU Enhanced Partnership (2013-2017), adopted in Brunei Darussalam on 27 April 2012,

([1]) OJ C 85, 8.4.1980, p. 83.

— having regard to the Joint Communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council of 18 May 2015, entitled 'The EU and ASEAN: a partnership with a strategic purpose' (JOIN(2015)0022),

— having regard to the Foreign Affairs Council conclusions on EU-ASEAN relations of 22 June 2015,

— having regard to the Bangkok Declaration on Promoting an ASEAN-EU Global Partnership for Shared Strategic Goals of 14 October 2016,

— having regard to the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia (TAC) in Phnom Penh on 12 July 2012 ([1]),

— having regard to the 11th Summit of the Asia-Europe Meeting (ASEM11) held in Ulaanbaatar (Mongolia) on 15 and 16 July 2016,

— having regard to the Asia-Europe Foundation (ASEF), established in February 1997 to provide a forum for non-governmental dialogue,

— having regard to the ASEAN-EU Programme of Regional Integration Support (APRIS), the ASEAN Regional Integration Support Programme (ARISE), and the Regional EU-ASEAN Dialogue Instrument (READI) in support of the harmonisation of policies and regulations in non-trade-related sectors,

— having regard to the ASEAN Economic Community Blueprint agreed in 2007,

— having regard to the 14th ASEAN summit held in 2009 and to the establishment of a roadmap for creating the ASEAN single market (ASEAN Economic Community (AEC)), the ASEAN Political-Security Community (APSC) and the ASEAN Socio-Cultural Community (ASCC),

— having regard to the 28th and 29th ASEAN Summits held in Vientiane (Laos) on 6 and 7 September 2016 and to the 30th ASEAN Summit held in Manila (Philippines) from 26 to 29 April 2017,

— having regard to the 24th meeting of the ASEAN-EU Joint Cooperation Committee (JCC), held on 2 March 2017 in Jakarta (Indonesia),

— having regard to the ASEAN Community Vision 2025, adopted at the 27th ASEAN Summit held in Kuala Lumpur (Malaysia) from 18 to 22 November 2015, and to the announcement of the establishment, on 31 December 2015, of the ASEAN Economic Community, aiming to create an internal market for over 600 million people,

— having regard to the 11th East Asia Summit (EAS) held in Vientiane (Laos) on 8 September 2016, bringing together the leaders of 18 countries — the ASEAN member states, China, Japan and South Korea (ASEAN+3), India, Australia and New Zealand (ASEAN+6), and Russia and the US,

— having regard to the first ASEAN Human Rights Declaration of 18 November 2012 and to the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009,

— having regard to ASEAN Parliamentarians for Human Rights (APHR), a body founded in 2013 with the objective of promoting democracy and human rights in all ASEAN member states,

([1]) OJ L 154, 15.6.2012, p. 1.

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— having regard to the ASEAN Institute for Peace and Reconciliation (AIPR),

— having regard to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, which have been ratified by all ASEAN member states,

— having regard to the 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', adopted by the UN Human Rights Council on 16 June 2011,

— having regard to the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, signed by all ASEAN member states in November 2015,

— having regard to the UN Human Rights Council's Universal Periodic Reviews (UPRs), in which all ASEAN member states have participated,

— having regard to its recent resolutions on ASEAN, in particular that of 15 January 2014 on the future of EU-ASEAN relations ([1]),

— having regard to its recent resolutions on ASEAN member states, in particular those of 9 June 2016 on Vietnam ([2]), of 17 December 2015 on the EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation (resolution) ([3]), of 17 December 2015 on the EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation (consent) ([4]), of 8 June 2016 on the EU-Philippines Framework Agreement on Partnership and Cooperation (consent) ([5]), and of 8 June 2016 on the EU-Philippines Framework Agreement on Partnership and Cooperation (resolution) ([6]),

— having regard to its recent human rights urgency resolutions on ASEAN member states, in particular those of 14 September 2017 on Myanmar, in particular the situation of Rohingyas ([7]), of 21 May 2015 on the plight of Rohingya refugees, including the mass graves in Thailand ([8]), of 15 December 2016 on the situation of the Rohingya minority in Myanmar ([9]), of 7 July 2016 on Myanmar, in particular the situation of the Rohingya ([10]), of 14 September 2017 on Cambodia, notably the case of Kem Sokha ([11]), of 9 June 2016 on Cambodia ([12]), of 26 November 2015 on the political situation in Cambodia ([13]), of 9 July 2015 on Cambodia's draft laws on NGOs and trade unions ([14]), of 6 October 2016 on Thailand, notably the situation of Andy Hall ([15]), of 8 October 2015 on the situation in Thailand ([16]), of 17 December 2015 on Malaysia ([17]), of 19 January 2017 on Indonesia ([18]), of 15 June 2017 on Indonesia ([19]), of 15 September 2016 ([20]) and 16 March 2017 ([21]) on the Philippines, and of 14 September 2017 on Laos, notably the cases of Somphone Phimmasone, Lod Thammavong and Soukane Chaithad ([22]),

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([1]) OJ C 482, 23.12.2016, p. 75.
([2]) Texts adopted, P8_TA(2016)0276.
([3]) Texts adopted, P8_TA(2015)0468.
([4]) Texts adopted, P8_TA(2015)0467.
([5]) Texts adopted, P8_TA(2016)0262.
([6]) Texts adopted, P8_TA(2016)0263.
([7]) Texts adopted, P8_TA(2017)0351.
([8]) OJ C 353, 27.9.2016, p. 52.
([9]) Texts adopted, P8_TA(2016)0506.
([10]) Texts adopted, P8_TA(2016)0316.
([11]) Texts adopted, P8_TA(2017)0348.
([12]) Texts adopted, P8_TA(2016)0274.
([13]) Texts adopted, P8_TA(2015)0413.
([14]) OJ C 265, 11.8.2017, p. 144
([15]) Texts adopted, P8_TA(2016)0380.
([16]) Texts adopted, P8_TA(2015)0343.
([17]) Texts adopted, P8_TA(2015)0465.
([18]) Texts adopted, P8_TA(2017)0002.
([19]) Texts adopted, P8_TA(2017)0269.
([20]) Texts adopted, P8_TA(2016)0349.
([21]) Texts adopted, P8_TA(2017)0088.
([22]) Texts adopted, P8_TA(2017)0350.

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0243/2017),

A. whereas this year we celebrate the 50th anniversary of ASEAN, the 60th anniversary of the Treaties of Rome, and the 40th anniversary of EU-ASEAN formal relations;

B. whereas the ASEAN region has emerged as one of the world's most dynamic and fastest-growing, particularly in terms of the economy, technology and research, has a geopolitically and geo-economically strategic position, has rich resources, is pursuing a goal of increased economic integration and an ambitious Sustainable Development Goals (SDG) agenda, notably on education, and is a strong advocate of multilateralism; whereas closing the development gap within ASEAN will be vital in pursuing further integration and ensuring security, stability and the protection of social, economic and political rights;

C. whereas the integration processes of the EU and ASEAN are different, arising from different contexts and having different visions and missions; whereas each follows its own logic but the two are comparable, as both rules-based organisations have been fostering peaceful coexistence, regional integration, and international cooperation and development, and have aimed at building trust among their members for many decades; as such, the EU is a unique type of partner for ASEAN;

D. whereas the two regions have attained a considerable level of interaction, and EU-ASEAN relations are comprehensive and cover a wide range of sectors including trade and investment, development, economic matters and political affairs; whereas ASEAN is the EU's third trading partner and the EU ASEAN's second, with annual bilateral trade in goods worth more than EUR 200 billion, and the EU is the first provider of foreign direct investment (FDI) in the ASEAN region; whereas for European undertakings ASEAN represents a gateway to the wider region; whereas over the period 2014 to 2020 the EU and its Member States are the first provider of development assistance in the region and the EU has pledged over EUR 3 billion to reduce poverty and address development gaps in low-income ASEAN countries;

E. whereas the EU experience has in the past served as a source of inspiration for other regional integration processes;

F. whereas the EU has consistently supported the work of ASEAN and in particular the ASEAN Secretariat, and has, in recognition of ASEAN's importance, appointed a dedicated EU Head of Delegation to ASEAN who took office in 2015;

G. whereas at present the integration processes in both regions are being challenged but are at the same time opening up new opportunities; whereas the EU is facing several crises; whereas ASEAN, in spite of the goal of fostering ASEAN centrality, saw intra-ASEAN trade decline in 2016 and has been beset with problems, including diverging foreign policy orientations and spillover effects from domestic problems relating to threats to democracy and the rule of law, inter-religious relations, ethnic minorities, social inequalities and human rights violations, including with crossborder implications;

H. whereas the EU has determined that it will place human rights at the centre of its relations with third countries;

I. whereas in December 2014 the EU granted GSP+ status to the Philippines, as the first ASEAN country to enjoy such trade preferences; whereas this enables the Philippines to export 66 % of its products tariff-free to the EU;

J. whereas the withdrawal of the US from the Trans-Pacific Partnership (TPP) may give new impetus to negotiations for a Regional Comprehensive Economic Partnership (RCEP); whereas a more assertive China is launching initiatives such as 'One Belt, One Road' that challenge all countries in the neighbourhood and beyond;

K. whereas tensions in the South China Sea (SCS) constitute a threat and a risk to security and stability in the region; whereas the most worrying trend is the militarisation of the SCS; whereas the ASEAN-China Dialogue on a Code of Conduct remains ASEAN's primary mechanism for exchanges with China on the SCS; whereas Chinese activities — from military patrols and drills to construction activities, in disregard of the principles outlined in the Declaration on the Conduct of Parties in the South China Sea of 2002 — remain an issue of concern;

1. Congratulates the ASEAN member states on the 50th anniversary of ASEAN, and fully supports all efforts for regional integration; expresses equally its appreciation for 40 years of EU-ASEAN relations, and reiterates its recommendation that relations should be upgraded into a Strategic Partnership based on concrete actions, tangible deliverables and stronger substantive cooperation; underlines the EU's interest in enhancing its cooperation with this pivotal player in a region of strategic importance; stresses that the strategic partnership will provide an opportunity for the EU to reinforce its contribution to the implementation of shared objectives in the Indo-Pacific sphere;

2. Highlights the political value of strong trade and investment relations between ASEAN and the EU, and exhorts both partners to further strengthen their economic and political relations; stresses that there is significant potential for EU-ASEAN trade relations to grow; highlights that the EU is the top foreign investor in ASEAN; also highlights the opportunities for cooperation in implementing the SDGs; calls for stepping up cooperation to close the development gap that exists within ASEAN; believes that cooperation could be strengthened and good practices shared in various areas, such as addressing global challenges, including climate change, transnational organised crime and terrorism, border management, maritime security, financial sector development, transparency and macroeconomic policies; emphasises the pursuit of a high level of EU-ASEAN cooperation in multilateral institutions such as the UN, but also the WTO, with reference to preserving, strengthening and further developing the multilateral international trade architecture and fair trading relationships;

3. Commends the VP/HR and the Commission for adopting a Joint Communication, endorsed by the Member States, setting out a roadmap for deepening the partnership in political, security and economic matters, as well as in connectivity, the environment, natural resources and other domains, such as the promotion and protection of human rights; stresses the importance of strengthening political dialogue between the EU and ASEAN; recalls that the EU's active support for deepening ASEAN integration contributes to its resilience and to the stability of the region; stresses that the EU provides technical assistance and capacity-building in creating an internal market;

4. Welcomes the appointment of an EU Head of Delegation to ASEAN and the opening of an EU mission to ASEAN in 2015, in a development which recognises the importance of the relationship between the EU and ASEAN;

5. Notes that, as the UK has over the years played an important and valuable role in fostering EU-ASEAN bonds, there will be a need and an opportunity for ASEAN and the EU and its Member States to actively reinforce relations in the light of the new reality of Brexit; calls on the UK to continue to cooperate closely with the EU-ASEAN partnership; calls for stepped-up EU engagement with the existing ASEAN-led fora; considers that the EU should upgrade and intensify its diplomatic efforts with ASEAN in order to contribute to greater stability and security in conflict areas with renewed tensions, working closely with partners in the region and upholding international law;

6. Regrets the late and reserved reaction of the EU to the UNCLOS (United Nations Convention on the Law of the Sea) award in the South China Sea dispute, and calls for the EU to promote respect and compliance with the provisions of UNCLOS; reiterates that the EU supports peaceful negotiated solutions to international disputes; insists on freedom of navigation; calls on China to accept the tribunal's award; encourages the parties to aim for a peaceful settlement of the disputes, based on the principles of international law under UNCLOS; supports the efforts of ASEAN member states to work towards the early conclusion of an effective Code of Conduct (COC) in the South China Sea;

7. Regrets actions such as extensive land reclamation and the placing of military installations and arsenal on reclaimed land, which risks militarising the conflict; expresses serious concern over the increasing defence spending in the region and its neighbourhood and the growing militarisation of conflicts, notably in the South and East China Seas; notes the need for the EU to continue supporting the development of peaceful relations between China and its neighbours around the South China Sea through inclusive multilateral mechanisms; supports all actions enabling the South China Sea to become a 'Sea of

Peace and Cooperation'; calls on the Member States to strictly abide by the EU Code of Conduct on Arms Exports; insists on the importance of the non-proliferation of weapons of mass destruction, notably in view of the latest developments in the DPRK;

8. Supports the EU-ASEAN security partnership and the sharing of experiences and best practice on a host of mostly non-conventional security issues, with a view to stepping up regional capabilities, with particular regard to strengthened dialogue and cooperation on maritime security, piracy, the fight against organised crime and support for cooperation between Europol and the Inter-ASEAN Police (Aseanapol), counter-terrorism, cybersecurity, climate security, confidence-building measures, preventive diplomacy and mediation, crisis management, disaster preparedness and relief and humanitarian assistance; supports greater contribution and involvement on the part of the EU in the ARF;

9. Welcomes the holding of the 3rd ASEAN-EU High Level Dialogue on Maritime Security Cooperation in Thailand on 15 and 16 September 2016, which identified and proposed future areas of concrete cooperation between ASEAN and the EU in the domain of maritime security and preventive diplomacy; looks forward to the convening of the 4th ASEAN-EU High Level Dialogue on Maritime Security Cooperation, to be held in 2017 in the Philippines;

10. Reiterates the EU's support for ASEAN centrality and for its important role in promoting dialogue and cooperation for peace, security, stability and prosperity, in the Asia-Pacific region and beyond; calls for the creation of operational and efficient dispute settlement mechanisms as provided for in Chapter 8 of the ASEAN Charter and in a 2010 Protocol to the Charter, including legally binding measures and regulations; draws attention to the experience which has been gained over 40 years on the continent of Europe with an approach to security which, in addition to a political and military dimension, also embraces the economic, environmental and human dimensions; is convinced that this experience can be exploited in ASEAN's efforts for the peaceful development of its region; underscores the interest of the EU in furthering engagement with the region through all ASEAN-led processes;

11. Underlines the EU's particular experience in institution-building, the single market, regulatory convergence, conflict and crisis management, maritime security, mediation, and humanitarian assistance and disaster relief, as well as its recent progress on defence integration and its successful experience with regional norm-setting and strong regional architecture for human rights and democracy, together with its willingness to share such experience where useful; highlights the negotiations for an EU-ASEAN Comprehensive Air Transport Agreement (CATA) and the broader connectivity agenda; notes that for the period 2014-2020 half of the EU's financial assistance to ASEAN is devoted to supporting ASEAN's connectivity;

12. Highlights the need to engage at the multilateral level with other jurisdictions in the region, such as ASEAN observers Papua New Guinea and Timor Leste, as well as China, Japan and Taiwan;

13. Believes that from a geopolitical point of view there is a very good reason to advocate the relaunching of negotiations for a regional EU-ASEAN free trade agreement, and welcomes the conclusions of the recent meeting between the EU's Commissioner for trade, Cecilia Malmström, and the ASEAN Economic Ministers concerning a scoping exercise in that regard, as well as the steps taken in pursuit of the final objective of a region-to-region agreement; encourages from a strategic point of view any efforts to explore the options for concluding free trade agreements with all ASEAN countries; recalls that ASEAN represents the EU's third largest trading partner outside Europe, and that the EU is ASEAN's second largest trading partner;

14. Stresses that national and foreign enterprises operating in ASEAN countries must act in accordance with the principles of Corporate Social Responsibility (CSR); urges the ASEAN countries to make sure that social, environmental and labour rights are fully respected; calls for the full and effective implementation of the ILO conventions and for respect of core labour standards; calls on ASEAN and its member states to effectively implement the UN Guiding Principles on Business and Human Rights, to promote appropriate employment protection and decent working conditions, and to

establish an environment that is more conducive to the development of trade unions; calls on the Commission and the EEAS to use all available instruments to enhance compliance with the above; highlights, furthermore, the need to ensure the elimination of all forms of forced or compulsory labour and of child labour;

15. Calls on European companies investing in the ASEAN region to live up to their corporate social responsibilities and to respect European standards concerning consumer, labour and environmental rights, as well as to uphold the rights of the indigenous populations;

16. Calls on the Commission and the Member States to facilitate an institutionalised social dialogue between the Asia-Europe People's Forum (AEPF) and corresponding civil society structures in the EU;

17. Notes that ASEAN has declared itself to be people-oriented and people-centred and that the legitimacy and relevance of the regional integration processes, both in the EU and ASEAN, depend on associating as many stakeholders as possible in the process and communicating its achievements; considers people-to-people contacts, particularly for young people, to be a very important instrument of cultural exchange, and calls for a considerable enlargement of the Erasmus+ facility for ASEAN; underlines that there is much room in the ASEAN countries for vocational training, and highlights prospects of cooperation in the area of the dual formation system practised in certain EU Member States; urges also developing cultural diplomacy activities in line with the communication of 8 June 2016 on an EU Strategy for International Cultural Relations and the recent report of Parliament on the subject; highlights the important function of the Asia-Europe Foundation and believes that support for its work should be expanded;

18. Underlines the notion that structured exchanges and cooperation on the level of regions and localities (city twinning) offer an interesting instrument to enhance mutual practical experience, and draws attention to concrete initiatives such as the Covenant of Mayors or the Under2 MOU, which should be actively promoted;

19. Suggests celebrating this year's ASEAN-EU anniversary with an EU initiative for an EU-ASEAN young leaders' exchange programme, to be realised in 2018 when Singapore occupies the ASEAN chair; suggests that if this is successful an annual forum should be created to allow young leaders from the EU and ASEAN to exchange ideas and build relationships in order to support EU-ASEAN relations in the future; suggests, further, examining with the ASEAN partners the practical scope for the reciprocal funding of research institutes or academic programmes whose purpose would be to study the integration processes, and experiences of those processes, in the respective partner region;

20. Underlines the need to promote gender equality and women's empowerment and to improve the lives of girls and women; highlights that access to education is therefore vital and could lead to social and economic transformation;

21. Stresses that the EU should also intensify policy dialogues and cooperation on issues such as fundamental rights, including the rights of ethnic and religious minorities and on matters of common concern including the rule of law and security, protection of freedom of expression and the free flow of information, the fight against transnational crime, corruption, tax evasion, money laundering and trafficking in people and drugs, counter-terrorism, non-proliferation, disarmament, maritime security and cybersecurity;

22. Welcomes the holding of the first EU-ASEAN Policy Dialogue on Human Rights in October 2015 and looks forward to further dialogues of this kind; is deeply concerned at the erosion of democracy and the violations of human and minority rights and continued repression and discrimination in countries of the region, and the failure to allow sufficient space for refugees and stateless persons or for civil society, particularly for environmental, land rights and labour rights activists, human rights defenders, and media workers; warns that failure to confront the issues related to the marginalisation of minorities would challenge the sustainability and long-term success of ASEAN; deplores the fact that a repressive attitude to drug users has resulted in high human costs and extrajudicial killings; highlights the need for empowering civil society in ASEAN by ensuring meaningful consultation with NGOs and grassroots movements in the context of regional policymaking;

23. Is concerned at the setbacks with regard to the abolition of the death penalty in the region, and calls on all ASEAN countries to refrain from reinstating the death penalty and to abide by their international obligations; welcomes the efforts being made in the fight against trafficking in human beings and forced labour, and calls on all governments to step up the protection of victims and cross-country cooperation;

24. Calls on ASEAN to dedicate adequate resources to its Intergovernmental Commission on Human Rights (AICHR); hopes that specific and verifiable targets and measures will be included in the AICHR's five-year work plan and that its mandate will be strengthened so that it can actively monitor, investigate, prosecute and prevent human rights violations; encourages the AICHR to consider and discuss the establishment of a complementary ASEAN Court of Human Rights, on similar lines to those existing in other regions of the world;

25. Urges the EU and its Member States to seek out all opportunities for cooperation with the ASEAN countries on strengthening democracy; supports the work of the Regional EU-ASEAN Dialogue Instrument Human Rights Facility office, which aims to publicise human rights issues and actions and increase awareness about human rights; urges all ASEAN member states to ratify further UN human rights conventions and their optional protocols, as well as the Statute of the International Criminal Court (ICC), and to support initiatives for transitional justice, reconciliation and the fight against impunity across the region;

26. Is concerned that a million stateless persons reside in the ASEAN member states; notes that the Rohingya in Myanmar are the single largest stateless group in the world, with over 1 million persons under UNHCR's statelessness mandate, but that large communities of stateless people are also to be found in Brunei, Vietnam, the Philippines, Thailand, Malaysia and elsewhere; encourages the ASEAN member states to work together and to share good examples and efforts in order to end statelessness in the entire region;

27. Recognises the importance of the EU's role in the progress achieved to date by the ASEAN countries, and calls on the EU always to maintain dialogue in order to support the region in its progress towards democratisation, development and integration;

28. Is concerned that climate change will have a major impact on ASEAN; recalls that the ASEAN region remains one of those most vulnerable to the phenomenon; urges the ASEAN member states to accelerate the shift towards low-carbon economies and to rapidly reduce deforestation, effectively curb forest fires and adopt more environment-friendly technologies for transport and buildings; welcomes the EU's initiative of a new dedicated EU-ASEAN Dialogue on Sustainable Development; notes in this context the EU's support for the task of clearance of unexploded ordnance in some countries in the region; urges EU-ASEAN cooperation on sustainable tourism, food security and the protection of biological diversity and in particular of coral reefs and mangrove forests, and action to effectively address overfishing in the region; highlights the need to provide assistance to ASEAN countries in order to enhance the protection and sustainable use of biodiversity and the systematic rehabilitation of forest ecosystems; urges the ASEAN member states to make efforts to enhance their rapid response capacity to natural disasters, under the ASEAN Agreement on Disaster Management and Emergency Response (AADMER);

29. Calls for the EU institutions and Member States to give adequate priority to a high frequency of political contacts, notably at ministerial level, and to take full advantage of the ASEAN member state responsible for coordinating ASEAN's Dialogue Relations with the EU and for chairing ASEAN; recalls the demands that have been made for a region-to-region EU-ASEAN parliamentary assembly, and urges greater use of parliamentary public diplomacy in various policy areas; insists in the meantime on strengthening cooperation with the ASEAN Inter-Parliamentary Assembly (AIPA) through regular and structured exchanges; calls for the EU institutions and Member States also to take advantage of the opportunities for intensive exchanges on regional issues presented at the annual Shangri-La Dialogue Forum;

30. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the ASEAN Inter-Parliamentary Assembly, the ASEAN Secretariat and the governments and parliaments of the ASEAN member states.

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P8_TA(2017)0376

Objection to an implementing act: Scientific criteria for the determination of endocrine disrupting properties

European Parliament resolution of 4 October 2017 on the draft Commission regulation amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (D048947/06 — 2017/2801(RPS))

(2018/C 346/06)

The European Parliament,

— having regard to the draft Commission regulation amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (D048947/06 ('draft regulation'),

— having regard to 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 and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), in particular Articles 4(1) and 78(1)(a) thereof and the second paragraph of point 3.6.5. and point 3.8.2. of Annex II thereto,

— having regard to the judgment of the General Court of the Court of Justice of the European Union of 16 December 2015 ([2]), and in particular paragraphs 71 and 72 thereof,

— having regard to its resolution of 8 June 2016 on endocrine disruptors: state of play following the judgment of the General Court of the European Union of 16 December 2015 ([3]),

— having regard to the Commission communication of 15 June 2016 on endocrine disruptors and the draft Commission acts setting out scientific criteria for their determination in the context of the EU legislation on plant protection products and biocidal products (COM(2016)0350),

— having regard to the summary report of the Standing Committee on Plants, Animals, Food and Feed held in Brussels on 28 February 2017,

— having regard to its resolution of 14 March 2013 on the protection of public health from endocrine disrupters ([4]),

— having regard to Article 5a(3)(b) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([5]),

— 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), (3) and (4)(c) of its Rules of Procedure,

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) Judgment of the Court of Justice of 16 December 2015, *Sweden* v *Commission*, T-521/14, ECLI:EU:T:2015:976.
([3]) Texts adopted, P8_TA(2016)0270.
([4]) OJ C 36, 29.1.2016, p. 85.
([5]) OJ L 184, 17.7.1999, p. 23.

A. whereas, in accordance with point 3.8.2. of Annex II to Regulation (EC) No 1107/2009, an active substance is only to be approved if it is not considered to have endocrine disrupting properties that may cause adverse effects on non-target organisms, unless the exposure of non-target organisms to that active substance under realistic proposed conditions of use is negligible (cut-off criterion for the environment);

B. whereas, in accordance with the second paragraph of point 3.6.5. of Annex II to Regulation (EC) No 1107/2009, the Commission is to present to the Standing Committee on the Food Chain and Animal Health a draft of the measures concerning specific scientific criteria for the determination of endocrine disrupting properties by 14 December 2013;

C. whereas the Standing Committee on Plants, Animals, Food and Feed delivered a positive opinion on the draft regulation on 4 July 2017, with three Member States voting against, and four Member States abstaining;

D. whereas the last paragraph of the draft regulation stipulates that 'if the intended plant protection mode of action of the active substance being assessed, consists of controlling target organisms other than vertebrates via their endocrine systems, the effects on organisms of the same taxonomic phylum as the targeted one, shall not be considered for the identification of the substance as having endocrine disrupting properties with respect to non-target organisms';

E. whereas the General Court in its judgment in case T-521/14 clearly stated that 'la spécification des critères scientifiques pour la détermination des propriétés perturbant le système endocrinien ne peut se faire que de manière objective, au regard de données scientifiques relatives audit système, indépendamment de toute autre considération, en particulier économique' ([1]) (paragraph 71);

F. whereas it is not scientific to exclude a substance with an intended endocrine mode of action from being identified as an endocrine disrupter for non-target organisms;

G. whereas the draft regulation can therefore not be considered to be based on objective scientific data related to the endocrine system, as required by the Court; whereas the Commission thereby exceeds its implementing powers;

H. whereas the actual intention of this last paragraph is clearly spelled out in the summary report of the Standing Committee on Plants, Animals, Food and Feed held in Brussels on 28 February 2017, which states that 'furthermore, the rationale behind the provision on active substances with intended endocrine mode of action (below called growth regulators (GR)) was explained. […] The provision on GR allows that the cut-off criteria will not be applied to substances with an intended endocrine mode of action […]';

I. whereas this last paragraph effectively creates a derogation from the cut-off criterion laid down in point 3.8.2. of Annex II to Regulation (EC) No 1107/2009;

J. whereas it is apparent from recitals 6 to 10 and Article 1(3) of Regulation (EC) No 1107/2009 that, when addressing the complex issue of setting the rules on approving active substances, the legislature had to strike a delicate balance between the different and potentially conflicting objectives, namely agricultural production and the internal market, on the one hand, and the protection of health and the environment, on the other;

([1]) Given that the judgment in case T-521/14 is only available in French and Swedish, the English version of the text has been provided by Parliament's translation services: 'the specification of scientific criteria for the determination of endocrine-disrupting properties may only be performed objectively, in the light of scientific data relating to that system, independently of all other considerations, in particular economic ones'.

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K. whereas the General Court stated the following in the judgment referred to above: 'Dans ce contexte, il importe de relever que, en adoptant le règlement n° 528/2012, le législateur a procédé à une mise en balance de l'objectif d'amélioration du marché intérieur et de celui de la préservation de la santé humaine, de la santé animale et de l'environnement, que la Commission se doit de respecter et ne saurait remettre en cause […]. Or, dans le cadre de la mise en œuvre des pouvoirs qui lui sont délégués par le législateur, la Commission ne saurait remettre en cause cet équilibre, ce que cette institution a d'ailleurs en substance admis lors de l'audience' ([1]) (paragraph 72);

L. whereas this was echoed by Parliament in its resolution of 8 June 2016, which stresses that 'the General Court ruled that the specification of scientific criteria can only be carried out in an objective manner on the basis of scientific data related to the endocrine system, independently of any other consideration, in particular economic ones, and that the Commission is not entitled to change the regulatory balance laid down in a basic act via the application of powers delegated to it pursuant to Article 290 [of the Treaty on the Functioning of the European Union (TFEU)]';

M. whereas the same limitations of power apply to the Commission in the context of an implementing act under the regulatory procedure with scrutiny;

N. whereas, according to the Commission communication of 15 June 2016, 'the issue faced by the Commission in this exercise is to establish criteria to determine what is or is not an endocrine disruptor for the purposes of plant protection products and biocidal products — not to decide how to regulate these substances. The regulatory consequences have already been set by the legislator in the legislation on plant protection products (2009) and biocidal products (2012)';

O. whereas the cut-off criterion laid down in point 3.8.2. of Annex II to Regulation (EC) No 1107/2009 constitutes an essential element of the regulation;

P. whereas, in accordance with long-standing case law, the adoption of regulatory elements that are essential to a given matter is reserved to the EU legislature and may not be delegated to the Commission;

Q. whereas the Commission has exceeded its implementing powers by modifying an essential regulatory element of Regulation (EC) No 1107/2009, contrary to the recognition of its limits of power in the Court hearing in case T-521/14, contrary to its assertions in the Commission communication of 15 June 2016 and contrary to the fundamental Union principle of the rule of law;

R. whereas, even if the developments in scientific and technical knowledge were to provide valid grounds for introducing a derogation as regards the approval conditions of substances with an intended endocrine mode of action, such a derogation could only be introduced through a legislative procedure to amend Regulation (EC) No 1107/2009 in accordance with Article 294 TFEU;

1. Opposes adoption of the draft Commission regulation;

2. Considers that the draft Commission regulation exceeds the implementing powers provided for in Regulation (EC) No 1107/2009;

3. Calls on the Commission to withdraw the draft regulation and submit a new one to the committee without delay;

4. Calls on the Commission to modify the draft regulation by deleting its last paragraph;

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

([1]) Given that case T-521/14 is only available in French and Swedish, the English version of the text has been provided by Parliament's translation services: 'In this context, it is important to note that, when adopting Regulation (EU) No 528/2012, the legislature weighed up the objective of improving the internal market and that of protecting human health, animal health and the environment, arriving at conclusions which the Commission must respect and cannot call into question […]. In the context of the exercise of the powers delegated to it by the legislator, the Commission cannot call that balance into question, a fact which, moreover, that institution has in essence accepted during the hearing'.

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P8_TA(2017)0377

Genetically modified soybean FG72 × A5547-127

European Parliament resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D051972 — 2017/2879(RSP))

(2018/C 346/07)

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 FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D051972),

— 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, on 17 July 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 1 March 2017, and published on 6 April 2017 ([3]),

— having regard to the proposal 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/4744

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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 10 December 2013 Bayer Crop Science LP and M.S. Technologies LLC submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 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 FG72 × A5547-127 in products consisting of it or containing it for uses other than food and feed in the same way as any other soybean, with the exception of cultivation;

([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 maizes 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 maizes combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2017)0214).
— 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 (Texts adopted, P8_TA(2017)0341).

B. whereas on 1 March 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 published on 6 April 2017 ([1]);

C. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to 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 soybean FG72 × A5547-127 was developed to confer tolerance to isoxaflutole- (5-cyclopropylisoxazol-4-yl 2-mesyl-4-trifluoromethylphenyl ketone), glyphosate- (N-(phosphonomethyl) glycine) and glufosinate (l-phosphinothricin) ammonium-based herbicides; whereas tolerance to those herbicides is achieved by expression of the HPPD W336 (4-hydroxyl phenyl-pyruvate-dioxygenase), 2mEPSPS (5-enolpyruvylshikimate-3-phosphate synthase) and PAT (phosphinothricin acetyl-transferase) proteins, respectively;

E. whereas many critical comments were submitted by Member States during the three-month consultation period ([2]); whereas the most critical comments include the observation that, in the absence of a 90-day sub-chronic toxicity test, no conclusion on the risks relating to the use of this GMO in human and animal feed can be drawn, that information provided on composition, phenotypic evaluation and toxicology is insufficient, that conclusions reached on equivalence between the GMO and the conventional soybean, and on food and feed safety, based on this information are premature, and that this GMO soybean has not been tested with the scientific vigour needed to establish its safety;

F. whereas an independent study concludes that the risk assessment by EFSA is not acceptable in its present form since it does not identify knowledge gaps and uncertainties and fails to assess toxicity or the impact on the immune system and the reproductive system ([3]);

G. whereas glyphosate's current authorisation expires on 31 December 2017 at the latest; whereas questions on the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate is unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the WHO's International Agency for Research on Cancer (IARC) classified glyphosate as a probable carcinogen for humans;

H. whereas glufosinate is classified as toxic to reproduction and thus falls under the 'cut-off 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 ([4]); whereas the approval of glufosinate expires on 31 July 2018 ([5]);

I. whereas isoxaflutole is likely to be carcinogenic to humans ([6]), is toxic to some aquatic organisms and to non-target plants, and it and its degradation products and metabolites contaminate water easily; whereas such concerns have resulted in restrictions on its use ([7]);

([1]) https://www.efsa.europa.eu/en/efsajournal/pub/4744

([2]) Annex G — Member States' comments and GMO Panel responses http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-01032

([3]) http://www.testbiotech.org/en/node/1975

([4]) OJ L 309, 24.11.2009, p. 1.

([5]) Commission Implementing Regulation (EU) 2015/404 of 11 March 2015 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances beflubutamid, captan, dimethoate, dimethomorph, ethoprophos, fipronil, folpet, formetanate, glufosinate, methiocarb, metribuzin, phosmet, pirimiphos-methyl and propamocarb (OJ L 67, 12.3.2015, p. 6).

([6]) https://a816-healthpsi.nyc.gov/ll37/pdf/carcclassJuly2004_1.pdf

([7]) Annex G — Member States' comments and GMO Panel responses, p. 27. http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-01032

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J. whereas the application of the complementary herbicides is part of regular agricultural practice in the cultivation of herbicide-resistant plants and it can therefore be expected that residues from spraying will always be present in the harvest and are inevitable constituents; whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of complementary herbicides than their conventional counterparts ([1]);

K. whereas the residues from spraying with the complementary herbicides were not assessed by EFSA; whereas it, therefore, cannot be concluded that genetically engineered soybeans sprayed with isoxaflutole, glyphosate and glufosinate are safe for use in food and feed;

L. whereas the development of genetically modified crops that are 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; whereas more than 20 different varieties of glyphosate-resistant weeds have been documented in scientific publications ([2]); whereas glufosinate resistant weeds have been observed since 2009;

M. 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, on 17 July 2017 delivered a 'no opinion'; whereas 15 Member States voted against, only 10 Member States, representing only 38,43 % of the Union population, voted in favour, and three Member States abstained;

N. whereas the vote of the appeal committee on 14 September 2017 delivered a 'no opinion'; whereas 15 Member States voted against, only 11 Member States, representing 38,69 % of the Union population, voted in favour, and two Member States abstained;

O. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission 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 that practice has also been deplored by Commission President Juncker as not being democratic ([3]);

P. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading ([4]) and called on the Commission to withdraw it and submit a new one;

Q. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission will, 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 exceeds 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 of the European Parliament and of the Council ([5]), 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, while ensuring the effective functioning of the internal market;

([1]) https://link.springer.com/article/10.1007%2Fs00267-015-0589-7
([2]) https://link.springer.com/chapter/10.1007/978-94-007-7796-5_12
([3]) For example, in the opening statement at Parliament's plenary session included in the political guidelines for the next Commission (Strasbourg, 15 July 2014) or in the 2016 State of the Union address (Strasbourg, 14 September 2016).
([4]) Texts adopted, P8_TA(2015)0379.
([5]) OJ L 31, 1.2.2002, p. 1.

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 to be 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 with 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 FG72 × A5547-127, 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 the health risks relating to stacked events such as soybean FG72 × A5547-127;

8. Calls on the Commission to develop strategies for health risk assessment and toxicology, as well as post-market monitoring, that target the whole food and feed chain;

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 GMPs, regardless of whether the genetically modified plant is for cultivation in the Union or for import for food and feed;

10. 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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P8_TA(2017)0378

Genetically modified soybean DAS-44406-6

European Parliament resolution of 4 October 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-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D051971 — 2017/2878(RSP))

(2018/C 346/08)

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-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D051971),

— 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 17 July 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 17 February 2017, and published on 21 March 2017 ([3]),

— having regard to the proposal 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, 2017/0035(COD)),

([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/4738

— 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 16 February 2012 Dow Agrosciences LLC and MS Technologies LLC submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from genetically modified soybean DAS-44406-6 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-44406-6 in products consisting of it or containing it for uses other than food and feed in the same way as any other soybean, with the exception of cultivation;

([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 maizes 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 maizes combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2017)0214).
— 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 (Texts adopted, P8_TA(2017)0341).

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B. whereas on 17 February 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 published on 21 March 2017 ([1]);

C. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to 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 many critical comments were submitted by Member States during the three-month consultation period ([2]); whereas the most critical comments include the observation that 'the current application and the presented risk assessment data do not provide sufficient information to exclude adverse effects on humans and animals unambiguously' ([3]), 'information on phenotypic evaluation, composition and toxicology is insufficient' ([4]) and the competent authority 'considers necessary further analysis to evaluate the concentration of glyphosate, 2,4-D, glufosinate and their degradation products in seeds and forage intended for food and feed purposes in order to exclude any potential adverse effect on human and animal health' ([5]);

E. whereas an independent study concludes that 'the risk assessment by EFSA is not acceptable in its present form since it does not identify knowledge gaps and uncertainties and fails to assess toxicity, impact on immune system and the reproductive system'; whereas the same study finds that 'the monitoring plan should be rejected because it will not make essential data available' ([6]);

F. whereas soybean DAS-44406-6 expresses 5-enolpyruvyl-shikimate-3-phosphate synthase (2mEPSPS), conferring tolerance to glyphosate-based herbicides, aryloxyalkanoate dioxygenase (AAD-12), conferring tolerance to 2,4-dichlorophenoxyacetic acid (2,4-D) and other related phenoxy herbicides, and phosphinothricin acetyl transferase (PAT), conferring tolerance to glufosinate ammonium-based herbicides;

G. whereas glyphosate's current authorisation expires on 31 December 2017 at the latest; whereas doubts on the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate is unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the WHO's International Agency for Research on Cancer (IARC) classified glyphosate as a probable carcinogen for humans;

H. 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 ([7]); 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 ([8]);

([1]) https://www.efsa.europa.eu/en/efsajournal/pub/4738
([2]) Annex G — Member States' comments and GMO Panel responses: http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2012-00368
([3]) Annex G — Member States' comments and GMO Panel responses, p. 1.
([4]) Annex G — Member States' comments and GMO Panel responses, p. 52.
([5]) Annex G — Member States' comments and GMO Panel responses, p. 87.
([6]) http://www.testbiotech.org/node/1946
([7]) http://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/pane-2014-risks-of-herbicide-2-4-d.pdf
([8]) 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).

I. whereas glufosinate is classified as toxic to reproduction and thus falls under the 'cut-off 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 ([1]); whereas the approval of glufosinate expires on 31 July 2018 ([2]);

J. 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 soybean DAS-44406-6; whereas 2,4-Dichlorophenol is a known endocrine disruptor with reproductive toxicity;

K. whereas toxicity of 2,4-Dichlorophenol, a direct metabolite of 2,4-D, may be higher than the herbicide itself; whereas 2,4-Dichlorophenol is classified as an IARC carcinogen type 2B and is included in the list of chemicals developed for review within the EU-strategy for endocrine disruptors ([3]);

L. whereas, due 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 ([4]);

M. whereas the amount of 2,4-Dichlorophenol in a product may be higher than the amount of 2,4-D residue; whereas a Union maximum residue level (MRL) does not exist for 2,4-Dichlorophenol;

N. whereas the residues from spraying with the complementary herbicides were not assessed; whereas it, therefore, cannot be concluded that genetically engineered soybeans sprayed with 2,4-D, glyphosate and glufosinate are safe for use in food and feed;

O. whereas the development of genetically modified crops that are 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; whereas more than twenty different varieties of glyphosate-resistant weeds have been documented in scientific publications ([5]); whereas glufosinate-resistant weeds have been observed since 2009;

P. whereas authorising the import of soybean DAS-44406-6 into the Union will undoubtedly lead to an increase in its cultivation in third countries and to a corresponding increase in the use of glyphosate, 2,4-D and glufosinate herbicides; whereas soybean DAS-44406-6 is currently cultivated in Argentina, Brazil, the USA and Canada;

Q. 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) ([6]); whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of these herbicides than their conventional counterparts ([7]);

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Commission Implementing Regulation (EU) 2015/404 of 11 March 2015 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances beflubutamid, captan, dimethoate, dimethomorph, ethoprophos, fipronil, folpet, formetanate, glufosinate, methiocarb, metribuzin, phosmet, pirimiphos-methyl and propamocarb (OJ L 67, 12.3.2015, p. 6).

([3]) Annex G — Member States' comments and GMO Panel responses, p. 5. http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2012-00368

([4]) Member States' comments and GMO Panel responses in relation to authorisation request for GM soybean DAS-68416-4, p. 31. http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2011-00052

([5]) https://link.springer.com/chapter/10.1007/978-94-007-7796-5_12

([6]) https://sustainabledevelopment.un.org/sdg3

([7]) https://link.springer.com/article/10.1007%2Fs00267-015-0589-7

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R. whereas the Union is committed to policy coherence for development (PCD), which aims at minimising contradictions and building synergies between different Union policies, including in the areas of trade, environment and agriculture ([1]), to benefit developing countries and increase the effectiveness of development cooperation ([2]);

S. 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, on 17 July 2017 delivered a 'no opinion'; whereas 15 Member States voted against, only 10 Member States, representing only 38,43 % of the Union population voted in favour, and three Member States abstained;

T. whereas the vote of the appeal committee on 14 September 2017 delivered a 'no opinion'; whereas 14 Member States voted against, only 12 Member States, representing 38,78 % of the Union population, voted in favour, and two Member States abstained;

U. whereas, on several occasions, the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission 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 that practice has also been deplored by Commission President Juncker as not being democratic ([3]);

V. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading ([4]) and called on the Commission to withdraw it and submit a new one;

W. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission will, 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 exceeds 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 and 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 of the European Parliament and of the Council ([5]), 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, while 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 to be 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 with their commercial formulations as applied in the countries of cultivation;

([1]) Commission communication of 12 April 2005 entitled 'Policy Coherence for Development — Accelerating progress towards attaining the Millennium Development Goals' (COM(2005)0134).
([2]) https://ec.europa.eu/europeaid/policies/policy-coherence-development_en
([3]) For example, in the opening statement at Parliament's plenary session included in the political guidelines for the next Commission (Strasbourg, 15 July 2014) or in the 2016 State of the Union address (Strasbourg, 14 September 2016).
([4]) Texts adopted, P8_TA(2015)0379.
([5]) OJ L 31, 1.2.2002, p. 1.

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-44406-6, 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 develop strategies for health risk assessment and toxicology, as well as post-market monitoring, that target the whole food and feed chain;

8. 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 GMPs, regardless of whether the genetically modified plant is for cultivation in the Union or for import for food and feed;

9. 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;

10. 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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P8_TA(2017)0379

Ending child marriage

European Parliament resolution of 4 October 2017 on ending child marriage (2017/2663(RSP))

(2018/C 346/09)

The European Parliament,

— having regard to the Universal Declaration of Human Rights, and in particular Article 16 thereof, and all other United Nations (UN) treaties and instruments concerning human rights,

— having regard to the UN Convention on the Rights of the Child adopted by the UN General Assembly on 20 November 1989,

— having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child [1],

— having regard to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women,

— having regard to Article 23 of the International Covenant on Civil and Political Rights,

— having regard to Article 10(1) of the International Covenant on Economic, Social and Cultural Rights,

— having regard to Article 3 of the Treaty on European Union,

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 9 thereof,

— having regard to the Joint Staff Working Document entitled 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020',

— having regard to the Council Conclusions of 26 October 2015 on the Gender Action Plan 2016-2020,

— having regard to the EU Action Plan on Human Rights and Democracy 2015-2019,

— having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) — 'Leave no child behind',

— having regard to the European Consensus on Development which underscores the EU's commitment to mainstreaming human rights and gender equality in line with the 2030 Agenda for Sustainable Development,

— having regard to Articles 32, 37, and 59(4) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),

— having regard to the UN Population Fund (UNFPA) Report of 2012 entitled 'Marrying Too Young — End Child Marriage',

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

[1] OJ C 289, 9.8.2016, p. 57.

A. whereas the EU is committed to promoting the rights of the child, and whereas child, early, and forced marriage (CEFM) is a violation of these rights; whereas the EU is committed to comprehensively protecting and promoting the rights of the child in its external policy, in line with the UN Convention on the Rights of the Child and its Optional Protocols and other relevant international standards and treaties;

B. whereas CEFM has been recognised under international human rights law as a harmful practice and is often associated with serious forms of violence against women and girls, including intimate partner violence;

C. whereas child, early and forced marriage has a devastating impact on the overall realisation and enjoyment of girls' and women's rights, and on girls' health, including serious risks of complications in pregnancy and HIV infections; whereas it exposes girls to sexual abuse, domestic violence and even honour killing;

D. whereas reinstating and extending the so-called global gag rule, cutting funds to organisations, such as UNFPA, that provide girl victims of child marriage with family planning and sexual and reproductive health services to help reduce the risk of contracting HIV and complications in early pregnancies, is of serious concern;

E. whereas CEFM is a fundamental denial of their right to and autonomy over their own bodies and their bodily integrity;

F. whereas child marriage is a form of forced marriage, since children — given their age — inherently lack the ability to give their full, free and informed consent to their marriage or its timing;

G. whereas one in every three girls in developing countries is married before turning 18, and one in nine before 15; whereas girls are most at risk, representing 82 % of the children affected;

H. whereas child brides are under intense social pressure to prove their fertility, which makes them more likely to experience early and frequent pregnancies; whereas complications in pregnancy and childbirth are the leading cause of death in girls aged 15-19 in low- and middle-income countries;

I. whereas CEFM is linked to high rates of maternal mortality, lower use of family planning and unwanted pregnancies, and usually signals the end of a girl's education; whereas ending CEFM is firmly rooted in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 5 and Target 5.3, and whereas these marriages have been clearly enunciated as barriers to achieving gender equality and women's empowerment;

J. whereas ending CEFM is included as one of the priorities for the EU's external action in the field of promoting women's rights and human rights;

K. whereas over 60 % of child brides in developing countries have had no formal education, which is a form of gender discrimination, and whereas child marriage denies children of school age the right to the education they need for their personal development, their preparation for adulthood and their ability to contribute to their community;

L. whereas the problem is present not only in third countries, but also in EU Member States;

M. whereas the EU recently decided to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);

N. whereas the Istanbul Convention classifies forced marriage as a type of violence against women, and asks that the act of forcing a child to enter into a marriage and that of luring a child abroad with the purpose of forcing her or him to enter into a marriage be criminalised;

O. whereas very few statistics are available at national, EU and international level to demonstrate the magnitude of the problem of CEFM in the EU Member States ([1]);

P. whereas with the recent migration crisis, new cases of child marriages concluded abroad have emerged, sometimes involving children less than 14 years old;

Q. whereas children who enter marriage before the age of 18 are more likely to drop out of school or to live in poverty;

R. whereas situations of armed conflict and instability significantly increase the incidence of CEFM;

1. Recalls the link between a rights-based approach encompassing all human rights and gender equality, and that the EU remains committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Istanbul Convention, and the EU Plan of Action on Gender Equality and Women's Empowerment;

2. Emphasises that child marriage is a violation of the rights of the child and a form of violence against women and girls; stresses that as such it should be condemned;

3. Calls for the EU and the Member States to meet the objectives of the 2030 Sustainable Development Agenda to combat harmful practices more effectively and to hold those responsible to account; calls for the EU and the Member States to work together with UN Women, the United Nations Children's Fund, UNFPA and other partners to bring attention to the issue of CEFM by focusing on women's empowerment, including through education, economic empowerment and enhanced participation in decision-making, as well as on the protection and promotion of the human rights of all women and girls, including sexual and reproductive health;

4. Calls for the EU and the Members States to increase access to health services, including sexual and reproductive health and rights services, for women and child brides;

5. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to make use of all the instruments available, by developing policies, programmes and legislation, including political dialogues, human rights dialogues, bilateral and multilateral cooperation, the 'Trade for All' strategy, GSP+ and other instruments, to address and curtail the practice of CEFM;

6. Calls for the EU and the Members States to apply unified legal standards with regard to the procedure for dealing with child marriages, also in view of the ratification of the Istanbul Convention;

7. Calls for the EU and the Member States to work with law enforcement authorities and judicial systems in third countries, and to provide training and technical assistance to help with the adoption and enforcement of legislation prohibiting early and forced marriages, including a minimum age for marriage;

([1]) http://fileserver.wave-network.org/home/ForceEarlyMarriageRoadmap.pdf

8. Stresses the need for special rehabilitation and assistance measures to be created for child brides to enable them to return to education or training and to evade the familial and societal pressures connected with early marriage;

9. Stresses the need for budgetary allocations for child marriage prevention programmes that aim to create an environment where girls can achieve their full potential, including by means of education, social and economic programmes for out-of-school girls, child protection schemes, girls' and women's shelters, legal counselling, and psychological support;

10. Welcomes projects developed under the Daphne programme, focusing on assistance to victims and prevention of child, early and forced marriage; considers that such projects should be strengthened and receive adequate further funding;

11. Calls for special attention to be paid to children from disadvantaged communities, and highlights the need to focus on awareness raising, education and economic empowerment as ways to address the problem;

12. Emphasises that specific procedures must be developed and put in place to ensure the protection of children among refugees and asylum seekers in line with the UN Convention on the Rights of the Child; calls on host countries to ensure that refugee children are given full access to education and to promote as far as possible their integration and inclusion in national education systems;

13. Calls for special procedures to be put in place in refugee and asylum seeker reception centres, in order to identify cases of CEFM and help the victims;

14. Stresses the need for proper and harmonised monitoring of cases of child marriage in EU Member States, and for the collection of gender disaggregated data, in order to be able to better assess the magnitude of the problem;

15. Highlights the big discrepancy between officially registered cases and cases of potential victims asking for assistance, indicating that many cases of child marriage might be going unnoticed by authorities; calls for social workers, teachers and other personnel in contact with potential victims to be given special training and manuals on how to identify victims and how to launch the procedures to assist them;

16. Calls for the strengthening of special projects and campaigns forming part of the EU's external action targeting CEFM; emphasises that special attention should be paid to awareness raising campaigns and campaigns focusing on the education and empowerment of women and girls in the enlargement countries and in the European Neighbourhood;

17. Stresses that the EU should support and encourage third countries to ensure that civil society can play a role and ensure independent access for child victims of CEFM and their representatives to justice in a child-friendly way;

18. Stresses the need to fund, as part of humanitarian assistance, projects focusing on the prevention of gender-based violence and on education in emergencies, in order to ease the pressure on victims of CEFM;

19. Stresses the need to identify the risk factors for child marriage in humanitarian crises by involving adolescent girls, and to integrate support to married girls in any humanitarian response from the early onset of crises;

20. Strongly condemns the reinstatement and expansion of the so-called global gag rule and its impact on women's and girls' global healthcare and rights; reiterates its call for the EU and its Member States to fill the financing gap left by the US in the area of sexual and reproductive health and rights, using both national and EU development funding;

21. 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 governments and parliaments of the Member States.

Wednesday 4 October 2017

P8_TA(2017)0380

2017 UN Climate Change Conference in Bonn, Germany (COP23)

European Parliament resolution of 4 October 2017 on the 2017 UN Climate Change Conference in Bonn, Germany (COP23) (2017/2620(RSP))

(2018/C 346/10)

The European Parliament,

— having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol thereto,

— 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 from 30 November to 11 December 2015,

— having regard to the 18th Conference of the Parties (COP18) to the UNFCCC and the 8th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP8) held in Doha, Qatar, from 26 November to 8 December 2012 and to the adoption of an amendment to the Protocol establishing a second commitment period thereunder starting on 1 January 2013 and ending on 31 December 2020,

— having regard to the opening for signature of the Paris Agreement at the UN Headquarters in New York on 22 April 2016, and to the fact that it remained open until 21 April 2017, that 195 states have signed the Paris Agreement, and that 160 states have deposited instruments for its ratification,

— having regard to the 22nd Conference of the Parties (COP22) to the UNFCCC and the 1st Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA1), held in Marrakech, Morocco, from 15 November to 18 November 2016,

— having regard to its resolution of 6 October 2016 on the implementation of the Paris Agreement and the 2016 UN Climate Change Conference in Marrakech, Morocco (COP22) ([1]),

— having regard to the Commission communication of 20 July 2016 entitled 'Accelerating Europe's transition to a low-carbon economy' (COM(2016)0500),

— having regard to the Commission communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

— having regard to the European Council conclusions of 15 February 2016, 30 September 2016 and 23 June 2017,

— having regard to the Council conclusions of 19 June 2017,

— having regard to the submission on 6 March 2015 by Latvia and the European Commission on behalf of the European Union and its Member States to the UNFCCC of the intended nationally determined contribution (INDC) of the EU and its Member States,

([1]) Texts adopted, P8_TA(2016)0383.

— having regard to the 5th Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC) and to its Synthesis Report,

— having regard to the UN Environment Programme (UNEP) Synthesis Report of November 2016 entitled 'The Emissions Gap Report 2016' and to its Adaptation Gap Report 2016,

— having regard to the Leaders' Declaration adopted at the G7 Summit held at Schloss Elmau, Germany, from 7 to 8 June 2015, entitled 'Think ahead. Act together', in which the G7 leaders reiterated their intention to adhere to the commitment to reduce greenhouse gas (GHG) emissions by 40-70 % by 2050 compared with 2010 levels, with it being necessary to ensure that the reduction is closer to 70 % than 40 %,

— having regard to the 2017 G7 Leaders' Communiqué, and in particular the G7 Bologna Environment Ministers' Communiqué,

— having regard to the decision to withdraw from the Paris Agreement announced by the President of the United States,

— having regard to Pope Francis' encyclical *Laudato Si'*,

— having regard to the questions to the Council and the Commission on the 2017 UN Climate Change Conference in Bonn, Germany (COP23) (O-000068/2017 — B8-0329/2017 and O-000069/2017 — B8-0330/2017),

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas the Paris Agreement entered into force on 4 November 2016, with 160 of the 197 Parties to the Convention having deposited their instruments of ratification, acceptance, approval or accession with the UN (as of 8 September 2017);

B. whereas the July 2015 reform proposal for the emissions trading scheme (ETS) and the July 2016 climate package (covering effort sharing, land use, land use change and forestry (LULUCF) proposals and a European strategy for low-emission mobility) are the key instruments to deliver on these commitments and to reaffirm the EU's position as a global leader in the fight against climate change;

C. whereas the efforts to mitigate global warming should not be seen as an obstacle to striving for economic growth but should, on the contrary, be seen as a driving force for the realisation of new and sustainable growth and employment;

D. whereas the most serious effects of climate change will be felt in developing countries, particularly in those least developed countries and developing small island states that have insufficient resources to prepare for and adjust to the changes occurring; whereas, according to the Intergovernmental Panel on Climate Change (IPCC), Africa is especially vulnerable to the challenge this poses and is particularly exposed to water stress, extremely violent weather events and food insecurity caused by drought and desertification;

E. whereas climate change can increase competition for resources such as food, water and grazing land and exacerbate economic hardship and political instability, and could become the biggest driver of population displacements, both inside and across national borders, within the not too distant future; whereas the issue of climate migration should therefore be placed high on the international agenda;

F. whereas on 6 March 2015 the EU submitted the INDC of the EU and its Member States to the UNFCCC, thus committing itself to a binding target of at least a 40 % domestic reduction in GHG emissions by 2030 compared with 1990 levels;

G. whereas an ambitious climate mitigation policy can create growth and jobs; whereas, however, some specific sectors with a high carbon intensity and high trade intensity can suffer from carbon leakage if the ambition is not comparable in other markets; whereas appropriate protection against carbon leakage is therefore necessary to protect jobs in these specific sectors;

1. Recalls that climate change is one of the most important challenges for humankind and that all states and all players worldwide need to do their utmost to limit the associated problems; underlines that the Paris Agreement is a major step in that direction, although much more still needs to be done;

Scientific basis for climate action

2. Recalls that, according to the scientific evidence presented at the 2014 IPCC AR5, warming of the climate system is unequivocal, climate change is occurring, and human activities have been the dominant cause of the warming observed since the middle of the 20th century; is concerned that widespread and substantial climate change impacts are already evident in natural and human systems on all continents and across the oceans;

3. Takes note of the global carbon budgets as presented by the IPCC in its 5th Assessment Report, and concludes that continuing with current levels of global GHG emissions will consume the remaining carbon budget consistent with limiting the rise in global average temperature to 1,5 °C within the next four years; stresses that all countries should accelerate the transition to zero GHG emissions and climate resilience, in accordance with the Paris Agreement, in order to avoid the worst impacts of global warming;

4. Reiterates the importance of basing global climate action on best available science, and welcomes the 2018 Facilitative Dialogue preceding the UNFCCC 2020 deadline for resubmitting the 2030 nationally determined contributions (NDCs), as well as the first global stocktake in 2023, as offering the first opportunities to put this principle into action;

5. Encourages dialogue between IPCC experts and parties while the results of the sixth assessment cycle are being prepared and published; welcomes, to this end, the decision to publish a special IPCC report in 2018 on the impacts of global warming of 1,5 °C above pre-industrial levels and the related global GHG emission pathways;

Paris Agreement — ratification and implementation of commitments

6. Welcomes the unprecedented pace of ratifications and the rapid entry into force of the Paris Agreement, as well as the global resolve to ensure its full and swift implementation, as expressed in the Marrakech Action Proclamation; urges all parties to ratify the agreement as soon as possible;

7. Expresses its satisfaction at the fact that at COP22 in Marrakech all parties committed to ongoing engagement on the basis of the Paris commitments, independently of changes in political circumstances;

8. Expresses its disappointment with the announcement made by US President Donald Trump of his intention to withdraw the United States from the Paris Agreement; regrets this decision as representing a step backwards; points out that the formal withdrawal can take effect at the earliest only after the next US presidential election in 2020; welcomes the strong responses from governments around the world and their continued and strengthened support for the full implementation of the Paris Agreement; notes with satisfaction the pledges made by some US states, cities and businesses to continue to uphold the US commitments under the Paris Agreement;

9. Expresses its satisfaction that all major parties have confirmed their commitment to the Paris Agreement since President Trump's announcement;

10. Stresses that Europe must now take the lead in defending the Paris Agreement in order to secure the future of both our environment and our industries; welcomes the fact that the EU will strengthen existing partnerships and seek new alliances;

11. Points to the swift progress made so far in translating the EU's international commitment into EU legislation establishing a robust 2030 climate and energy policy framework, and underlines its intention to conclude this legislative process by the end of 2017;

12. Insists that, in particular after President Trump's announcement, it is important to have appropriate provisions in place against carbon leakage and to ensure that companies that are among the best performers and that have a high carbon intensity and a high trade intensity will obtain the allowances they need for free; asks the Commission to examine the effectiveness and legality of additional measures to protect industries at risk of carbon leakage, for example a carbon border tax adjustment and consumption charge, in particular in respect of products coming from countries that do not fulfil their commitments under the Paris Agreement;

13. Stresses that the commitments made under the Paris Agreement to limit the increase in global average temperature to well below 2 °C above pre-industrial levels and to further pursue limiting the temperature increase to 1,5 °C, as well as the aim of achieving a balance between anthropogenic emissions by sources and removals by sinks of GHG ('net zero emissions') in the second half of this century, on the basis of equity, constitute a decisive breakthrough in the collective global effort towards a transition to a climate-resilient, climate-neutral global economy;

14. Recalls that limiting the rise in global average temperature to well below 2 °C does not guarantee that significant adverse climate impacts will be avoided; acknowledges that current pledges are not yet sufficient to reach the goals of the Paris Agreement; stresses, therefore, that global GHG emissions should reach their peak as soon as possible and that all parties, especially all G20 nations, should step up their efforts and update their NDCs by 2020, following the 2018 Facilitative Dialogue; recalls that global carbon emissions need to be phased out by 2050; considers that putting in place policies and measures to fulfil and eventually exceed the NDCs should be a key domestic priority for all countries and that these should be reappraised every five years in line with the ambition mechanism in the Paris Agreement; recognises, nevertheless, that the stringency and level of ambition of domestic emission reduction strategies are not contingent on the submission of an updated NDC;

15. Calls on all parties to ensure that their NDCs are consistent with long-term targets in line with the long-term temperature goal of the Paris Agreement; stresses that work in the context of the IPCC Special Report on the 1,5 °C impact and pathways, as well as the conclusions of the 2018 Facilitative Dialogue, should be taken into account; in this context, recalls the G7's commitment to present mid-century, low GHG emission development strategies well ahead of the agreed 2020 deadline; expresses its readiness to participate fully in the development of the EU's strategy on the basis of on the Commission's analysis as announced in its 'Road from Paris' communication of 2 March 2016 (COM(2016)0110);

16. Underlines the particular responsibility of all the major economies which together account for three quarters of the world's emissions, and considers that climate action should continue to be a key topic in the G7 and G20, in particular in areas such as NDC implementation, mid-century strategies, fossil fuel subsidy reform, carbon disclosure, clean energy and others; underlines the need to continue ministerial engagement of major economies in fora such as the Clean Energy Ministerial;

17. Calls for the EU to commit to further emission reductions in its NDC for 2030 following the 2018 Facilitative Dialogue;

18. Stresses the importance of demonstrating the EU's adherence to the Paris Agreement, inter alia by implementing the agreement through EU legislation, including swift adoption by the co-legislators of the EU Climate Action Regulation and the revision of the EU ETS Directive, as well as of ratcheting up the EU's goals and policy instruments in a timely manner; recalls that all parties are invited to communicate to the UNFCCC secretariat, by 2020, mid-century, long-term, low GHG

emission development strategies; urges the Commission, therefore, in order to adhere to the agreement's obligation, to prepare by COP24 a mid-century zero emissions strategy for the EU, providing a cost-efficient pathway towards reaching the net zero emissions goal adopted in the Paris Agreement with a view to keeping the global average temperature rise well below 2 °C and pursuing efforts to limit it to 1,5 °C; considers that this process should be initiated as early as possible in order to enable a comprehensive debate, in which the European Parliament should play a crucial role, in partnership with representatives of national, regional and local authorities, as well as civil society and the business sector; recalls, however, that to act at EU level alone will not be satisfactory, and therefore calls on the Commission and the Council to step up their activities to encourage other partners to do the same;

19. Welcomes the Paris Agreement commitment to reduce global emissions to net zero during the second half of the century; recognises that this means that most sectors in the EU need to achieve zero emissions considerably earlier;

20. Believes that negotiations should advance on the key elements of the Paris Agreement, including an enhanced transparency framework, details of the global stocktake, further guidance on INDCs, an understanding of differentiation, loss and damage, climate finance and capacity support, inclusive multi-level governance, and a mechanism to facilitate implementation and promote compliance; urges the Commission and the Member States to uphold the commitments agreed within the framework of the Paris Agreement, especially regarding the EU's contribution to mitigation and adaptation, as well as its support in the areas of finance, technology transfer and capacity-building;

21. Stresses that time is of the essence in the joint efforts to combat climate change and honour the Paris Agreement; underlines that the EU has both the capacity and the responsibility to lead by example and to start work immediately on aligning its climate and energy targets with the agreed international goal of limiting the increase in global average temperature to below 2 °C, while pursuing efforts to limit that increase to 1,5 °C;

22. Recalls that early decarbonisation is necessary if this global average temperature target is to be met and that global GHG emissions must reach their peak as soon as possible; recalls that global emissions should be phased out by 2050 or shortly thereafter so as to keep the world on a cost-effective emission trajectory compatible with the temperature targets set out in the Paris Agreement; calls on all parties in a position to do so to pursue their national decarbonisation targets and strategies by prioritising the phasing out of emissions from coal, which is the most polluting source of energy, and calls for the EU to work with its international partners to that end, providing examples of good practice;

23. Welcomes the inclusiveness of the UNFCCC's process; considers that ensuring effective participation requires that the issue of vested or conflicting interests be addressed; in this context, calls for all participants in the process to put in place guidelines or procedures that enhance openness, transparency and inclusiveness without compromising the aims and objectives of the UNFCCC and the Paris Agreement;

24. Calls on all the Member States to ratify the Doha Amendment to the Kyoto Protocol;

COP23 in Bonn

25. Welcomes the commitment made in Marrakech to completing the work programme with a view to drawing up detailed implementing rules for the Paris Agreement by 2018; considers COP23 a key milestone in this technical work;

26. Looks forward to clarification of the structure of the 2018 Facilitative Dialogue during COP23, which will be a key opportunity to take stock of the progress made towards the agreement's mitigation goal and to inform the preparation and revision of the parties' 2030 NDCs by 2020, in order to reach the goals of the agreement; believes that the EU should play a proactive role in this first facilitative dialogue so as to take stock of the collective ambition and progress in fulfilling the

commitments; calls on the Commission and the Member States to submit, well in advance of the facilitative dialogue, further GHG reduction commitments that go beyond current commitments under the Paris Agreement and contribute suitably to closing the mitigation gap in line with EU capabilities;

27. Recalls that increasing mitigation action in the pre-2020 period is an absolute prerequisite for achieving the long-term goals of the Paris Agreement, and calls for the EU to ensure that near-term action remains on the COP23 agenda;

Climate finance and other means of implementation

28. Welcomes the 'Roadmap to US$100 Billion' for achieving the goal of mobilising USD 100 billion by 2020 for climate action in developing countries; underlines that the mobilisation goal has been continued until 2025 as agreed at COP21;

29. Welcomes the commitment of the parties to the Paris Agreement to making all financial flows consistent with a pathway towards low GHG emissions and climate-resilient development; considers, therefore, that the EU must tackle financial flows to fossil fuels and high-carbon infrastructure as a matter of urgency;

30. Recognises the importance of addressing the loss and damage mechanism inserted in the Paris Agreement and strongly supports discussion of the mechanism at COP23 in Bonn;

31. Stresses the importance of keeping human rights at the core of climate action, and insists that the Commission and the Member States ensure that the negotiations on adaptation measures recognise the need to respect, protect and promote human rights, encompassing inter alia gender equality, the full and equal participation of women, and the active promotion of a fair workforce transition that creates decent work and quality jobs for all;

32. Welcomes the steadily increasing level of EU climate finance, but stresses that further efforts are needed; stresses the importance of ensuring that other developed parties meet their target contributions to the USD 100 billion goal; calls for concrete EU and international commitments to delivering additional sources of finance;

33. Calls on governments and public and private financial institutions, including banks, pension funds and insurance firms, to make an ambitious commitment to aligning lending and investment practices with the global average temperature target of well below 2 °C, in line with Article 2(1)(c) of the Paris Agreement, and divesting from fossil fuels, including by phasing out export credits for fossil fuel investments; calls for specific public guarantees to promote green investment and labels and offer fiscal advantages for green investment funds and the issuing of green bonds;

34. Acknowledges that changes to national and international tax systems, including shifting the tax burden from labour to capital, applying the 'polluter pays' principle, divesting from fossil fuels and setting an appropriate carbon price, are essential in order to create an economic environment conducive to encouraging the public and private investment that will enable the realisation of sustainable development objectives under industrial policies;

35. Encourages enhanced cooperation between developed and developing countries, including within the NDC Partnership, so that countries have more effective access to the technical knowledge and financial support necessary to put in place policies to fulfil and exceed their NDCs;

36. Calls on the Commission to undertake a full evaluation of the possible consequences of the Paris Agreement for the EU budget and to develop a dedicated, automatic EU financing mechanism providing additional and adequate funding in order to ensure that the EU contributes its fair share of the USD 100 billion international climate finance goal;

37. Calls for concrete commitments to delivering additional sources of climate finance, including by introducing a financial transaction tax, setting aside some EU ETS emission allowances in the period 2021-2030, and allocating revenue from EU and international measures on aviation and shipping emissions to international climate finance and the Green Climate Fund;

Role of non-state actors

38. Highlights the efforts of an ever broader range of non-state actors to decarbonise and become more resilient to climate change; emphasises the importance, therefore, of a structured and constructive dialogue between governments, the business community, cities, regions, international organisations, civil society, and academic institutions, and of ensuring their involvement in planning and implementing scalable climate actions in order to promote robust and global action for the creation of low-carbon and resilient societies and demonstrate progress towards achieving the goals of the Paris Agreement;

39. Calls for the EU and its Member States, together with other parties to the UNFCCC, to promote a process that actively involves non-state actors in negotiations for the implementation of the Paris Agreement, supports their efforts to contribute to fulfilling a state's NDC despite national political transformations, and enables them to explore new forms of participation and association within the framework of the UNFCCC;

40. Emphasises the important role of the Non-State Actors Zone for Climate Action (NAZCA) to promote and track action by non-state actors, such as the Global Covenant of Mayors, Mission Innovation, InsuResilience, Sustainable Energy for All and the NDC Partnership;

41. Welcomes the efforts of the Climate Champions under the Marrakech Partnership for Climate Action;

42. Calls for the EU and its Member States to work with all civil society actors (institutions, the private sector, NGOs and local communities) to develop reduction initiatives in key sectors (energy, technology, cities, transport), and adaptation and resilience initiatives in response to adaptation issues, particularly as regards access to water, food security and risk prevention; calls on all governments and civil society actors to support and strengthen this agenda for action;

43. Reminds the UN and the parties to the UNFCCC that individual action is as important as the action of governments and institutions; calls, therefore, for a greater drive to organise campaigns and activities to raise awareness and inform the public about acts, whether small or large, that can contribute to combating climate change in developed and developing countries;

Comprehensive effort of all sectors

44. Welcomes the development of emissions trading systems worldwide, including 18 emissions trading systems in operation across four continents, accounting for 40 % of global GDP; encourages the Commission to promote links between the EU ETS and other emissions trading systems, with the aim of creating international carbon market mechanisms so as to increase climate ambition while helping to reduce the risk of carbon leakage by levelling the playing field; calls on the Commission to establish safeguards to ensure that linking the EU ETS delivers permanent mitigation contributions and does not undermine the EU's domestic GHG emissions target;

45. Emphasises the need for more ambition and action in order to maintain sufficient incentives to achieve the GHG emission reductions required to reach the EU's 2050 climate and energy targets; underlines that insufficient progress has been made in GHG emission reductions in the transport and agriculture sectors with respect to the 2020 targets, and that efforts need to be scaled up if these sectors are to meet their emission reduction contribution targets up to 2030;

46. Stresses the importance of ensuring the environmental integrity of any future market approaches, both within and beyond the Paris Agreement, by considering risks such as loopholes enabling double counting, problems with regard to the permanence and additionality of emission reductions, potential negative effects for sustainable development, and perverse incentives for lowering ambition for the level of NDCs;

47. Stresses that the 20-20-20 targets for GHG emissions, renewable energy and energy savings have played a key role in driving this progress and sustaining the employment of more than 4,2 million people in various eco-industries, with continuous growth recorded during the economic crisis;

48. Takes note of the 2016 ICAO Assembly decision on the establishment of a Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA);

49. Expresses its disappointment, however, at the fact that ICAO did not agree on emission reductions with the introduction of CORSIA, instead focusing mainly on offsets; regrets that the quality of the offsets is not at all guaranteed, that the application of CORSIA is only legally binding from 2027 onward, and that major members of ICAO have not yet committed to participating in the voluntary phase, while other major emitters have not committed to carbon neutral growth, which raises a large number of questions as to the real effect on the climate, since the result falls far short of the expectations the EU held when it decided to stop the clock on the EU ETS; calls for the swift finalisation of a robust set of rules for the operationalisation of CORSIA, for its timely implementation at national and regional level, and for its proper enforcement by all parties; calls, furthermore, for the enhancement of all technological innovation related to engine performance and fuel quality;

50. Recalls that while intra-European flights will continue to be covered by the EU ETS, any changes to the existing legislation and the scheduled operationalisation of CORSIA can only be considered in the light of the system's level of ambition and the implementing measures yet to be developed;

51. Takes note of the roadmap for developing a 'Comprehensive IMO strategy on the reduction of GHG emissions from ships' adopted at the 70th session of the Marine Environment Protection Committee of the International Maritime Organisation (IMO); urges the IMO to develop a global mechanism in line with the goals of the Paris Agreement by setting an ambitious emission reduction target and drawing up a concrete timetable, as part of the initial IMO GHG strategy to be adopted in spring 2018;

52. Welcomes the Kigali amendment on a global phase-down of climate-warming hydrofluorocarbons (HFCs); considers that it represents a concrete step in delivering the Paris Agreement, which could avoid emissions of well over 70 billion tonnes of CO_2 equivalent by 2050, which equals 11 times the annual emissions of the US, and hence encourages all parties to the Montreal Protocol to take all necessary steps towards its swift ratification; recalls that the EU has adopted ambitious legislation to phase down HFCs by 79 % by 2030, as climate-friendly alternatives are widely available and their potential should be fully exploited;

Climate resilience through adaptation

53. Notes that the priorities of the Fiji Presidency for COP23 include areas where adaptation and resilience actions feature prominently; recalls that adaptation action is an inevitable necessity for all countries if they are to minimise negative effects and make full use of the opportunities for climate-resilient growth and sustainable development;

54. Calls for long-term adaptation objectives to be set accordingly; recalls that developing countries, in particular LDCs and small island developing states, which have contributed least to climate change, are the most vulnerable to its adverse effects and have the least capacity to adapt;

55. Emphasises the need to truly integrate climate change adaptation into national development strategies, including financial planning, while improving coordination channels between different levels of governance and stakeholders; considers that coherence with disaster risk reduction strategies and plans is also important;

56. Stresses the importance of assessing specifically the impacts of climate change on cities and their unique adaptation and mitigation challenges and opportunities; considers that reinforcing cities' and local authorities' ability to engage and work towards the resilience of their community is key to addressing the local dimension of climate change impacts;

57. Considers that climate policies can enjoy sufficient support provided they are accompanied by social measures, including a fair transition fund to link the existing challenges presented by the fight against climate change with efforts to combat unemployment and precarious employment;

58. Calls on the Commission to reassess the 2013 EU Adaptation Strategy in order to bring more focus and added value to the adaptation work at the overall EU level by strengthening the linkages with the Paris Agreement and supporting the further development of an effective sharing of good practices, examples and information on adaptation work; stresses the need to develop systems and tools to keep track of the progress and effectiveness of national adaptation plans and actions;

59. Recalls that farmlands, wetlands and forest, which cover more than 90 % of the EU's land surface, will be harshly affected by climate change; stresses that this sector — known as land use, land use change and forestry (LULUCF) — is both a sink and a source of emissions and is crucial for mitigation and enhancing resilience;

60. Recalls that, pursuant to Article 2 thereof, the Paris Agreement of 4 November 2016 has the aim, inter alia, of 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, and calls on the Commission and the Member States to make finance flows consistent with this aim;

61. Underlines the serious negative, and often irreversible, consequences of inaction, recalling that climate change affects all regions around the world in different but highly damaging ways, resulting in migration flows and loss of lives, as well as economic, ecological and social losses; stresses that a concerted global political and financial push for innovation in clean and renewable energy is crucial to meeting our climate goals and to facilitating growth;

62. Acknowledges the many difficulties involved in establishing an accepted universal definition of 'climate refugee', but calls for serious recognition of the nature and extent of climate-induced displacement and migration resulting from disasters caused by global warming; notes with concern that between 2008 and 2013 some 166 million people were forced to leave their homes because of natural disasters, rising sea levels, extreme weather phenomena, desertification, water shortages, and the spread of tropical and vector-borne diseases; recalls in particular that climate-related developments in parts of Africa and the Middle East could contribute to political instability, economic hardship and an escalation of the refugee crisis in the Mediterranean;

63. Notes that deforestation and forest degradation are responsible for 20 % of global GHG emissions, and emphasises the role of forests and active sustainable forest management in climate change mitigation and the need to enhance the adaptive capacities and resilience of forests to climate change; emphasises the need for mitigation efforts focused on the tropical forest sector (REDD+); stresses that the goal of limiting global warming to below 2 °C is likely to prove impossible without these mitigation efforts; calls furthermore for the EU to scale up international financing for reducing deforestation in developing countries;

Support for developing countries

64. Emphasises the importance of the role developing countries also play in attaining the objectives of the Paris Agreement and the need to help those countries implement their climate plans, fully exploiting the synergies with the relevant Sustainable Development Goals of the climate measures implemented, the Addis Ababa Action Plan and Agenda 2030;

65. Stresses the need to promote universal access to sustainable energy in developing countries, in particular in Africa, through the enhanced deployment of renewable energy; points out that Africa has huge natural resources that can safeguard its energy security; stresses that, ultimately, if electricity interconnections were successfully established, part of Europe's energy could come from Africa;

66. Stresses that the EU has the experience, capacity and global reach to be the leader in building the smarter, cleaner and more resilient infrastructure needed to deliver the global transition set in motion by the Paris Agreement; calls for the EU to support developing countries' efforts in the transition towards low-carbon societies which are more inclusive, socially and environmentally sustainable, prosperous and safer;

Industry and competitiveness

67. Welcomes the continued efforts of and the progress made by European industry in meeting its obligations and taking full advantage of the opportunities arising from the Paris Agreement, which can result in successful and cost-effective climate action;

68. Underlines that combating climate change is a global priority and should be pursued as a truly worldwide effort while ensuring energy security and a sustainable economy;

69. Stresses that a stable and predictable legal framework and clear policy signals at both EU and global level would facilitate and enhance climate-related investment;

70. Underlines that continued commitment, especially on the part of key global emitters, is crucial for climate action and the Paris Agreement; deeply regrets the announcement by the US administration regarding its stance on the Paris Agreement; strongly welcomes, however, the continued support of major US industries that clearly understand the risks of climate change and the opportunities arising from climate action;

71. Considers that, should other major economies fail to make commitments comparable with those of the EU on GHG emissions reductions, it will be necessary to maintain carbon leakage provisions, particularly those aimed at sectors exposed to both a high trade intensity and a high share of carbon costs in production, in order to ensure the global competitiveness of European industry;

72. Welcomes the fact that China and other major competitors of the EU's energy-intensive industries are introducing carbon trading or other pricing mechanisms; considers that, until a level playing field is achieved, the EU should maintain adequate and proportionate measures to ensure the competitiveness of its industry and prevent carbon leakage where needed, taking into consideration that energy, industry and climate policies go hand in hand;

73. Underlines the importance of increasing the numbers of skilled workers in industry and promoting knowledge and best practices for stimulating the creation of quality jobs, while supporting a fair transition for the workforce where necessary;

Energy policy

74. Calls for the EU to push the international community to adopt without delay concrete measures, including a timetable, for progressively phasing out environmentally harmful subsidies, including for fossil fuels, which distort competition, discourage international cooperation and hinder innovation;

75. Stresses the importance of energy savings, energy efficiency and renewable energy for reducing emissions, as well as for financial savings, energy security and preventing and alleviating energy poverty in order to protect and help vulnerable and poor households; calls for the global promotion of energy efficiency and savings measures and the development of renewables (e.g. by stimulating self-production and consumption of renewable energy sources) as well as their effective

deployment; recalls that prioritisation of energy efficiency and global leadership in renewables are two of the main goals of the EU's Energy Union;

76. Underlines the importance of developing energy storage technologies, smart grids and demand response that will contribute to strengthening the effective deployment of renewable energy in power generation and the household heating and cooling sectors;

Research, innovation and digital technologies

77. Underlines the fact that continued and reinforced research and innovation in the areas of climate change mitigation, adaptation policies, resource efficiency, low-emission technologies and sustainable use of secondary raw material ('circular economy') hold the key to fighting climate change in a cost-effective way, as well as reducing dependence on fossil fuels; calls, therefore, for global commitments to boost and focus investment in this area;

78. Stresses that advances in the technologies necessary for decarbonisation will call for clear policy signals, including the reduction of market and regulatory barriers to new technologies and business models, as well as well-targeted public expenditure;

79. Recalls that research, innovation and competitiveness are among the five pillars of the EU's Energy Union strategy; notes that the EU is determined to remain a global leader in these fields, while at the same time developing close scientific cooperation with international partners; stresses the importance of building and maintaining a strong innovation capacity in both developed and emerging countries for the deployment of clean and sustainable energy technologies;

80. Recalls the fundamental role of digital technologies in facilitating the energy transition, creating new sustainable business models and improving energy efficiency and savings; stresses the environmental benefits that the digitalisation of European industry can bring through the efficient use of resources and the reduction of material intensity;

81. Underlines the importance of making full use of existing EU programmes and instruments such as Horizon 2020 which are open to third-country participation, especially in the fields of energy, climate change and sustainable development;

82. Calls for better use of technologies such as space satellites for accurate collection of data on emissions, temperature and climate change; points in particular to the contribution of the Copernicus programme; also calls for transparent cooperation and information-sharing between countries and openness of data for the scientific community;

Climate diplomacy

83. Strongly supports the continued focus of the EU on climate diplomacy, which is essential for raising the profile of climate action in partner countries and global public opinion; stresses the need to maintain climate change as a strategic priority in diplomatic dialogues, taking into account the latest developments and the changing geopolitical landscape; underlines the fact that the European External Action Service (EEAS) and the Member States have an enormous foreign policy capacity and must show leadership in climate fora; stresses that ambitious and urgent climate action, together with the implementation of COP21 commitments, must remain one of the EU's priorities in high-level bilateral and bi-regional dialogues with partner countries, the G7, the G20, the UN and other international fora;

84. Reiterates its view that climate policy objectives be placed at the centre of the EU's foreign policy efforts and global agenda; urges the EU and the Member States to demonstrate leadership in global climate action by continuous commitment to the Paris Agreement and by actively reaching out to strategic partners, at both national and subnational level, in order to form or strengthen climate alliances so as to maintain the momentum towards an ambitious climate protection regime;

85. Urges the EU and the Member States to work towards achieving a broader awareness, analysis and management of climate risks, and to support the EU's partners around the world in their efforts to better understand, integrate, anticipate and manage the impacts of climate change on domestic stability, international security and the displacement of people;

86. Commits itself to using its international role and membership of international parliamentary networks to consistently seek progress towards the swift implementation of the Paris Agreement;

Role of the European Parliament

87. Believes, since Parliament must give its consent to international agreements and plays a central role in the domestic implementation of the Paris Agreement as co-legislator, it needs to be well integrated into the EU delegation; expects, therefore, that it be allowed to attend EU coordination meetings in Bonn and be guaranteed access to all preparatory documents from the moment negotiations begin;

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88. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and the Secretariat of the UNFCCC, with the request that it be circulated to all non-EU parties.

Thursday 5 October 2017

P8_TA(2017)0381

Situation of people with albinism in Malawi and other African countries

European Parliament resolution of 5 October 2017 on the situation of persons with albinism in Africa, notably in Malawi (2017/2868(RSP))

(2018/C 346/11)

The European Parliament,

— having regard to its previous resolutions on albinism in Africa, in particular that of 7 July 2016 on the situation of persons with albinism in Africa, notably in Malawi ([1]), and of 4 September 2008 on the killing of albinos in Tanzania ([2]),

— having regard to the reports of the UN Independent Expert on the enjoyment of human rights by persons with albinism of 24 March 2017 and 18 January 2016,

— having regard to the European External Action Service (EEAS) statement of 13 June 2017 on International Albinism Awareness Day,

— having regard to the Office of the UN High Commissioner for Human Rights (OHCHR) press releases of 19 September 2017, entitled 'Ground-breaking step to tackle impunity for witchcraft related human rights violations', and of 28 July 2017, entitled 'Tanzania: "Reported attacks against persons with albinism decline, but root causes still rife in rural areas" — UN expert',

— having regard to UN General Assembly (UNGA) resolution 69/170 of 18 December 2014 on International Albinism Awareness Day,

— having regard to UNGA resolution 70/229 of 23 December 2015 on persons with albinism,

— having regard to resolution 263 of 5 November 2013 of the African Commission on Human and Peoples' Rights (ACHPR) on the prevention of attacks and discrimination against persons with albinism,

— having regard to the Regional Action Plan to end attacks on persons with albinism in Africa for period 2017-2021, and ACHPR resolution 373 of 22 May 2017 thereon,

— having regard to the Universal Declaration of Human Rights of 10 December 1948,

— having regard to the International Covenant on Civil and Political Rights,

— having regard to the UN Convention on the Rights of the Child,

— having regard to the UN Convention on the Rights of Persons with Disabilities,

— having regard to the International Convention on the Elimination of All Forms of Racial Discrimination,

([1]) Texts adopted, P8_TA(2016)0314.
([2]) OJ C 295 E, 4.12.2009, p. 94.

— having regard to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992,

— having regard to the African Charter on Human and Peoples' Rights,

— having regard to the Cotonou Partnership Agreement,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas albinism is an inherited genetic condition affecting about one in 20 000 people worldwide, and a considerably higher proportion of people in sub-Saharan countries, specifically Tanzania, Malawi and Burundi, which have the highest concentrations of persons with albinism (PWAs);

B. whereas the greatest threat to persons with albinism in the majority of Africa is posed by misleading and superstitious beliefs regarding the condition; whereas the false association between albinism and magical powers poses the most severe threat to PWAs; whereas such myths motivate violence and the trafficking of their body parts to bring luck, health and fortune; whereas PWA women are subjected to rape, owing to the misconception that sexual intercourse with them can cure HIV/AIDS;

C. whereas according to human rights groups, in the past decade, more than 600 attacks against PWAs have been reported in Africa, although this is most likely an underestimate; whereas these attacks have become considerably more frequent over the past years, notably in Malawi, Tanzania and Mozambique;

D. whereas in 2016, 172 murders and 276 other attacks against PWAs occurred across 25 African countries; whereas this year, aside from in Malawi, cases of attacks against PWAs have also been reported in Burundi, Mozambique, Zambia and Tanzania, in which the majority of the victims were reportedly children;

E. whereas since the beginning of 2017, a new wave of killings and attacks targeting PWAs has been fuelled by systemic failures in Malawi's criminal justice system, which leave members of this vulnerable group at the mercy of criminal gangs; whereas since January 2017, at least two PWAs have been killed, while seven more have reported crimes such as attempted murder or abduction;

F. whereas despite stronger legislation being introduced in Malawi in 2016, including reforms to the Penal Code and the Anatomy Act, this has not prevented the resurgence of killings and attacks against this vulnerable group, mainly due to poor law enforcement and judicial capacities, root causes and the social and cultural environment, perpetrators are rarely identified, brought to justice or convicted;

G. whereas PWAs are facing extreme violations of human rights, ranging from harassment, persecution, societal discrimination and exclusion, to abduction, rape and murder;

H. whereas women and children with albinism are particularly vulnerable to social exclusion; whereas babies are abandoned as a result of their condition; whereas children's education suffers as a result of bullying, stigmatisation and overall fear of attack;

I. whereas the Tanzanian Government has engaged in serious and tangible action to tackle witchcraft in the country, including the suspension of traditional healers' licences and numerous arrests of witchdoctors; whereas the Tanzanian President appointed the first Member of Parliament with albinism in 2008 and the first albino deputy minister in December 2015;

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J. whereas Mozambique, Nigeria and Kenya have adopted an action plan to respond to attacks, focusing on promoting public education on albinism and raising awareness of the issue among families and communities, guaranteeing protection and social assistance to PWAs, ensuring legal assistance, procedural celerity and the prevention of attacks, sharing and publishing judicial decisions as a means of deterrence, and conducting further research to improve measures identified in the plan and support evidence-based policymaking;

K. whereas in June 2017, the ACHPR adopted a Regional Action Plan to end attacks on persons with albinism for the period 2017-2021, endorsed by the UN and various regional and international stakeholders; whereas this Action Plan aims to foster joint efforts and actions to combat violence against PWAs and to protect their rights and those of their families;

L. whereas, despite increasing international visibility and the adoption of new legislation in the countries affected, prosecutions and convictions remain very few in number and crimes and torture continue to be committed with total impunity in many African countries;

M. whereas killings, mutilation, discrimination, harassment and stigmatisation have uprooted hundreds of PWAs to areas of refuge in temporary shelters; whereas this situation has caused greater precariousness and insecurity for PWAs, limiting their access to basic services, such as healthcare and education, employment opportunities and participation in society; whereas appropriate medical care, including preventive medication for skin cancer, is restricted by the challenges PWAs face, which could be overcome with the development of medical facilities and knowledge in the region;

N. whereas long lasting and even permanent psychosocial damage is caused by life-long fear and discrimination;

O. whereas in March 2015, the UN appointed its first Independent Expert on the enjoyment of human rights by persons with albinism, Ikponwosa Ero, and officially proclaimed 13 June as International Albinism Awareness Day;

P. whereas the EU has carried out public advocacy campaigns to generate wider awareness of the issue and has supported the engagement of civil society organisations and the capacity-building efforts of local authorities in the fight against PWA killings;

Q. whereas PWAs are disproportionately affected by poverty, owing to the violence, discrimination and marginalisation they face;

1. Expresses its deep concern at the continuous and widespread discrimination and persecution faced by PWAs in Africa, in particular following the recent rise in violence in Malawi; strongly condemns all killings, abductions, mutilations and other inhuman and degrading treatment suffered by PWAs and expresses its condolences and solidarity to the families of the victims; condemns, in addition, any speculative trading in PWA body parts;

2. Remains highly concerned that the introduction of stronger legislation in Malawi has not prevented a recent resurgence in attacks against PWAs; welcomes the reforms to the Penal Code and the Anatomy Act; calls, however, on the Malawian authorities to fully investigate the recent spate of crimes against PWAs and bring the perpetrators of albinism-related crimes to justice;

3. Recalls that the primary responsibility of a state is to protect its citizens, including vulnerable groups, and calls on the Government of Malawi to offer effective protections for PWAs so as to uphold their right to life and personal security, in accordance with Malawi's international human rights obligations and commitments;

4. Urges the Malawian authorities to act proactively against any criminal organisation active in witchcraft and human trafficking, give the police adequate training and resources, thoroughly investigate crimes related to albinism, put an end to impunity, and seek, as a matter of urgency, international support to conduct impartial and effective investigations into all reported attacks against PWAs, in order to bring those responsible to justice and hold them accountable;

5. Calls on the African countries affected to extend legislation where necessary, in order to criminalise the possession and trafficking of body parts;

6. Calls on the Malawian Government to meet the medical, psychological and social needs of PWAs more effectively by guaranteeing them equal access to healthcare and education, as part of inclusion policies; recalls that access to healthcare and education remains a considerable challenge for PWAs which needs to be tackled; calls for greater investment in creating adequate social, care and counselling structures for victims, in particular for women and children, and a better response to their medical and psychological needs; insists that policies should be put in place to facilitate their reintegration in their communities;

7. Underlines that the general lack of understanding of and health information on albinism tends to aggravate the health condition of PWAs; stresses the need to ensure that they have access to healthcare, in particular in rural and remote areas; considers that healthcare workers should be given sensitivity training on albinism; calls for the improved training of teachers and school administrations on albinism and for the Malawian authorities to facilitate PWAs' access to and enjoyment of education;

8. Welcomes the efforts made by the Tanzanian Government to combat the discrimination of PWAs and its decision to outlaw witchdoctors in a bid to stop the killing of this group, while acknowledging that too few cases are brought to justice; welcomes, in addition, the efforts made by Mozambique, Kenya and Nigeria;

9. Reiterates that more effort should be put into addressing the root causes of discrimination and violence against PWAs through public awareness campaigns; stresses the crucial role of local authorities and civil society organisations in promoting the rights of PWAs, informing and educating the population, and shattering myths and prejudices with regard to albinism;

10. Is concerned at the specific challenges faced by women and children with albinism, which leave them more exposed to poverty, insecurity and isolation; insists that all victims should have access to appropriate medical and psychological care, and that adequate policies should be put in place to facilitate their reintegration into their communities;

11. Calls on the authorities of the countries affected, in cooperation with their international and regional partners, to commit to tackling the harmful superstitious beliefs perpetuating the targeting of people with albinism, taking all necessary measures to prevent and tackle the illegal trade in PWA body parts, revisit cases of suspected grave robberies, trace and identify the source of demand for such body parts, and bring 'PWA hunters' to justice;

12. Recalls that violence against PWAs is often of a cross-border nature and insists on the need to strengthen regional cooperation on the matter; welcomes, therefore, all initiatives taken at regional and international level to fight violence against PWAs and, in particular, the recent adoption of the Regional Action Plan on albinism for the period 2017-2021 by the African Union and the UN, which is a positive and concrete sign of commitment from African leaders; calls for its immediate and effective implementation;

13. Calls for the EU and its Member States to keep engaging with the countries affected, in order to effectively support their efforts to formulate policies addressing the specific needs and rights of persons with albinism, on the basis of non-discrimination and social inclusion, by providing the necessary financial and technical assistance;

14. Calls for the EU to continue closely monitoring the human rights situation of PWAs in Africa, in particular through regular reporting and follow-up work by its delegations, and to continue to promote significant improvements to their protection and social integration;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Governments and Parliaments of Malawi and Tanzania, the African Union and the Secretary-General of the United Nations.

Thursday 5 October 2017

P8_TA(2017)0382

The cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and the journalist Mykola Semena

European Parliament resolution of 5 October 2017 on the cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and the journalist Mykola Semena (2017/2869(RSP))

(2018/C 346/12)

The European Parliament,

— having regard to the EU-Ukraine Association Agreement and the Deep and Comprehensive Free Trade Area,

— having regard to its previous resolutions on Ukraine and on Crimea, on the European Neighbourhood Policy and on the Eastern Partnership, and in particular to its resolution of 21 January 2016 on the Association Agreements and the Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine ([1]), its resolution of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars ([2]), its resolution of 12 May 2016 on the Crimean Tatars ([3]) and its resolution of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea ([4]),

— having regard to the report of the Office of the United Nations High Commissioner for Human Rights of 25 September 2017 on the 'Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)',

— having regard to UN General Assembly Resolution 68/262 of 27 March 2014 entitled 'Territorial integrity of Ukraine' and to the UN General Assembly Resolution 71/205 of 19 December 2016, entitled 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)',

— having regard to the Council decisions continuing the sanctions imposed on the Russian Federation in relation to the illegal annexation of the Crimean peninsula,

— having regard to international humanitarian law and, in particular, to its provisions on occupied territories and the treatment and protection of civilians,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas numerous credible reports, including the most recent by the United Nations High Commissioner for Human Rights, offer evidence of the increasing abuse of human rights in Crimea affecting representatives of the Crimean Tatars, journalists, media workers, bloggers and ordinary people who speak up against the Russian occupation or simply try to document the atrocities of the *de facto* authorities;

B. whereas the report of the UN Office for Human Rights of 25 September 2017 on the 'Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)' states that 'grave human rights violations, such as arbitrary arrests and detentions, enforced disappearances, ill-treatment and torture, and at least one extra-judicial execution were documented';

C. whereas Ilmi Umerov, Crimean Tatar Leader and Deputy Chair of the Mejlis, was sentenced to a period of two years in prison for voicing dissent against the illegal annexation of the Crimean peninsula under Article 280.1 of the Russian criminal code on 'public calls to action aimed at violating Russia's territorial integrity';

([1]) Texts adopted, P8_TA(2016)0018.
([2]) Texts adopted, P8_TA(2016)0043.
([3]) Texts adopted, P8_TA(2016)0218.
([4]) Texts adopted, P8_TA(2017)0087.

D. whereas Akhtem Chiygoz, Deputy Chair of the Mejlis, was sentenced to eight years of imprisonment for 'organising mass disturbances' on 26 February 2014;

E. whereas journalist Mykola Semena received a suspended prison sentence for a period of two-and-a-half years and a three-year ban on conducting journalistic work on the basis of Article 280.1 of the Russian criminal code on 'public calls to action aimed at violating Russia's territorial integrity';

F. whereas the recent court rulings prove that the judicial system is being instrumentalised as a political tool to repress those opposed to the Russian annexation of the Crimean peninsula;

G. whereas abductions, enforced disappearances, as well as the use of torture and cruel and degrading treatment in detention facilities, have been reported in various cases; whereas torture has been used to obtain false evidence of guilt; whereas these allegations have not been appropriately investigated to date;

H. whereas in Crimea large-scale expropriation of public and private property has been conducted without compensation or regard for international humanitarian law provisions protecting property from seizure or destruction;

I. whereas the space for civil society to operate in Crimea has been considerably diminished as media outlets have been shut down, disproportionately affecting the Crimean Tatar community, their right to information and their right to maintain their culture and identity;

J. whereas the annexation of Crimea by the Russian Federation is illegal and in violation of international law and European agreements signed by both the Russian Federation and Ukraine, notably the UN Charter, the Helsinki Final Act and the 1994 Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation;

K. whereas throughout the duration of the annexation the Russian Federation is to be held responsible for the protection of the people and citizens of Crimea, through the *de facto* authorities present in the region;

1. Condemns the sentencing of Ilmi Umerov, Crimean Tatar Leader and Deputy Chair of the Mejlis, Akhtem Chiygoz, Deputy Chair of the Mejlis, and journalist Mykola Semena; demands that these convictions be reversed and that Mr Umerov and Mr Chiygoz are immediately and unconditionally released and all charges against Mr Semena are immediately and unconditionally dropped;

2. Strongly condemns the harsh sentences handed out to leaders of the Crimean Tatar community and others opposing the Russian annexation, such as Uzair Abdullaev, Teymur Abdullaev, Zevri Abseutov, Rustem Abiltarov, Muslim Aliyev, Refat Alimov, Ali Asanov, Volodymyr Balukh, Enver Bekirov, Oleksiy Bessarabov, Hlib Shabliy, Oleksiy Chirniy, Mustafa Degermenji, Emil Dzhemadenov, Arsen Dzheparov, Volodymyr Dudka, Pavlo Gryb, Rustem Ismailov, Mykola Karpyuk, Stanislav Klykh, Andriy Kolomiyets, Oleksandr Kolchenko, Oleksandr Kostenko, Emir-Usein Kuku, Sergey Litvinov, Enver Mamutov, Remzi Memethov, Yevhen Panov, Yuri Primov, Volodymyr Prisich, Ferat Sayfullayev, Eider Saledinov, Oleg Sentsov, Vadym Siruk, Oleksiy Stogniy, Redvan Suleymanov, Roman Sushchenko, Mykola Shiptur, Dmytro Shtyblikov, Viktor Shchur, Rustem Vaitov, Valentyn Vygovsky, Andriy Zakhtey and Ruslan Zeytullaev, following farcical court proceedings and questionable charges; demands the repeal of their court rulings and the immediate release of those detained;

3. Condemns the discriminatory policies imposed by the so-called authorities against, in particular, the indigenous Crimean Tatar community, the infringement of their property rights, the increasing intimidation in political, social and economic life of this community and of all those who oppose the Russian annexation;

4. Considers that the rights of the Crimean Tatars have been gravely violated through the banning of the activities of the Mejlis and declaring it an extremist organisation on 26 April 2016, and through the ban on their leaders re-entering the peninsula; strongly reiterates its call for the immediate reversal of the related decisions and their effects and for compliance with the International Court of Justice Order on provisional measures in proceedings brought by Ukraine against the Russian Federation, issued on 19 April 2017, which concludes that the Russian Federation must 'refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis';

5. Recalls that the reality of repression and the application of legislation on extremism, terrorism and separatism has led to a severe deterioration in the human rights situation on the Crimean peninsula and to the widespread violation of freedom of speech and association, and that forced imposition of Russian citizenship has become systematic and fundamental freedoms are not guaranteed on the Crimean peninsula; demands that discriminatory legislation is revoked and emphasises the urgent need for accountability for human rights violations and abuses in the peninsula;

6. Strongly condemns the prevailing practice of transferring detainees to distant regions of Russia, as this severely hinders their communication with their families and friends and the ability of human rights organisations to monitor their wellbeing; underlines that this practice is in breach of the Russian legislation in force, in particular Article 73 of the Criminal Enforcement Code, according to which sentences should be served in the region in which convicts reside or in which the court sentence was handed down;

7. Calls on the EEAS and the EU Delegation in Russia to closely follow the ongoing trials and to pay attention to the treatment of those detained; expresses particular concern over reports of the use of punitive psychiatric treatments; expects the EU Delegation, the EEAS and Member States' embassies to closely follow these proceedings and to seek access to those detained before, during and after their trials;

8. Calls on the European Court of Human Rights to consider all applications for redress from Crimea with the highest priority possible, as the Russian domestic judicial system cannot and does not provide legal remedies in these cases;

9. Condemns the repression of independent media outlets representing minority communities and urges the Russian authorities to refrain from placing legal and administrative obstacles to their operation;

10. Calls for international human rights observers, including specialised structures of the UN, OSCE and Council of Europe, to have unhindered access to the Crimean peninsula in order to investigate the situation on the peninsula, and for the establishment of independent monitoring mechanisms; supports the initiatives led by Ukraine with a view to addressing these issues within the Human Rights Council and the General Assembly; calls on the EEAS and the European Union's Special Representative for Human Rights to pay constant attention to the human rights situation in the Crimean peninsula and to keep Parliament informed;

11. Calls on the Commission to support projects and exchanges aimed at improving people-to-people contacts, as well as those promoting peace-building, conflict resolution, reconciliation and intercultural dialogue, including within Crimea; encourages the avoidance of bureaucratic obstacles and encourages more flexible approaches that will allow easier access of international observers in the peninsula, including parliamentarians, with the agreement of Kiev and without this being interpreted as recognition of the annexation;

12. Underlines that restrictive measures should be imposed on all individuals responsible for gross human rights violations, including those Crimean and Russian officials directly responsible for charging and sentencing Akhtem Chiygoz, Mykola Semena and Ilmi Umerov, and these should include the freezing of assets in EU banks and travel bans; reiterates its support for the EU's decision to prohibit imports from Crimea and the export of certain goods and technologies, investment, trade and services to Crimea;

13. Deplores the plight of Crimean children growing up without their fathers who have been illegally deprived of their liberty as *de facto* political prisoners, including those transferred to distant parts of the Russian Federation; considers this to be a blatant violation of international human rights, children's rights and the international obligations of the Russian Federation, such as the UN Convention on the Rights of the Child; calls on the Russian authorities and the *de facto* Crimean authorities to allow the abovementioned persons regular contact with members of their families, particular the minors;

14. Reminds the Russian authorities that in their *de facto* capacity as an occupational power exercising effective control over Crimea, they are fully responsible for the protection of Crimean citizens from arbitrary judicial or administrative measures, and in the same capacity they are bound by international humanitarian law to ensure the protection of human rights on the peninsula;

15. Supports the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognised borders and reiterates its condemnation of the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol by the Russian Federation; supports the policy of the EU and its Member States not to recognise the illegal annexation of the Crimean peninsula and to impose restrictive measures taken in this respect; expresses deep concern about the ongoing large-scale militarisation of the Crimean peninsula by Russia, which threatens regional and pan-European security;

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the President of Ukraine, the governments and parliaments of Ukraine and of the Russian Federation, the Parliamentary Assemblies of the Council of Europe and the Organisation for Security and Cooperation in Europe, the Mejlis of the Crimean Tatar People and the Secretary General of the United Nations.

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P8_TA(2017)0383

Situation in Maldives

European Parliament resolution of 5 October 2017 on the situation in the Maldives (2017/2870(RSP))

(2018/C 346/13)

The European Parliament,

— having regard to its previous resolutions on the Maldives, particularly those of 16 September 2004 ([1]), 30 April 2015 ([2]) and 17 December 2015 ([3]),

— having regard to the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a party,

— having regard to the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,

— having regard to the EU Guidelines on the Death Penalty,

— having regard to the Universal Declaration of Human Rights of 1948, in particular Articles 2, 7 and 19 thereof,

— having regard to the UN Convention on the Rights of the Child of 1989,

— having regard to the Convention on the Elimination of All Forms of Discrimination against Women,

— having regard to the statement of the UN Secretary-General, António Guterres, of 27 July 2017,

— having regard to the mission report of the 5th EU-Maldives Interparliamentary Meeting of 8 and 9 February 2016,

— having regard to the statement issued on 25 July 2017 by the EU Delegation to the Maldives, together with the Embassies of EU Member States and the Embassies of Canada, Norway, Switzerland and the United States accredited to the Maldives, on the situation in the Maldives,

— having regard to the statement of 14 March 2016 by the Spokesperson of the Vice-President of the European Commission / High Representative for Foreign Affairs and Security Policy (VP/HR) on the conviction of the former president of the Maldives, Mohamed Nasheed,

— having regard to the statement of 3 August 2017 of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnès Callamard, on the 'imminent' resumption of executions in the Maldives,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the EU has long-standing relations with the Maldives and hundreds of thousands of European tourists travel to the Maldives every year;

B. whereas the human rights situation in the Maldives has deteriorated dramatically since the country's first democratic elections in 2008 and since its first democratically elected president, Mohamed Nasheed, was ousted in 2012;

([1]) OJ C 140 E, 9.6.2005, p. 165.
([2]) OJ C 346, 21.9.2016, p. 60.
([3]) Texts adopted, P8_TA(2015)0464.

C. whereas political and civil freedoms have been eroded, opposition leaders have been arbitrarily arrested, the media have been attacked, and growing religious conservatism is blamed for a decline in religious freedom and tolerance as President Abdulla Yameen, former leader of the Progressive Party of the Maldives, and his government seek to tighten their grip on power;

D. whereas on 22 August 2017 security forces forcibly closed the Parliament (Majlis) in what opposition parliamentarians described as an attempt to block a motion to impeach the Speaker of the Parliament;

E. whereas opposition party members, independent journalists and human rights defenders report increased threats and attacks from authorities, police and extremist groups;

F. whereas in March 2015 Mohamed Nasheed, the Maldives' first democratically elected president, was sentenced to 13 years in jail on charges of terrorism; whereas of the 85 members of parliament, 12 opposition members are on trial, at least three have had their passports confiscated, and at least one remains arbitrarily detained; whereas presidential elections are scheduled for 2018;

G. whereas concerns have been raised over the highly politicised Maldivian judiciary, which over the years has abused its powers and acted in favour of the current ruling party and against opposition politicians; whereas the right to a fair trial is still not guaranteed and the principles concerned constitute fundamental elements of the rule of law;

H. whereas on 9 August 2016 the Maldivian Parliament adopted the 'Bill on Protection of Reputation and Good Name and Freedom of Expression', which imposes a number of restrictions on freedom of expression and gives the government the power to revoke or suspend the licenses of broadcasters, publications, websites and other media sources;

I. whereas in August 2016 the President of the Maldives ratified a number of amendments to the Freedom of Assembly Act which restricted the designated areas for lawful protests;

J. whereas the Maldives has been identified by the Inter-Parliamentary Union Committee on the Human Rights of Parliamentarians as one of the worst countries in the world for attacks against opposition members of parliament, with opposition politicians routinely being intimidated, arrested and imprisoned; whereas freedom of expression, freedom of the media, freedom of association and democratic pluralism have been increasingly under threat, with the arrest and charging of hundreds of anti-government protesters; whereas there is mounting evidence indicating that criminal charges brought against political opponents of President Yameen may have been politically motivated;

K. whereas President Yameen has repeatedly declared his intention to resume the practice of state-sanctioned executions, ending a 60-year moratorium; whereas in the Asia-Pacific region twenty states have abolished capital punishment and seven others are abolitionist in practice;

L. whereas at least 20 individuals are currently under sentence of death in the Maldives, at least five of whom were aged under 18 at the time of their arrest; whereas Maldivian law, in contravention of international law, allows minors to be sentenced to a delayed death penalty to be carried out when the minor reaches the age of 18; whereas the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has urged the Government of the Maldives not to resume executions;

M. whereas in at least three cases, namely those of Hussein Humaam Ahmed, Ahmed Murrath and Mohamed Nabeel, the Supreme Court of the Maldives has confirmed death sentences following trials which failed to uphold internationally recognised standards; whereas the three are now at risk of imminent execution;

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N. whereas the International Commission of Jurists has recently condemned the suspension of 56 Maldivian lawyers, a third of the country's practising lawyers, all of whom took part in calls for judicial reforms intended to secure the independence of the judiciary;

O. whereas there are also concerns about increasing radical Islamist militancy and about the number of radicalised young men and women alleged to have joined IS/Da'esh;

P. whereas blogger and vocal government critic Yameen Rasheed was murdered on 23 April 2017; whereas journalist Ahmen Rilwan has been missing since August 2014 and is feared dead; whereas blogger Ismail Rasheed was stabbed and wounded in 2012;

1. Expresses its deep regret at the deteriorating political and human rights situation in the Maldives and the increasingly authoritarian rule of President Abdulla Yameen and his government, which has created a climate of fear and jeopardised the gains made in the country in recent years in the areas of human rights, democracy and the rule of law, particularly in the light of the elections to be held in 2018;

2. Condemns the passing in 2016 of the Defamation and Freedom of Speech Act, which seeks to clamp down on freedom of expression, and the amendments in 2016 to the Freedom of Assembly Act restricting the right of assembly; calls on the Government of the Maldives to bring all national laws into line with international human rights law, and to repeal or reform the aforementioned acts;

3. Deplores the crackdown on political opponents in the Maldives, and calls on the government to drop all charges against former president Mohamed Nasheed and to release, immediately and unconditionally, all those being held for political reasons, including Jumhoory Party leader Qasim Ibrahim; reminds the government of its international obligations to respect fundamental freedoms and rights under the International Covenant on Civil and Political Rights, which include minimum fair trial guarantees;

4. Calls on the Supreme Court of the Maldives to immediately revoke the suspension of those of the 56 lawyers suspended in September 2017 to whom the measure still applies; reiterates its call on the government to ensure the full independence and impartiality of the judiciary and to guarantee all citizens the right to fair and transparent justice free of political influence;

5. Reiterates the EU's firm opposition to the death penalty, in all cases and without exception; calls for the universal abolition of capital punishment; strongly condemns the announcement of the reintroduction of the death penalty in the Maldives and urges the Government and Parliament of the Maldives to respect the moratorium on the death penalty which has been in place for more than 60 years;

6. Calls on the Commission and the Member States to publicly urge President Yameen and the Government of the Maldives to review all death row cases in order to ensure that internationally recognised and constitutionally safeguarded rights of fair trial are respected; calls on the Government to immediately revoke all capital punishment charges against juveniles and to prohibit the execution of juvenile offenders;

7. Believes that the only way to resolve the deterioration in democracy, human rights, and freedoms in the Maldives is through a process of genuine dialogue involving all political parties and other civic leaders;

8. Calls on the Government of the Maldives to respect and fully support the right to protest, freedom of expression, association and assembly, and freedom of conscience and freedom of religion and belief, irrespective of the majority religion;

9. Calls on the Government of the Maldives to end impunity for vigilantes who have used violence against people promoting religious tolerance, peaceful protesters, critical media and civil society;

10. Condemns the forcible closure of the Maldivian Majlis to its members and the harassment, intimidation and arrest of elected members of parliament;

11. Condemns the continued intimidation of and threats against journalists, bloggers and human rights defenders in the Maldives, the arrests of reporters, and the raids on and forced closures of news organisations;

12. Calls on the government to guarantee an impartial and independent investigation into the death of Yameen Rasheed and the abduction of Ahmed Rilwan in order to identify all those responsible and bring them to justice;

13. Calls on the Maldivian authorities to ensure that the Human Rights Commission of the Maldives, the National Integrity Commission and the electoral commissions can operate independently and without government interference; calls on the Government of the Maldives to fully cooperate with UN human rights mechanisms, including Special Procedures and the Office of the High Commissioner for Human Rights;

14. Calls on the EU to make full use of all instruments at its disposal in order to promote respect for human rights and democratic principles in the Maldives, including by considering introducing temporary individual targeted sanctions against those undermining human rights;

15. 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 European External Action Service, the Council, the Commission, the governments and parliaments of the Member States, the OSCE/ODHIR, the Council of Europe and the Government of the Maldives.

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P8_TA(2017)0385

Prison systems and conditions

European Parliament resolution of 5 October 2017 on prison systems and conditions (2015/2062(INI))

(2018/C 346/14)

The European Parliament,

— having regard to Articles 2, 6 and 7 of the Treaty on European Union and to the Charter of Fundamental Rights of the European Union, particularly Articles 4, 19, 47, 48 and 49 thereof-

— having regard to the European Convention on Human Rights and Fundamental Freedoms (ECHR) (Article 3, Article 8), the protocols to the ECHR and the case-law of the European Court of Human Rights, the European Convention of 1987 for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment, and the reports of the European Committee for the Prevention of Torture (CPT),

— having regard to the Universal Declaration of Human Rights (Articles 3 and 5), the International Covenant on Civil and Political Rights (Article 7), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

— having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989,

— having regard to the following General Comments of the UN Committee on the Rights of the Child: No 10 (2007) on children's rights in juvenile justice, No 13 (2011) on the right of the child to freedom from all forms of violence, and No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Article 31),

— having regard to the UN minimum rules on the treatment of prisoners and the declarations and principles adopted by the UN General Assembly; having regard to the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) adopted by the General Assembly; having regard to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice; having regard to the recommendations of the Committee of Ministers of the Council of Europe, particularly Recommendation CM/Rec (2006)2 on European Prison Rules, Recommendation CM/Rec (2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, Recommendation CM/Rec (2008)11 on the European rules for juvenile offenders subject to sanctions or measures, Recommendation CM/Rec (2010)1 on the Council of Europe Probation Rules, and Recommendation CM/Rec (2017)3 on the European Rules on community sanctions and measures; also having regard to the recommendations adopted by the Parliamentary Assembly of the Council of Europe,

— having regard to its resolutions of 18 January 1996 on poor conditions in prisons in the European Union ([1]), of 17 December 1998 on prison conditions in the European Union: improvements and alternative penalties ([2]), of 25 November 2009 on the multiannual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm programme) ([3]) and of 15 December 2011 on detention conditions in the EU ([4]),

([1]) OJ C 32, 5.2.1996, p. 102.
([2]) OJ C 98, 9.4.1999, p. 299.
([3]) OJ C 285 E, 21.10.2010, p. 12.
([4]) OJ C 168 E, 14.6.2013, p. 82.

— having regard to Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States ([1]),

— having regard to Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union ([2]) ('transfers of prisoners'),

— having regard to Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions ([3]) ('probation and alternative sanctions'),

— having regard to Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the EU, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention ([4]) ('European supervision orders'),

— having regard to Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings ([5]),

— having regard to the report of the European Union Agency for Fundamental Rights entitled 'Criminal detention and alternatives: fundamental rights aspects in EU cross-border transfers',

— having regard to the Commission Green Paper of 14 June 2011 entitled 'Strengthening mutual trust in the European judicial area — A Green Paper on the application of EU criminal justice legislation in the field of detention' (COM(2011)0327),

— having regard to the judgment of the Court of Justice of the European Union in joined cases C-404/15 and C-659/15 PPU, Pál Aranyosi and Robert Căldăraru,

— having regard to its resolution of 25 November 2015 on the prevention of radicalisation and recruitment of European citizens by terrorist organisations ([6]), and to the UNODC Handbook on the management of violent extremist prisoners and the prevention of radicalisation to violence in prisons ([7]),

— having regard to the written declaration 0006/2011 of 14 February 2011 on infringement of the fundamental rights of detainees in the European Union,

— having regard to the conventions, recommendations and resolutions of the Council of Europe on prison matters,

— having regard to the Council of Europe's white paper on prison overcrowding of 28 September 2016,

— having regard to Recommendation CM/Rec (2012)12 of the Committee of Ministers of the Council of Europe to Member States concerning foreign prisoners, adopted by the Committee of Ministers on 10 October 2012,

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([1]) OJ L 190, 18.7.2002, p. 1.
([2]) OJ L 327, 5.12.2008, p. 27.
([3]) OJ L 337, 16.12.2008, p. 102.
([4]) OJ L 294, 11.11.2009, p. 20.
([5]) OJ L 132, 21.5.2016, p. 1.
([6]) Texts adopted, P8_TA(2015)0410.
([7]) www.unodc.org/documents/brussels/News/2016.10_Handbook_on_VEPs.pdf

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— having regard to Recommendation CM/Rec (2012)5 of the Committee of Ministers of the Council of Europe to Member States on the European Code of Ethics for Prison Staff, adopted by the Committee of Ministers on 12 April 2012,

— having regard to the Council of Europe handbook for prison and probation services regarding radicalisation and violent extremism,

— having regard to the studies of the European Penal Observatory (EPO), 'From national practices to European guidelines: interesting initiatives in prisons management' (2013) and 'National monitoring bodies of prison conditions and the European standards' (2015),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A8-0251/2017),

A. whereas in 2014 prisons across the EU were holding over half a million inmates, including both convicted persons serving their definitive sentence and persons accused of a crime who were on remand;

B. whereas prison conditions and prison management are responsibilities of the Member States but the EU also has a necessary role to play in protecting the fundamental rights of prisoners and in creating the European Area of Freedom, Security and Justice; whereas it falls within the remit of the EU to encourage the exchange of good practices between Member States which face common problems raising real security issues across Europe;

C. whereas the situation in the prisons and the at times degrading and inhumane conditions of detention existing in certain Member States are cause for extreme concern, as demonstrated by reports such as those of the Council of Europe's European Committee for the Prevention of Torture;

D. whereas prison overcrowding is a recurrent problem in the Union, as recognised by more than a third of Member States and demonstrated by reports such as the most recent edition of the Council of Europe Annual Penal Statistics (SPACE), published on 14 March 2017; and whereas the European Court of Human Rights has regarded overcrowding as a breach of Article 3 ECHR;

E. whereas overcrowding obstructs the extradition or transfer of sentenced persons because of concerns regarding bad prison conditions in the receiving state; whereas the situation in certain Member States is continuing to worsen, to the point of becoming untenable in some of their prisons;

F. whereas prison overcrowding is seriously detrimental to the quality of detention conditions, may contribute to radicalisation, has adverse effects on the health and wellbeing of prisoners, is an obstacle to social rehabilitation, and contributes to an unsafe, complicated and unhealthy working environment for prison staff;

G. whereas in its judgment of 6 October 2005 in the case *Hirst* v. *United Kingdom*, the European Court of Human Rights confirmed that the generalised and automatic removal of prisoners' right to vote is not compatible with democracy; whereas in Poland in 2011 58,7 % of prisoners entitled to vote participated in the parliamentary elections;

H. whereas there is no correlation between severity of sentences and a drop in the crime rate;

I. whereas imprisonment is a particularly inappropriate situation in which to place certain vulnerable individuals, such as minors, the elderly, pregnant women and people suffering from serious mental or physical illness or incapacity; whereas such persons require an appropriate tailored approach;

J. whereas Article 37 of the UN Convention on the Rights of the Child stipulates that the detention of a child 'shall be used only as a measure of last resort and for the shortest appropriate period of time' and that children 'shall be separated from adults unless it is considered in the child's best interest not to do so';

K. whereas, according to Eurostat data, over 20 % of the total prison population in 2014 consisted of pre-trial detainees;

L. whereas pre-trial detention should be used only as a measure of last resort; whereas children should never be held in a facility where they are vulnerable to negative influences; whereas account should always be taken of the needs specific to the child's phase of development;

M. whereas imprisonment, including pre-trial detention, should be used only in legally justified cases and the application of sanctions as alternatives to imprisonment — such as home detention or other measures — should be prioritised in the case of prisoners who do not present a serious danger to society, thus keeping them in an open or familiar environment and giving them better access to social services, care and reintegration;

N. whereas juvenile offenders should in principle always be entitled to alternatives to detention, regardless of the offence they have committed;

O. whereas, according to Council of Europe figures for 2015, on average as many as 10,8 % of inmates in European prisons are foreigners — the corresponding figure in 2014 being 13,7 % — and whereas they are most often remanded in custody because of the supposed greater risk of absconding associated with them;

P. whereas penitentiary staff carry out an essential function on behalf of the community and should enjoy conditions of employment befitting their qualifications and which take account of the demanding nature of their work; whereas considering the difficult and delicate nature of their activity, measures such as better initial and continuous training of prison staff, an increase in dedicated funding, the sharing of best practices, decent and safe working conditions and an increase in staffing levels are essential to ensure good detention conditions in prisons; whereas continuous training would help support prison staff in addressing new and emerging challenges such as radicalisation in prison;

Q. whereas motivated, dedicated and respected prison staff are a precondition for humane detention conditions and hence for the success of detention concepts designed to improve the management of prisons, successful reintegration into society, and the reduction of risks of radicalisation and recidivism;

R. whereas self-harm and violent behaviour by prisoners are often provoked by overcrowding and deplorable detention conditions; whereas an additional factor is that staff are not properly trained or qualified; whereas in many prisons the level of tension is creating particularly difficult working conditions for staff, leading in several cases to industrial action in Member States;

S. whereas an efficient penitentiary administration must be adequately funded and staffed if it is to carry out its security and rehabilitation mission;

T. whereas the prohibition of torture or other cruel, inhuman or degrading treatment or punishment is a universal norm, applicable to adults as well as children, and any violation of the fundamental rights of prisoners which does not result from restrictions that are vital for the deprivation of freedom is detrimental to human dignity;

U. whereas the suicide rate in prisons in the EU is particularly alarming;

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V. whereas radicalisation in many prisons in the EU is a phenomenon of major concern requiring particular attention, and needs to be tackled by appropriate means, on a basis of full respect for human rights and international obligations; whereas the factors behind the rise in this phenomenon can include inhumane detention conditions and overcrowding, which can encourage the influence of recruiters for violent extremism;

W. whereas the Union has made funding available under the European Agenda on Security in order to tackle radicalisation in prisons; whereas, in view of the security context in Europe, each Member State should, as a matter of urgency, take measures to prevent radicalisation in prisons; whereas the exchange of good practices at European level is crucial;

X. whereas some of the current prison systems and facilities, and a significant proportion of the buildings currently in use as prisons in a number of European countries, date from the nineteenth century; whereas some of these buildings are no longer suitable for use in the twenty-first century, offering deplorable conditions that violate fundamental human rights;

Y. whereas research has concluded that the development of a representative democracy and of a constructive dialogue inside prisons has been beneficial for prisoners, staff and the wider society, helping to improve staff-prisoner relationships;

1. Is alarmed about prison conditions in certain Member States and the state of a number of European prisons; calls on the Member States to comply with the rules on detention derived from the instruments of international law and Council of Europe standards; notes that deprivation of liberty does not equate to deprivation of dignity; calls on the Member States to adopt independent prison monitoring mechanisms as laid down in the Optional Protocol to the Convention against Torture (OPCAT);

2. Calls on the Member States to strengthen their judicial systems and invest in training for judges;

3. Reaffirms that detention conditions are a decisive element in the application of the principle of mutual recognition of judgments in the European Union Area of Freedom, Security and Justice, as the Court of Justice held in the Aranyosi and Căldăraru cases; recalls the fundamental importance of the principle of mutual recognition of judgments provided for in the Treaty on European Union;

4. Deplores the fact that prison overcrowding is very common in Europe; is alarmed at the new record levels of overcrowding in some Member States; highlights that according to the latest edition of the annual penal statistics of the Council of Europe of 14 March 2017, the number of detainees continues to exceed the number of available places in a third of European penitentiary institutions; calls on the Member States to follow the recommendations of the Council of Europe's white paper on prison overcrowding of 28 September 2016 and Recommendation R(99) 22 of the Committee of Ministers of the Council of Europe of 30 September 1999 concerning prison overcrowding and prison population inflation;

5. Points out that Member States calculate prison capacity and, therefore, overcrowding rates, in accordance with spatial parameters that differ radically from one Member State to another, making it difficult, if not impossible, to make Union-wide comparisons;

6. Deplores, further, the fact that in many cases prison overcrowding has a serious impact on the safety of staff and prisoners, affecting living conditions and health, the activities available, medical and psychological care, and the rehabilitation and monitoring of prisoners; urges Member States to set up systems and databases for the real-time monitoring of inmates' detention conditions, and to ensure an efficient distribution of their prison population;

7. Considers that increasing prison capacity is not the sole solution to overcrowding; calls nonetheless on Member States to allocate adequate resources to the refurbishment and modernisation of prisons in order to prioritise small units with accommodation for a restricted number of prisoners, provide dignified detention conditions, create collective spaces that

meet the objectives of activity provision and socialisation, encourage rehabilitation and reintegration into society, develop further educational facilities, and ensure a more secure environment for both prisoners and staff;

8. Considers that detention rules that vary in line with the prisoners and the level of risk they pose constitute a good method for preventing recidivism and encouraging reintegration into society; points out, once again, that reintegration measures must be internalised and must start during the period of detention; encourages Member States to take into account the type of crime committed when deciding how to distribute the prison population, preventing short-term inmates and those convicted of minor offences from coming into contact with long-term inmates;

9. Calls on the Member States to provide inmates with a balanced programme of activities and to allow them to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction and to lower frustration and violence; stresses that the accommodation provided for prisoners, and in particular sleeping conditions, shall respect human dignity and privacy and meet health and hygiene requirements, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, avoiding high levels of noise, heating and ventilation; calls on all Member States to adopt a common definition of the 'minimum space' to be provided for each detainee; recalls that the Commission recently mentioned the possibility of funding for Member States from the EU Structural Funds;

10. Calls on the Member States to consider recruiting volunteers, within the context of the delivery of sanctions, to support the professional staff, with a view to creating links that will promote the reintegration of individuals into society; considers that the tasks of the volunteers should be clearly distinct from those carried out by the professional staff, and should fall within the limits of their competences;

11. Suggests that Member States should establish inspectorates for detention premises (as is already the case in some), thus being able to draw on the work of independent bodies in evaluating prison conditions;

12. Is concerned about the increasing privatisation of prison systems in the EU, and recalls that the privatisation of penal systems often leaves many questions unanswered as regards its impact on detention conditions and on respect for fundamental rights; deplores the fact that very few comparative studies have been carried out to evaluate costs and quality of management as regards public and private prisons; stresses that the main tasks of guidance, monitoring and court administration must remain under the authority of the state;

13. Stresses that remand in custody must remain a measure of last resort, to be used only in cases where it is strictly necessary and for the shortest possible period of time, in line with the national criminal procedure code applying; deplores the fact that in many Member States, in practice remand is used systematically, which, combined with poor prison conditions, but not only, entails a violation of the fundamental rights of prisoners; considers that solving the problem of the overuse of pre-trial detention needs innovative solutions, including through the modernisation of criminal procedure codes and the strengthening of the judiciary;

14. Recalls that the European Prison Rules, adopted by the Committee of Ministers of the Council of Europe, underline that that prisoners should be able to participate in elections and referenda and in other aspects of public life, in so far as their right to do so is not restricted by national law; recalls that participation in electoral activities allows prisoners to become again active members of society, which helps in their reintegration path; urges Member States to facilitate the practical access to electoral rights for prisoners, such as setting up voting booths inside prisons on election days;

15. Insists that an efficient long-term management of penitentiary systems should be implemented, reducing the number of prisoners by more frequent use of non-custodial punishments — such as community service orders or electronic tagging — and minimising recourse to pre-trial detention;

16. Calls on Member States to ensure that, in addition to the punitive aspect of imprisonment, attention is also devoted to the development of practical skills and the rehabilitation of prisoners, in order to enable punishment to be managed better, make a success of social reintegration and reduce recidivism; points out that by comparison with alternative measures imprisonment leads to more reoffending for short sentences;

17. Encourages Member States to introduce sentence adjustment measures, particularly for the shortest sentences, including the use of day release, allowing sentences to be served during holidays in order to avoid the prisoner losing his or her job, community service orders, and increased use of home detention and electronic tagging; also considers that sentencing should be more individually tailored so that it can be delivered better;

18. Considers that, in order to be effective, the introduction of new, non-custodial measures should be accompanied by other measures such as penal, educational and social reforms aiming at promoting reintegration and contact with the external society and economy; in this respect, believes that penitentiary administrations should establish strong bonds with local communities, producing explanatory documents and statistical evidence aimed at persuading public opinion that non-custodial measures are necessary to reduce recidivism as well as to ensure long-term security in our society; draws attention in this connection to the good practices which exist in the Scandinavian countries;

19. Calls on the Commission to carry out a comparative study to analyse Member States' alternative measures and support the dissemination of national best practices;

20. Calls on all Member States to introduce stronger measures for monitoring prisoners after their release from prison where they have been convicted of serious crimes; suggests that follow-up measures after release be put in place, by convening a hearing chaired by a judge and attended by probation and reintegration officers to evaluate reintegration into society and the risk of reoffending;

21. Stresses that the Framework Decision on probation and alternative sanctions provides for mutual recognition arrangements applicable to measures used by the Member States, such as restrictions on travel, community service orders, restrictions on communication and removal measures. and that the Framework Decision on European supervision orders similarly provides for remand in custody;

22. Calls on the Member States to abide by the specific recommendations concerning prison conditions for vulnerable detainees; deplores the fact that people who are mentally ill sometimes are, and remain, imprisoned simply because of the lack of appropriate services elsewhere, and recalls that, according to the European Court of Human Rights, the inadequate treatment of people who are mentally ill may constitute a breach of Article 3 ECHR and Article 2 ECHR (the right to life) in the case of prisoners who are suicidal;

23. Deplores the fact that the vulnerable situation of elderly and disabled prisoners is not fully taken into account in some Member States; calls on the Member States to ensure that elderly prisoners who become incapacitated are released and that disabled prisoners are provided with the necessary infrastructures;

24. Calls on Member States to take action against any form of discrimination in the treatment of prisoners on grounds of sexual orientation or gender identity, and to guarantee prisoners' rights to their sexuality;

25. Emphasises that women prisoners have specific needs and must have access to adequate medical services and medical examinations, and to appropriate sanitary measures; calls on Member States to abide by the recommendations in force concerning the treatment of female prisoners, avoiding all gender discrimination;

26. Considers it essential that special attention is paid to the needs of women in prison during pregnancy and also after they have given birth, by providing adequate spaces for breastfeeding and qualified and specialised nursing care; considers it appropriate to reflect on alternative models that take into account the wellbeing of children in prisons; maintains that the automatic separation of mother and child creates major emotional disturbances in the child and can amount to an additional penalty affecting both mother and child;

27. Expresses its concern at the high level of suicides in prison; calls on each Member State to produce a national action plan to prevent suicide of persons in detention;

28. Encourages Member States to ensure that prisoners have regular contacts with their families and friends by allowing them to serve their sentences in establishments close to their homes and by promoting visits, telephone calls and use of electronic communications, subject to authorisation by the judge and monitoring by the prison administration, for the purposes of preserving family ties; recalls that the notion of family should be interpreted broadly to include non-formalised relationships; considers it important that appropriate conditions be provided for those ties to be maintained;

29. Condemns the prison dispersal policy applied by some Member States, since it represents an added penalty affecting prisoners' families; urges that measures be put in place to allow all prisoners being detained far from their homes to be moved closer, unless the judicial authority decides otherwise for legally justified reasons; recalls that according to the European Court of Human Rights, detaining a person in a prison which is so far from his or her family as to render family visits very difficult or even impossible may constitute a breach of Article 8 ECHR (the right to respect for private and family life);

30. Reaffirms the importance of ensuring that children in prison are treated in a manner that takes into account their best interests, including being held separately from adults at all times, also during prison transfers, and having the right to maintain contact with their families unless a court rules otherwise; regrets that in some Member States juvenile offenders are detained in facilities together with adults and are thus exposed to risks of abuse and violence and deprived of the specific care that a vulnerable group needs; recalls that Directive (EU) 2016/800 on procedural safeguards for children states that alternative measures are preferable; calls on the Member States to establish attendance centres for adolescents;

31. Recalls that children in detention should receive care, protection and all necessary individual assistance — social, educational, vocational, psychological, medical and physical — that they may require in view of their age, gender and personality; encourages the Member States to promote secure educational centres with child psychiatric care facilities for the most difficult children, rather than imprisonment; calls on the Member States to extend particular care and special protection to children in detention;

32. Calls on the Member States to provide appropriate educational facilities for juveniles in prison; notes that children in detention must have access to programmes that prepare them in advance for their return to their communities, with full attention paid to them in respect of their emotional and physical needs, their family relationships, housing, schooling and employment possibilities and socio-economic status;

33. Encourages the Commission to establish specific working groups composed of representatives of Member States' ministries of justice and national authorities, as well as of NGOs operating in the field, in order to facilitate the exchange of best practices;

34. Stresses that children in detention should maintain regular and meaningful contact with parents, family and friends through visits and correspondence, except where restrictions are required in the interests of justice and of the child; recalls that restrictions of this right should never be used as a punishment;

35. Asks the Commission to promote policies aimed at overcoming the discrimination that could be suffered by the children of imprisoned parents, from the viewpoint of strengthening social integration and building an inclusive and fair society;

36. Recognises the right of children to maintain direct contact with a detained parent and, at the same time, reiterates the prisoner's right to parenting; considers in this respect that prisons should be equipped with a suitable children's space, where children are looked after by adequately trained prison officers, social workers and NGO volunteers who can assist children and families during prison visits;

37. Calls on the Commission to evaluate the possibility of drawing up a memorandum of understanding at EU level in order to ensure the preservation of the parenthood relationship with imprisoned parents and allow parents to be present at important moments in their children's education, thus safeguarding the interests of minors;

38. Underlines that prisoners who are detained in another Member State than their Member State of residence have more difficulties in keeping in contact with their families;

39. Calls on the Member States to abide by the recommendations in force concerning the treatment of foreign prisoners, based on their right not to suffer discrimination, and in particular to promote action by cultural mediators;

40. Calls on the Member States to use solitary confinement only as a last resort and where the prisoner poses a danger to other inmates or to himself or herself, and to create all possible mechanisms to prevent abuse; calls on the Member States to cease to apply solitary confinement to minors;

41. Calls on the Member States to combat the phenomenon of trafficking in illicit substances and drugs in prisons more effectively;

42. Recalls the principle of the universal right to health, and calls on Member States to guarantee access to adequate healthcare services and appropriate medical facilities in prison and to ensure that prisoners have access to healthcare whenever needed by having qualified medical practitioners appointed in sufficient numbers to every prison; expresses concern at the difficulties experienced by prisoners in a number of Member States in accessing a doctor or obtaining psychological support;

43. Urges the Member States to ensure that prisoners with serious or chronic medical conditions including cancer receive the specific treatment they need;

44. Calls on those Member States that do not already operate such practices to consider adjusting the sentences of seriously ill prisoners on humanitarian grounds, subject to judicial authorisation and taking into account the degree of dangerousness of detainees and the opinion of an expert committee;

45. Calls on the Member States to combat the growing phenomenon of radicalisation in prisons while protecting freedom of religion and avoiding discrimination relating to the practice of a particular faith; underlines that any specific programme targeted on a certain group of prisoners, such as those considered as 'radicalised', must respect the same human rights criteria and international obligations as apply to any other prisoners; recommends that prison administrations inform the competent authorities regarding the radicalisation of individuals;

46. Stresses that inhumane detention conditions, ill-treatment and overcrowding can constitute factors that increase the risk of radicalisation;

47. Considers that radicalisation can be effectively tackled through, inter alia, improving the detection of early signs of the phenomenon (e.g. by training staff and improving prison intelligence), improving mechanisms for dealing with extremist behaviour, developing educational measures, and supporting inter-faith dialogue and communication; considers that better mentoring, greater psychological care and exchanges with de-radicalised individuals are essential in the fight against radicalisation; notes that young people are particularly vulnerable to propaganda circulated by terrorist organisations; encourages the Member States to establish de-radicalisation programmes;

48. Is of the opinion that Member States' monitoring activities should include flagging the most dangerous radicalised inmates to the judicial authorities and/or the national authorities in charge of counter-terrorism;

49. Encourages Member States to exchange best practices with the aim of preventing and combating radicalisation in prisons and in detention centres for minors; recalls that under the European Agenda on Security the EU has made funding available to support training for prison staff with the aim of countering radicalisation in prisons; calls on the Member States to make full use of the Radicalisation Awareness Network (RAN) Centre of Excellence, and specifically to further share expertise through the Prison and Probation Working Group therein;

50. Points out that differentiated detention rules for inmates who are considered as radicalised or have been recruited by terrorist organisations represent a possible measure for curtailing radicalisation in prisons; warns, however, that any such measures should be imposed on a case-by-case basis only and should be based on a judicial decision and be subject to review by the competent judicial authorities;

51. Stresses that prison staff perform a highly demanding job on behalf of the community, and should therefore receive adequate remuneration and enjoy decent working conditions, which should include free psychological counselling and dedicated helplines designed to provide support to staff facing problems likely to affect their work;

52. Recalls that social recognition and systematic training of prison staff are essential to ensure secure and appropriate detention conditions in prisons; encourages Member States to share information, to exchange and apply good practices and to adopt a code of conduct and ethics for their prison staff; to this end, calls for a General Assembly of Prison Administrations, which should include representatives of prison staff, to be convened;

53. Recalls the fundamental role of social dialogue with prison staff as well as the need to involve staff via information and consultation, especially when developing new detention concepts designed to improve prison systems and conditions, including those aiming at containing radicalisation threats;

54. Calls on the Member States to ensure regular dialogue between prisoners and prison staff, as good working relationships between staff and prisoners are an essential element of dynamic security, in de-escalating potential incidents or in restoring good order through a process of dialogue;

55. Calls on the Member States to encourage prison governors to commit to the development of prison councils in all establishments;

56. Calls on the Commission to launch a European Forum on prison conditions, in order to encourage the exchange of best practices between experts and practitioners across all Member States;

57. Calls for the Commission and the EU institutions to take the necessary measures in their fields of competence to ensure respect for and protection of the fundamental rights of prisoners, and particularly of vulnerable individuals, children, mentally ill persons, disabled persons and women, including the adoption of common European standards and rules of detention in all Member States;

58. Calls on the Commission to monitor and collect information and statistics on detention conditions in all Member States and on any cases of infringement of the fundamental rights of detainees, on a basis of respect for the principle of subsidiarity; calls on Member States to allow MEPs the right of access to prisons and detention centres without hindrance;

59. Calls on the Member States to adopt a European Prisons Charter, in accordance with Council of Europe Recommendation 1656/2004 of 27 April 2004;

60. Calls on the Member States to promote policies for the reintegration of prisoners into civil life, in particular policies aiming at the removal of structural barriers preventing the reintegration of ex-prisoners into society, and to establish policies on monitoring and adjustment of penalties; points out that recidivism is less frequent when prisoners have a staged move from life in prison to life outside prison;

61. Considers that a restorative and protective view of criminal justice systems automatically entails greater respect for the individual's human dignity, as it aims at the protection of society and the rehabilitation of the person by making it easier to achieve the re-education objectives of the punishment, to reintegrate prisoners socially and to reduce recidivism; regrets that the development of mediation and restorative practices over the use of disciplinary proceedings is almost entirely absent in the majority of Member States; encourages the Member States to prioritise policies and legislation focusing on restorative and mediation-based justice, which uses social, economic and cultural tools rather than purely punitive measures;

62. Emphasises the importance of providing access to educational and professional qualifications for prisoners; encourages the Member States to offer meaningful activities such as educational training or work opportunities in accordance with international standards to all prisoners, with a view to re-socialising inmates and providing tools for a crime-free life after their time in prison; encourages the Member States to ensure that inmates work, study for a qualification or attend a training course during detention, so as to better manage their time and prepare their reintegration into society; considers it vital for minors to have access to schooling and vocational training;

63. Encourages the Member States to develop tools to support prisoners' return to working life with the aim of identifying job opportunities in relation to local needs, to organise and supervise training and work in as tailored a way as possible, and to be in constant dialogue with employers' representatives; exhorts the Member States to establish training schemes aimed at encouraging employers and private companies to provide professional training to inmates with a view to recruiting them at the end of the detention period; encourages the Member States to create incentives for employers wishing to employ prisoners or encourage former prisoners to set up their own business, including financial and fiscal incentives; also encourages the Member States to establish contact points for released inmates which offer information and support for jobseeking activities as well as mandatory and strictly supervised distance learning;

64. Recalls that the European Social Fund is a Union financial instrument aimed at improving job prospects for millions of Europeans, in particular those who find it difficult to get work, including prisoners and ex-offenders; welcomes the setting-up of projects helping prisoners to reintegrate into society and the labour market once they have served their sentence;

65. Emphasises that no work performed by a prisoner should be considered as a form of punishment and that potential abuse must be combated; stresses that work opportunities offered to prisoners should be relevant to contemporary working standards and techniques and should be organised so as to function within modern management systems and production processes; calls on the Member States to ensure that work in prison is better paid than is currently the case; calls on the Commission to carry out a comparative study of prisoners' wages in Member States, aiming to identify fair and sustainable remuneration levels allowing every prisoner to work;

66. Encourages the Member States to share best practices regarding education, rehabilitation and reintegration programmes, particularly in order to improve reintegration after leaving prison and to help prevent recidivism and further radicalisation;

67. Calls on the EU institutions to support technically and economically, as far as possible, the improvement of prison systems and conditions, especially in Member States facing serious financial difficulties;

68. Calls on the Commission to publish detailed reports on the situation of prisons in Europe at five-year intervals, following on from the adoption of the present resolution, including in-depth analysis of the quality of the education and training provided to inmates, and assessment of the results (including reoffending rates) of alternative measures to detention;

69. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Parliamentary Assembly of the Council of Europe, the Human Rights Commissioner of the Council of Europe, and the European Committee for the Prevention of Torture.

Tuesday 24 October 2017

P8_TA(2017)0390

Control of spending and monitoring of EU Youth Guarantee schemes cost-effectiveness

European Parliament resolution of 24 October 2017 on control of spending and monitoring of EU Youth Guarantee schemes' cost-effectiveness (2016/2242(INI))

(2018/C 346/15)

The European Parliament,

— having regard to Articles 145, 147, 165, 166 and 310(5) of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Protocol No 1 on the role of national parliaments in the European Union,

— having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,

— having regard to the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee ([1]),

— having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 ([2]), and Regulation (EU) 2015/779 of the European Parliament and of the Council of 20 May 2015 amending Regulation (EU) No 1304/2013, as regards an additional initial pre-financing amount paid to operational programmes supported by the Youth Employment Initiative ([3]),

— having regard to the European Court of Auditors (ECA) Special reports No 3/2015 entitled 'EU Youth Guarantee: first steps taken but implementation risks ahead', No 17/2015 entitled 'Commission's support of youth action teams: redirection of ESF funding achieved, but insufficient focus on results' and No 5/2017 entitled 'Youth unemployment — have EU policies made a difference?',

— having regard to the Commission communication of 4 October 2016 entitled 'The Youth Guarantee and Youth Employment Initiative three years on' (COM(2016)0646 and SWD(2016)0324),

— having regard to the Commission's White Paper on the Future of Europe,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Budgetary Control and the opinions of the Committee on Budgets, the Committee on Employment and Social Affairs and the Committee on Culture and Education (A8-0296/2017),

A. whereas youth unemployment has been and continues to be a serious problem in a number of Member States, with more than 4 million young people aged between 15 and 24 unemployed in the EU in 2016; whereas the situation in the Union is highly varied;

B. whereas the fight against youth unemployment is a political priority which is shared by Parliament, the Commission and the Member States, and which contributes to achieving the Union's objective of growth and jobs;

([1]) OJ C 120, 26.4.2013, p. 1.
([2]) OJ L 347, 20.12.2013, p. 470.
([3]) OJ L 126, 21.5.2015, p. 1.

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C. whereas a high youth unemployment rate — 18,8 % in the EU in 2016 — is detrimental to society and the individuals concerned, with lasting negative effects on employability, income stability and career development; whereas the economic crisis disproportionately affected young people and in some Member States more than one quarter of young people are unemployed;

D. whereas a large number of active employment policies have been put in place to tackle high youth unemployment, with varying results;

E. whereas there is another group of young people, whose number and composition vary significantly between Member States, who are neither engaged in any form of education or professional training nor in work (NEETs), and who can be classified in two categories: unemployed NEETs, who are available to start work and are actively seeking a job, and inactive NEETs, young people who are not studying, are not receiving training and are not proactively seeking employment;

F. whereas, on average across the EU, only 41,9 % of NEETs have access to the Youth Guarantee (YG);

G. whereas since the introduction of the European employment strategy in 1997, the Commission has supported a number of measures designed to improve young people's employment and education prospects ([1]) and, since the crisis, the EU's efforts have placed particular emphasis on the YG, which was established by the Council in April 2013, and the Youth Employment Initiative (YEI), which was launched in late 2013;

H. whereas the YG and YEI have already become established as the most effective and visible action at Union level aimed at combating youth unemployment;

I. whereas the YG and YEI have significantly contributed to reducing the youth unemployment rate in the EU by boosting education and the labour market's demand for young people, and supporting job creation measures; whereas an unacceptably high rate of 17,2 % of young people in the EU-28 are still unemployed ([2]);

J. whereas the YG requires the Member States to ensure that all young people under the age of 25 (or aged 30 and under in some Member States) receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months after becoming unemployed or leaving formal education;

K. whereas external factors, such as the particular economic situation or the production model of each region, influence the achievement of the goals set in the YG;

L. whereas the YEI is an initiative to support NEETs, long-term unemployed youngsters and those not registered as job-seekers living in regions where youth unemployment was higher than 25 % in 2012;

M. whereas the overall approved budget for the YEI for the 2014-2020 programme period is EUR 6,4 billion, comprising EUR 3,2 billion from a new specific EU budget line to be matched by at least EUR 3,2 billion from national allocations under the existing European Social Fund (ESF); whereas this will be supplemented by an additional EUR 1 billion for the YEI's specific budget allocation over the 2017-2020 period, which will be matched by EUR 1 billion from the ESF in order to boost youth employment in the most affected regions; whereas EUR 500 million of this additional amount

([1]) Other measures include the 'Youth on the Move' initiative launched in September 2010, the 'Youth Opportunities Initiative' launched in December 2011 and the 'Youth Action Teams' launched in January 2012.

([2]) As of March 2017: http://ec.europa.eu/eurostat/documents/2995521/8002525/3-02052017-AP-EN.pdf/94b69232-83a9-4011-8c85-1d4311215619

is due to be entered in 2017 via Draft Amending Budget 3/2017; whereas the final allocation for the programme will be determined in the course of the upcoming annual budgetary procedures;

N. whereas the annual investment required for the implementation of the YG in Europe has been estimated at EUR 50,4 billion ([1]), which is significantly lower than the annual economic losses caused by the disengagement of young people from the labour market in Europe, which could reach at least EUR 153 billion ([2]);

O. whereas in 2015, in order to speed up the mobilisation of YEI actions, a decision was taken to increase the resources made available to pre-finance the initiative by EUR 1 billion, which represented a rise from the initial 1-1,5 % to 30 % for eligible Member States;

P. whereas the entire original allocation of YEI was frontloaded in the years 2014-2015, and no fresh appropriations were included for this purpose in the budget for 2016; whereas the discontinuity in YEI financing has undermined the success of the programme;

Q. whereas the current level of funding, both from the EU budget and from the Member States, is insufficient to cover the needs involved;

R. whereas the YG and YEI cover different actions, with the YG intended to encourage structural reform in education and serve as a short-term measure to combat youth unemployment, while the YEI is a funding instrument; whereas the YG is financed through the ESF, national budgets and the YEI, while the YEI can finance the direct provision of jobs, apprenticeships, traineeships or continued education for the YEI target group in the eligible regions; whereas while the YG applies to all 28 Member States, only 20 Member States are eligible for YEI support; whereas, finally, YEI intervention has no predefined duration, while the YG requires an offer to be made within four months;

S. whereas from a quantitative perspective, the take-up of the YG has been uneven and varies considerably from country to country;

T. whereas the implementation of the YG has not so far yielded uniform results, and in some circumstances it has been difficult to pinpoint and assess the contribution it has made;

U. whereas there are substantial differences between the regions of Europe; whereas in some cases territories with high unemployment will not qualify as a region eligible for EU funding at NUTS level;

V. whereas the implementation of integration services listed under the YG is often only partial, too narrow in the range of eligible participants, and dependent on the existing capacity and efficiency of public employment services (PES) and on the speed of European-level procedures; whereas Member States should continue their efforts to strengthen and reform their PES;

W. whereas the role that the YEI may have, in particular in the Member States which have been affected to a much higher degree by the economic, financial and social crises since 2007, is worth highlighting; whereas the need to reinforce this programme and to develop further complementary measures, at both EU and national levels, which will be aimed at boosting integration and cohesion, while reinforcing gender parity and ensuring access to training programmes launched to face up to new technological labour challenges, should be underlined;

([1]) Social inclusion of young people (Eurofound 2015).
([2]) NEETs — Young people not in employment, education or training: Characteristics, costs and policy responses in Europe (Eurofound 2012).

X. whereas the YG, as an investment in young people, is an example of budgeting driven by results;

Y. whereas the Commission's White Paper on the Future of Europe recognises that there is indeed 'a mismatch between expectations and the EU's capacity to meet them' ([1]);

Z. whereas the EU should improve its marketing and advertising of socio-political measures to the target group in order to ensure that its actions are more visible to the people of the EU;

AA. whereas the audit carried out by the European Court of Auditors (ECA) has been premature as the period which is the subject of the investigation is too close to the launch of national guarantee schemes and limited only to certain Member States; whereas it would, for this purpose, have been more useful to perform an initial assessment of their implementation before proceeding with the audit;

General remarks

1. Notes that in four years of the YG's implementation, from 2013 to 2017, the youth unemployment rate in the EU has decreased by more than 7 percentage points, from 23,8 % in April 2013 to 16,6 % in April 2017, which means that almost 2 million young people have ceased to be unemployed; notes that, since the YG was implemented, more than 14 million young people have taken part in some kind of scheme; regrets that in many instances too much of this decrease is because so many young people have been forced to seek employment outside the EU, a loss that will be sorely felt in future decades; regrets, furthermore, that in mid-2016, 4,2 million young people in the EU were still unemployed (18,8 % of the demographic concerned); urges the Member States to utilise available EU support in order to tackle this longstanding issue; calls for the EU and the Member States to implement strategies that meet the requirements and needs of the labour market of each single Member State in order to create high-quality training opportunities and lasting employment;

2. Stresses that the YG has an important role in supporting measures to provide unemployed young people with the skills, experience and knowledge needed to engage in employment with a view to the long-term and to become entrepreneurs, and also provides an opportunity to address skills mismatch;

3. Highlights the important role of education and careers guidance in preparing young people with the work ethics and skills needed by the job market; points out, however, that education should not only provide skills and competences relevant to job market needs, but must also contribute to young people's personal development and growth in order to make them proactive and responsible citizens; stresses, therefore, the need for a civic education within the whole educational system, including both formal and non-formal education methods;

4. Notes that the younger people are and the less training they have, the higher the rate of youth unemployment, and this trend has been accentuated with the crisis, which has also affected young adults over 25 without qualifications, who form a group that may be pushed into a situation of serious economic vulnerability unless investment is made in their training;

5. Notes that, despite the progress made, access for the most vulnerable unemployed young people to PES remains inadequate and this group, together with young graduates, are those least likely to register as jobseekers;

6. Is strongly concerned that NEETs are disconnected from the education system and the labour market, in many cases through no fault of t own; understands that this demographic is the hardest to reach through existing operational programmes that implement youth unemployment funding schemes, too many of which do not offer proper sustainable remuneration or proper working conditions; considers that, for the 2017-2020 period, special focus should be on this demographic so as to ensure that the main YG objectives are achieved;

([1]) White Paper on the Future of Europe, p. 13.

7. Points out that measures supported by the YG also need to address the structural challenges faced by NEETs, in order to ensure that they have a long-term impact; expresses concern that YG schemes have not yet reached all young people who have left school or become unemployed; encourages the Member States to provide targeted financial commitments in national budgets to address these structural challenges; encourages the regions which do not qualify for EU co-financing to participate in the YG;

8. Stresses that the integration of NEETs requires both enhancing the effectiveness of the resources available and increasing those resources, as well as greater Member State involvement and mobilisation;

9. Calls for a diversification of funding channels at local, regional and national level, so as to better reach out to all young people; remarks, furthermore, that the local and regional authorities are already very active and should be supported in their youth action by integrating different policy lines;

10. Emphasises that the YG has made a positive contribution to tackling youth unemployment since 2012 but that the youth unemployment rate remains unacceptably high; welcomes, therefore, the agreement reached by the co-legislators for the extension of the YEI until 2020; notes, however, that the issue of youth unemployment might persist and should therefore be taken into account in the next multiannual financial framework (MFF) in order to ensure continuity and cost-effectiveness;

11. Underlines the fact that the YEI is intended not only to boost job creation for young people, but also to assist Member States to establish proper systems for identifying young peoples' needs and corresponding support; stresses, therefore, that the effectiveness of the YG and YEI should, in future, be assessed on the basis of achievements towards creating or improving Member States' systems for supporting young people;

12. Recalls that the YG benefits from EU financial support through the ESF and the YEI, which supplement national contributions; supports programming work undertaken as part of the Union's Common Strategic Framework through peer learning, networking activities and technical assistance;

13. Welcomes the fact that the YEI was frontloaded in the years 2014 and 2015 and the increase of the initial pre-financing designed to ensure a swift mobilisation of resources;

14. Welcomes the fact that YEI measures have provided support to more than 1,4 million young people and led to Member States consolidating operations amounting to over EUR 4 billion;

15. Recalls that the YEI's success is related to good economic governance in the Member States because, without a favourable business environment encouraging small and medium-sized enterprises, and an educational and scientific system adapted to the requirements of the economy, there can be no job creation nor a long-term solution to the problem of high levels of youth unemployment;

16. Acknowledges the ECA Special report on the impact of the YG and YEI on youth employment and notes that, three years on from the adoption of the Council recommendation, the YG has yet to fulfil expectations; notes the ECA's comment that it is impossible to reach all NEETs by using EU budget resources alone; notes that the current situation does not reflect the expectations created by the introduction of the YG, namely to ensure that all NEETs receive, within four months, a good-quality offer of training or employment;

17. Recalls the challenges and opportunities in attracting NEETs to the labour market; recommends that additional efforts by the Commission, the Member States and national PES are dedicated to including more inactive young people in YG schemes and to keeping them in the labour market following the expiration of the relevant support measures;

18. Notes that the YEI is intended to support young NEETs under the age of 25 who do not normally receive any employment or education support; regrets the fact that YEI adoption affects the allocation of ESF commitments in other programmes, and stresses that the resources from the specific allocation of the YEI should at least be matched by the same amount of ESF funds;

19. Calls on the Member States to ensure that the YEI/ESF funds available do not replace Member States' public expenditure in conformity with Article 95 and recital 87 of the Common Provisions Regulation (Regulation (EU) No 1303/2013) and in line with the additionality principle; stresses that programmes such as the YG must not be a substitute for Member States' own efforts to fight youth unemployment and sustainable integration into the labour market;

20. Highlights the importance of strengthening cooperation between all relevant stakeholders, including at a regional and local level, such as public and, where relevant, private employment services, education and training institutions, employers, youth organisations and NGOs that work with young people in order to reach the entire NEET population; encourages stronger integration of stakeholders through a partnership approach in the design, implementation and evaluation of the YG; calls for enhanced cooperation between education institutions and entrepreneurs to tackle the skills mismatch; reiterates the idea that the partnership approach is aimed at better reaching the target population and ensuring the provision of quality offers;

21. Recalls that, according to the International Labour Organisation (ILO), an efficient YG requires annual funding of approximately EUR 45 billion for the EU-28; considers that this funding should be viewed as an investment, given the significant reduction that it will produce, if effective, in the costs associated with youth employment;

22. Calls on the Commission to provide an itemisation of the national contributions to the YEI that each Member State needs to make in order to implement the YG effectively, taking into consideration the ILO estimate;

23. Notes the delay in the implementation of the YEI, which was caused by the late appointment of the relevant managing authorities, and considers this a shortcoming of the YEI legal basis which has undermined initial endeavours for speedy implementation through frontloaded financing;

24. Believes that it is necessary to facilitate the diversity and accessibility of funding and to focus on effective spending, while implementing further policy and service reforms;

25. Stresses the need to tailor measures to local context needs in order to increase their impact, for example through closer involvement of local employers' representatives, local training providers and local authorities; calls for a diversification of funding channels involving local, regional and national levels, in order to better reach out to all NEETs;

26. Recalls that, in the framework of the current MFF, the YEI should be financed with new appropriations and not through redeployments of the existing budgetary appropriations; expects an ambitious political commitment for the next MFF;

27. Takes the view that, for the YG to function properly, local PES must also function effectively;

28. Urges that specific expertise and capacity be developed in the Member States within PES in order to support people that cannot find a job within four months after becoming unemployed or leaving formal education; encourages greater involvement of businesses and industry associations in the implementation of the programme;

29. Deplores the fact that the majority of NEETs in the EU do not yet have access to any YG scheme, inter alia because they are generally not registered with PES; asks the Council to consider continuing a learning exchange within the existing PES network with a view to developing strategies based on best practices to reach and support NEET youth;

30. Welcomes the ECA's Special report No 5/2017 and urges the Commission and the Member States to fully implement its recommendations in order to increase the coverage and effectiveness of YG schemes;

31. Stresses that the development of one-stop-shops should be supported in order to boost the positive impact of the YG by ensuring that all services and guidance are available for young people at one location;

32. Notes that a lack of visibility of YG schemes can make it difficult to reach out to all young people; recommends that the possibility of funding local campaigns organised in conjunction with all local partners, including youth organisations, be increased, and that the development of platforms for young people to register on the scheme be supported; recommends that the information related to the YG be accessible and understandable for everyone;

33. Recommends that Member States ensure that what they are offering is of good quality; stresses, for example, that the proposals made should match participants' profiles and meet employment demand so as to enable sustainable and potentially long-term integration into the job market itself;

34. Notes with regret that most Member States have not established a definition of a 'quality offer'; urges the Member States and the Commission, within the framework of the Employment Committee of the European Union (EMCO), to use the existing networks to work on the development of commonly agreed characteristics of this concept, taking into consideration the European Quality Framework for Traineeships, the joint statement of the European social partners entitled 'Towards a Shared Vision of Apprenticeships' and Court of Justice case law on precarious employment; urges the Member States and the Commission, moreover, to ensure that such characteristics are based on an offer that matches participants' qualification level, profile and labour market needs, offering opportunities for work that enable them to earn a living income, to enjoy social protections and to be offered prospects for development, leading to sustainable, well-matched integration in the labour market; welcomes the ECA's recommendation in its Special report No 5/2017 that more attention needs to be paid to improving the quality of offers;

35. Calls on the Commission to propose, in collaboration with EMCO, quality criteria standards for prospective YG offers; highlights the need to define a quality framework with quality standards for such offers;

36. Notes that in order to achieve the goal of securing an offer of quality and continuous employment for all young people aged 24 and under, considerably more resources are required at a human, technical and financial level; welcomes the fact that several Member States have raised the maximum age of young people eligible for YG support to 30;

37. Advocates ensuring that the young people covered by the YG continue to contribute and have access to the social and labour protection systems in force in their Member State, thus reinforcing the shared responsibility of all involved, and young people and employers in particular;

38. Stresses that measures under the YG are likely to be more efficient and cost-effective when young people are assisted in entering the labour market in a way that can provide them with sustainable employment opportunities and salary progression;

39. Stresses that NEETs are a heterogeneous and diverse group and that schemes are more efficient and cost-effective when they are targeted to address identified challenges; highlights, in this respect, the need to set up comprehensive strategies with clear objectives designed to target all categories of NEETs; highlights the need to provide tailored solutions, by taking into account the local and regional context, for example by ensuring closer involvement of local employers' representatives, local training providers and local authorities; calls on the Member States to design the individual pathway for each candidate, while giving national PES the flexibility that they need to adjust profiling models;

40. Calls on the Member States to establish appropriate outreach strategies and to step up efforts to identify the NEET population, especially inactive NEETs not covered by existing systems, with the aim of registering them and monitoring the situation of young people leaving the YG schemes at specific intervals (after six, 12 and 18 months) in order to promote sustainable integration into the labour market; highlights the need for tailored solutions for a diverse group of young people and to make the non-registered a key target group; calls on the Member States to ensure that available ESF funds do not replace public spending and notes that sufficient economic growth is a pre-requisite for the effective integration of NEETs into the labour market;

41. Calls on the Member States and the Commission to assess any shortcomings and conduct market analyses before rolling out the systems provided for under the YG, thereby avoiding worthless training courses and the exploitation of trainees on traineeships that will lead nowhere;

42. Invites the Commission and the Council to consider proactive transitional initiatives, such as vocational orientation, careers guidance and information about the labour market, as well as support services in schools and careers services at universities, in order to facilitate young people's transition into work by equipping them with transition and career management skills;

43. Notes that the lack of visibility of YG schemes can make it difficult to reach out to all young people; recommends that action be taken to improve the possibility of funding local campaigns organised with all the relevant local partners, including youth organisations, and to support the development of platforms for young people to register for the schemes; recommends that the information related to the YG be accessible and understandable for everyone;

44. Notes the persistent challenge of the mismatch between the skills available and labour-market demands; asks the Commission, within the framework of EMCO, to promote the exchange of best practices between the Member States and the relevant stakeholders therein in order to address this issue;

45. Takes the view that problems related to the skills mismatch could be solved by better identifying individuals' competences and by correcting the flaws in national training systems; emphasises that increased mobility of young people could improve their skill sets, and, together with the recognition of qualifications, could help to tackle the existing geographical skills mismatch; encourages the Member States to make greater use of EURES in this regard;

46. Stresses that ICT skills could offer great potential for the creation of sustainable jobs, and therefore calls on the Member States to include effective measures for enhancing ICT/digital skills in their YG Implementation Plans;

47. Notes that a more diversified and customised approach in the provision of services to different groups among the youth demographic is needed in order to avoid cherry-picking or creaming off and discriminatory selection; calls for a stronger, more barrier-free and dedicated outreach to young people facing multiple barriers and those furthest from the labour market; stresses, in this regard, the importance of coordinating the YG with other policies, such as anti-discrimination policies, effectively, and of broadening the range of interventions proposed within YG offers;

48. Considers that youth unemployment should be dealt with as a priority issue from the outset of future European Structural and Investment Funds (ESIF) operational programmes;

Implementation and Monitoring

49. Notes that implementation of the YG is being monitored through the European Semester, the EMCO reviews, and a dedicated Indicator Framework developed by EMCO in conjunction with the Commission; calls on the Council to support the Member States in improving the reporting of data;

50. Notes that a lack of information on the potential cost of implementing a scheme in a Member State can result in inadequate funding for implementing the scheme and achieving its objectives; calls on the Member States to establish an overview of the cost of implementing the YG, as recommended by the ECA's Special report No 5/2017;

51. Underlines the fact that allocating the necessary resources and assessing the overall funding is an important part of implementing the YG schemes successfully, bearing in mind that evaluating the overall funding can be hampered by difficulties in distinguishing between the different kinds of measures targeting young people at national level;

52. Calls on the Commission to provide more precise information about the cost-effectiveness of the YG and how implementation of the programme is monitored in the Member States, and to provide comprehensive annual reporting on this;

53. Stresses that effective mechanisms to discuss and resolve difficulties experienced when implementing YG schemes are needed; underlines the need for strong, yet realistic and achievable, political and financial commitment from the Member States in order to implement the scope of the YG in full, including by ensuring early intervention mechanisms, the quality of job, further education and training offers, clear eligibility criteria and partnership-building with the relevant stakeholders; stresses that this should be done by ensuring effective outreach, strengthening administrative capacity where needed, taking account of local conditions, facilitating skills enhancement and establishing proper monitoring and evaluation structures during and after the implementation of said measures;

54. Calls for effective multilateral surveillance of compliance with the Council's recommendation establishing a YG within the European Semester and for the specific country recommendations to be addressed where needed;

55. Reiterates its commitment to monitor closely all Member State activities in order to make the YG a reality and invites youth organisations to keep Parliament updated on their analysis of Member State action; urges the Member States and the Commission to involve youth stakeholders in policymaking; recalls that the involvement of youth organisations in the communication, implementation and evaluation of the YG is crucial for its success;

56. Notes the existence of some delays to implementation of the YEI in the Member States, chiefly for procedural and structural reasons; expresses concern at the level of take-up by the Member States of the pre-financing allocated for the implementation of the YEI; insists, therefore, that urgent actions are taken by the competent Member State authorities in order to utilise, both fully and in a timely manner, the resources available for combating youth unemployment; is of the opinion that Member States need to make additional financial commitments in their national budgets in order to address these structural challenges;

57. Welcomes the Commission's cooperation with the Member States in identifying and disseminating good monitoring and reporting practices on the basis of the existing systems across the Member States; reminds the Commission that the comparability of data remains fundamental for these purposes;

58. Recommends that the Commission continues to identify and disseminate good monitoring and reporting practices, so that the results from the Member States can be communicated consistently and reliably, and assessed seamlessly, including as regards quality; recommends, in particular, that regular quality statistics should be provided, enabling Member States to frame more realistic and effective youth policies, including through the monitoring of participants leaving the YG system, so as to keep to a minimum the number of participants dropping out of the programme and not gaining from it;

59. Calls on the Commission to strengthen the manner in which Member States implement schemes approved under the YG and to put in place a transparent, comprehensive and open-data monitoring system that covers cost-effectiveness and structural reforms and measures targeting individuals;

60. Suggests ex-ante analysis in each Member State setting concrete objectives, goals and timelines for the expected outcome of the YG schemes, and suggests that duplicate funding be avoided;

61. Encourages the sharing of best practices through EMCO and the Mutual Learning Programme of the European Employment Strategy; notes in this respect the importance of mutual learning aimed at activating the most vulnerable groups;

62. Is concerned that data on the beneficiaries, outputs and results of the YEI are sparse and often inconsistent; calls on the Commission and the Member States to take the necessary measures to set up less administratively burdensome and more up-to-date monitoring systems for the remaining YEI funding;

63. Calls for a focus on results achieved by the YEI programme, through the definition of concrete indicators in the form of reforms carried out in the Member States, knowledge and skills obtained from the programme, and the number of permanent contracts offered; suggests, moreover, that the experience of the mentors in the profession chosen match the skills needed by the respective applicants;

64. Calls on the Member States to make monitoring and reporting systems more efficient in order to make the aims of the YG more quantifiable and facilitate the development of more evidence-based activating policies aimed at young people, and, in particular, to improve the capacity to follow up on participants that exit the YG in order to reduce the number of unknown exits as far as possible and to have data on all participants' ongoing situations; calls on the Commission to revise its guidance on data collection and on the Member States to revise their baselines and targets in order to minimise the risk of overstating results;

65. Acknowledges that for some Member States the YG has become a driver for policy changes and better coordination in the fields of employment and education; stresses the importance of: setting realistic and measurable targets in promoting policies and frameworks such as the YG, identifying the main challenges and the appropriate action that should be taken to overcome them and assessing those challenges with due regard for improving employability; notes that in some circumstances it has been difficult to pinpoint and assess the contribution the YG has made so far and that quality statistics should help the Member States to frame more realistic and effective youth policies without giving rise to false expectations;

66. Recognises the significant efforts made by many Member States to implement the YG; observes, however, that most reforms have not yet been fully implemented, in particular in the forging of partnerships with social partners and young people in the design, implementation and assessment of the measures within the YG and in supporting those facing multiple barriers; concludes that considerable efforts and financial resources are needed in the long term to achieve the YG objectives;

67. Takes the view that any repeated take-up of the YG must not go against the spirit of labour market activation and the aim of transition into permanent employment; calls on the Council to take advantage of the review of the MFF to allocate appropriate resources to the YG; calls on the Member States to ensure that young people, including those up to the age of 30, receive good-quality offers that match their profiles and qualification level, as well as the labour market demand, in order to create sustainable employment and prevent repeated take-up of the YG;

68. Believes that, in order to assess the schemes' effectiveness, all aspects need to be evaluated, including the value for money of the schemes; takes note of previous estimates provided by the ILO and Eurofound and asks the Commission to confirm or update these projections;

69. Calls for an assessment of the effectiveness of the YG to be carried out in each participating Member State so as to prevent the exploitation of young people by certain companies which are using bogus training schemes to benefit from state-funded labour; proposes, to that end, that the job prospects of young people who have been beneficiaries of the programme be monitored and mechanisms established requiring participating employers, whether public or private, to convert a minimum percentage of traineeships into employment contracts as a condition for continuing to benefit from the programme;

70. Notes that an evaluation of the YEI is to be concluded by the Commission by the end of 2017, and expects the swift incorporation of the necessary adjustments to ensure successful implementation; stresses the importance of a continued assessment of the performance of the YEI by the relevant stakeholders, including youth organisations;

71. Stresses the need to set up a system of indicators and measures to assess and monitor the effectiveness of both public employment schemes and the YG, since even though provision was made for such a system from the start, there are still many shortcomings;

72. Requests that programme participants be duly informed of the procedures to be followed in case of abuse of the instrument and that measures be taken to ensure that they receive the necessary protection, as planned;

73. Calls for efficient and transparent scrutiny, reporting and monitoring of how funds allocated at European and national levels are spent so as to prevent abuses and the wasting of resources;

Improvements to be made

74. Underlines the necessity of guaranteeing a long-term commitment through ambitious programming and stable financing from both the EU budget and the national budgets in order to offer full access to all young people who are NEETs in the EU;

75. Recalls the importance of cooperation between all levels of governance (the EU, the Member States and local entities) and of the Commission's technical assistance in implementing the YG effectively;

76. Stresses the need to create and develop high-quality lifelong careers guidance with the active involvement of families in order to help young people make better choices about their education and professional careers;

77. Notes that in its communication of October 2016, the Commission draws conclusions on the need to improve the effectiveness of the YEI; believes that this should be achieved by ensuring that NEETs are integrated into the labour market in a sustainable fashion and by setting objectives that reflect the diverse composition of NEETs, with specific, logical interventions for each of the sub-target groups; notes that additional use of other ESF programmes to ensure sustainability of the NEETs integration could improve efficiency;

78. Calls on the Commission and the Member States to manage expectations by setting realistic and achievable goals and targets, to assess disparities, to analyse the market before implementing schemes, to improve supervision and notification systems, and to improve the quality of data so that the results can be measured effectively;

79. Calls on the Commission and the Member States to ensure sufficient funding is available in order to ensure the successful integration of all young workers who are unemployed or do not have access to a suitable training or educational offer; stresses that in order to ensure sustainable outcomes, the YG should build on the existing evidence and experiences and be continued in the long term; underlines the fact that this requires an increase in the public funds available for active labour market policies at EU and Member State level;

80. Calls on the Member States to properly assess the costs of their YG schemes, to manage expectations by setting realistic and achievable objectives and targets, to mobilise additional resources from their domestic budgets and to reinforce the financing of their PES in order to enable them to fulfil additional duties linked to YEI implementation;

81. Calls on the Member States to ensure the provision of follow-up data to assess the long-term sustainability of outcomes from a quality and quantity perspective, and to facilitate the development of more evidence-based youth policies; calls for more transparency and consistency in data collection, including gender-disaggregated data collection, in all the Member States; notes with concern that the sustainability of 'positive exits' in the YG has been deteriorating ([1]);

82. Calls on the Commission to carry out a detailed analysis of the effects of measures implemented in the Member States, to single out the most efficient solutions and, based on these, to provide recommendations to the Member States as to how to attain better results with a higher degree of efficiency;

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83. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.

([1]) Paragraph 164 of ECA Special report No 5/2017.

Tuesday 24 October 2017

P8_TA(2017)0395

Renewing the approval of the active substance glyphosate

European Parliament resolution of 24 October 2017 on the draft Commission implementing regulation renewing the approval of the active substance glyphosate 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 Implementing Regulation (EU) No 540/2011 (D053565-01 — 2017/2904(RSP))

(2018/C 346/16)

The European Parliament,

— having regard to the draft Commission implementing regulation renewing the approval of the active substance glyphosate 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 Implementing Regulation (EU) No 540/2011 (D053565-01),

— having regard to 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 and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular Article 20(1) 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 Article 7 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ([3]),

— having regard to the European Food Safety Authority (EFSA) conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate ([4]),

— having regard to the Committee for Risk Assessment (RAC) opinion of the European Chemicals Agency (ECHA) proposing harmonised classification and labelling at EU level of glyphosate ([5]),

— having regard to its resolution of 13 April 2016 on the draft Commission implementing regulation renewing the approval of the active substance glyphosate 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 Implementing Regulation (EU) No 540/2011 ([6]),

— having regard to the European Citizens' Initiative 'Ban glyphosate and protect people and the environment from toxic pesticides' ([7]),

— 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,

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) OJ L 55, 28.2.2011, p. 13.
([3]) OJ L 31, 1.2.2002, p. 1.
([4]) http://www.efsa.europa.eu/en/efsajournal/pub/4302
([5]) https://echa.europa.eu/documents/10162/2d3a87cc-5ca1-31d6-8967-9f124f1ab7ae
([6]) Texts adopted, P8_TA(2016)0119.
([7]) ECI(2017)000002.

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A. whereas the purpose of Regulation (EC) No 1107/2009 is 'to ensure a high level of protection of both human and animal health and the environment and to improve the functioning of the internal market through the harmonisation of the rules on the placing on the market of plant protection products, while improving agricultural production'; whereas the provisions of Regulation (EC) No 1107/2009 are underpinned by the precautionary principle;

B. whereas the systemic herbicide glyphosate currently has the highest global production volume of all herbicides; whereas 76 % of the use of glyphosate worldwide is in agriculture; whereas it is also widely used in forestry, urban and garden applications; whereas 72 % of the total volume of glyphosate applied globally from 1974 to 2014 has been sprayed in just the last 10 years;

C. whereas the general population is exposed primarily through residence near sprayed areas, through home use, and through diet; whereas exposure to glyphosate is on the rise owing to the increase in the total volume of glyphosate used; whereas the impact of glyphosate and its most common co-formulants on human health must be regularly monitored; whereas glyphosate and/or its residues have been detected in water, soil, food and drinks and non-edible goods, as well as in the human body (e.g. in urine);

D. whereas, in the 2014 European Union Report on Pesticide Residues in Food published on 26 October 2016, EFSA noted that Member States took a limited number of oilseed and soybean samples, even though these crops are likely to be treated with glyphosate and residues may therefore be expected; whereas, according to EFSA, no information on glyphosate residues in animal products is available; whereas EFSA considered the results to be statistically not very robust;

E. whereas EFSA recommended in 2015 that Member States should increase the number of analyses of glyphosate and related residues (e.g. trimethyl-sulfonium) in products for which the use of glyphosate has been approved and where measurable residues are expected; whereas, in particular, the number of samples of soybeans, maize and oilseed rape should be increased; whereas Member States are also encouraged to develop and/or implement existing analytical methods to control glyphosate-related metabolites and to share the results with EFSA;

F. whereas glyphosate is a non-selective herbicide which kills all herbage; whereas it acts by interfering with the so-called shikimate pathway, a pathway that is also present in algae, bacteria and fungi; whereas sub-lethal exposures of *Escherichia coli* and *Salmonella enterica serovar Typhimurium* to commercial formulations of glyphosate have been found to induce a changed response to antibiotics;

G. whereas, in accordance with Regulation (EC) No 1107/2009, an active substance may only be approved if it is not or is not to be classified as a carcinogen category 1A or 1B under Regulation (EC) No 1272/2008, unless the exposure of humans to the active substance concerned is negligible or there is a serious danger to plant health that cannot be contained by other available means;

H. whereas in March 2015 the International Agency for Research on Cancer (IARC) classified glyphosate as 'probably carcinogenic to humans' (Group 2A), on the basis of 'limited evidence' of cancer in humans (from cases of real-world exposure), 'sufficient evidence' of cancer in laboratory animals (from studies of 'pure' glyphosate), and 'strong evidence' of mechanistic information related to carcinogenicity (for genotoxicity and oxidative stress) for both 'pure' glyphosate and glyphosate formulations; whereas the criteria used by IARC for Group 2A are comparable to those for Category 1B in Regulation (EC) No 1272/2008;

I. whereas in November 2015 EFSA finalised a peer review of glyphosate and concluded that 'glyphosate is unlikely to pose a carcinogenic hazard to humans and the evidence does not support classification with regard to its carcinogenic potential according to Regulation (EC) No 1272/2008'; whereas in March 2017 the Risk Assessment Committee (RAC) of ECHA concluded by consensus that there is no evidence to link glyphosate to cancer in humans based on the available information, and that glyphosate should not be classified as a substance that causes genetic damage (mutagen) or disrupts reproduction;

J. whereas at a Joint Meeting on Pesticide Residues (JMPR) held by the Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO) in May 2016, the FAO Panel of Experts on Pesticide Residues in Food and the Environment, and the WHO Core Assessment Group on Pesticide Residues, concluded that 'glyphosate is unlikely to be genotoxic at anticipated diary exposures' and 'is unlikely to pose a carcinogenic risk to humans from exposure through the diet';

K. whereas in the context of litigation in the US brought by plaintiffs who claim to have developed non-Hodgkin's lymphoma as a result of exposure to glyphosate, the court unsealed internal documents by Monsanto, the owner and producer of Roundup, a product whose active substance is glyphosate; whereas the released correspondence cast doubts on the credibility of some studies, both Monsanto-sponsored and presumably independent ones, which were among the evidence used by EFSA and ECHA for their evaluation of the safety of glyphosate; whereas in that respect, the transparency and public availability of scientific studies, as well as of the raw data on which these studies are based, are of the utmost importance;

L. whereas, apart from its conclusion on the carcinogenicity of glyphosate, ECHA concludes that glyphosate causes serious eye damage and is toxic to aquatic life, with long-lasting effects;

M. whereas, before an 18-month technical extension was granted for glyphosate on 29 June 2016, Parliament adopted a resolution on 13 April 2016 which called on the Commission to renew the approval of glyphosate for seven years, but also stressed that the Commission should not approve it for any non-professional uses, for its uses in or close to public parks, public playgrounds and public gardens, or for any agricultural uses where integrated pest management systems are sufficient for the necessary weed control; whereas the same resolution also called on the Commission to develop training and user authorisation for professionals, to provide better information on the use of glyphosate, and to place strict limits on the pre-harvest use of products containing the active substance glyphosate, in order to prevent incorrect use of this substance and to limit the potential risks associated with it;

N. whereas Parliament's resolution of 13 April 2016 also called on the Commission and on EFSA to disclose immediately all the scientific evidence that has been the basis for the positive classification of glyphosate and the proposed re-authorisation, given the overriding public interest in disclosure; whereas this has not been done to date;

O. whereas the European Citizens' Initiative (ECI), referred to in recital 13 of the draft implementing measure, which gathered more than a million signatures of European citizens within less than a year, not only refers specifically to glyphosate in one of its three aims, but also explicitly calls to 'ban glyphosate and protect people and the environment from toxic pesticides' in its title; whereas the Commission received this submission on 6 October 2017 and is required to reply by 8 January 2018;

P. whereas, in accordance with Article 13 of Regulation (EC) No 1107/2009, any decision for the approval of an active substance need to be based on the review report by EFSA, other factors legitimate to the matter under consideration and the precautionary principle;

Q. whereas the draft Commission implementing regulation, based on a scientific evaluation conducted by the German Federal Institute for Risk Assessment (BfR), EFSA and ECHA proposes authorising glyphosate until 15 December 2027, i.e. for 10 years; whereas it would apply from 16 December 2017;

R. whereas the specific provisions outlined in Annex I of the draft implementing regulation renewing the approval of the active substance glyphosate are not binding at Union level, but pass the responsibility on to the Member States;

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S. whereas, in its resolution of 15 February 2017 on low-risk pesticides of biological origin ([1]), Parliament stressed the need to revise Regulation (EC) No 1107/2009 in order to foster the development, authorisation and placing on the Union market of low-risk pesticides of biological origin, and called on the Commission to submit, before the end of 2018, a specific legislative proposal amending Regulation (EC) No 1107/2009, outside of the general revision in connection with the REFIT initiative, with a view to establishing a fast-track evaluation, authorisation and registration process for low-risk pesticides of biological origin;

T. whereas a Commission communication on the future of the common agriculture policy (CAP) has been announced for publication before the end of 2017 and the budget proposals for May 2018;

1. Considers that the Commission's draft implementing regulation fails to ensure a high level of protection of both human and animal health and the environment, fails to apply the precautionary principle, and exceeds the implementing powers provided for in Regulation (EC) No 1107/2009;

2. Calls on the Commission to withdraw the draft implementing regulation and submit a new draft implementing regulation in line with the requirements laid down by Regulation (EC) No 1107/2009, i.e. including not only EFSA's opinion, but also other legitimate factors and the precautionary principle;

3. Calls on the Commission and the Member States neither to approve any non-professional uses of glyphosate, nor to approve any uses of glyphosate in or close to public parks, public playgrounds or public gardens after 15 December 2017;

4. Calls on the Commission and the Member States in particular not to approve any agricultural uses of glyphosate after 15 December 2017 where integrated pest management systems are sufficient for the necessary weed control;

5. Calls on the Commission and the Member States not to approve the use of glyphosate for pre-harvest desiccation with effect from 16 December 2017;

6. Calls on the Commission to adopt necessary measures to phase out the active substance glyphosate in the European Union no later than 15 December 2022, ensuring that no use of glyphosate is authorised after that date, which includes any possible extension period or period referred to in Article 32 of Regulation (EC) No 1107/2009;

7. Welcomes the proposed exclusion of POE-tallowamine from use in plant protection products containing glyphosate; calls on the Commission and the Member States to accelerate their work on the list of co-formulants not accepted for inclusion in plant protection products;

8. Calls on the Commission and the Member States to ensure that the scientific evaluation of pesticides for EU regulatory approval is based only on published peer-reviewed and independent studies commissioned by competent public authorities; considers that the REFIT procedure of Regulation (EC) No 1107/2009 can potentially be used for that purpose; considers, furthermore, that EFSA and ECHA should be granted sufficient resources in order increase their capacity, to enable the commissioning of independent scientific studies and to further ensure that the highest scientific standards are upheld and the health and safety of EU citizens protected;

9. Calls on the Commission and the Member States to ensure sufficient testing and monitoring of glyphosate residues in feed, food and drinks produced in, as well as imported into, the Union, in order to address the current data gap pointed out by EFSA;

10. Calls on the Commission and the Member States to finance research and innovation with regard to sustainable and cost-efficient solutions for pest-management products to ensure a high level of protection of human and animal health and the environment;

([1]) Texts adopted, P8_TA(2017)0042.

11. Calls on the Commission and the Member States to propose adequate transitional measures for the agricultural sector and to publish a guidance document outlining all possible safer, low-risk alternatives to help the agricultural sector during the phase-out period of the active substance glyphosate and all of the resources already available to the agricultural sector in the context of the current CAP;

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

Tuesday 24 October 2017

P8_TA(2017)0396

Genetically modified maize 1507

European Parliament resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D052754 — 2017/2905(RSP))

(2018/C 346/17)

The European Parliament,

— having regard to the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D052754),

— 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 11(3), and 23(3) 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, on 14 September 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) 19 January 2005, and published on 3 March 2005 ([3]),

— having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 30 November 2016, and published on 12 January 2017 ([4]),

— having regard to the proposal 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]) http://www.efsa.europa.eu/en/efsajournal/pub/182
([4]) https://www.efsa.europa.eu/en/efsajournal/pub/4659

— having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ([1]), with particular regard to its previous resolution on 'Placing on the market for cultivation of genetically modified maize 1507 seeds' of 6 October 2016,

— 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,

([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 maizes 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 maizes combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European parliament and of the Council on genetically modified food and feed (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, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2017)0214).
— 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 (Texts adopted, P8_TA(2017)0341).
— Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0377).
— Resolution of 4 October 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-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0378).

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A. whereas on 27 February 2015 Pioneer Overseas Corporation and Dow AgroSciences Ltd. jointly submitted to the Commission an application, in accordance with Articles 11 and 23 of Regulation (EC) No 1829/2003, for the renewal of the authorisation for the placing on the market of foods and feed containing, consisting of, or produced from genetically modified maize 1507; whereas the scope of the renewal also covers products other than food and feed containing or consisting of maize 1507;

B. whereas on 30 November 2016, 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 published on 12 January 2017;

C. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment and requires that the Commission 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 genetically modified maize 1507 expresses the Cry1F protein, which is a Bt protein (derived from *Bacillus thuringiensis* subsp. *Kurstaki*) conferring resistance to the European corn borer (*Ostrinia nubilalis*) and certain other lepidopteran pests such as the pink borer (*Sesamia* spp.), fall armyworm (*Spodoptera frugiperda*), black cutworm (*Agrotis ipsilon*) and south-western corn borer (*Diatraea grandiosella*), and the Pat protein, which confers tolerance to the herbicide glufosinate-ammonium;

E. whereas genetically modified Bt plants express the insecticidal toxin in every cell throughout their life, including in the parts eaten by humans and animals; whereas animal feeding experiments show that genetically modified Bt plants may have toxic effects ([1]); whereas it has been shown that the Bt toxin in genetically modified plants differs significantly from that of the naturally occurring Bt toxin ([2]);

F. whereas the authorisation for the cultivation of maize 1507 in the Union is pending; whereas Parliament objected to such an authorisation due to concerns as to, inter alia, a possible evolution of resistance to the Cry1F protein in lepidopteran target pests which may lead to altered pest control practices ([3]);

G. whereas many critical comments were submitted by Member States during the three-month consultation period for EFSA's risk assessment relating to the initial authorisation; whereas the most critical comments relate to observations that the documentation is insufficient to perform a risk assessment, that the monitoring plan is not in accordance with Annex VII to Directive 2001/18/EC, and that the data and risk assessments provided by the applicant are not adequate ([4]);

H. whereas many critical comments were submitted by Member States during the three-month consultation period for EFSA's risk assessment in relation to renewal of the authorisation ([5]); whereas the most critical comments relate to observations that the proposed monitoring plan is not considered appropriate to address relevant issues of post-market environmental monitoring of GM maize 1057 and cannot be regarded as sufficiently elaborated for the monitoring of potential environmental exposure by GM maize 1507, that monitoring as conducted by the notifier did not generate reliable data to confirm the risk assessment conclusion that effects on human and animal health would be negligible,

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([1]) See, for example, El-Shamei ZS, Gab-Alla AA, Shatta AA, Moussa EA, Rayan AM, Histopathological Changes in Some Organs of Male Rats Fed on Genetically Modified Corn (Ajeeb YG). J Am Sci. 2012; 8(9):1127-1123. https://www.researchgate.net/publication/235256452_Histopathological_Changes_in_Some_Organs_of_Male_Rats_Fed_on_Genetically_Modified_Corn_Ajeeb_YG

([2]) Székács A, Darvas B. Comparative aspects of Cry toxin usage in insect control. In: Ishaaya I, Palli SR, Horowitz AR, eds. Advanced Technologies for Managing Insect Pests. Dordrecht, Netherlands: Springer; 2012:195-230. https://link.springer.com/chapter/10.1007/978-94-007-4497-4_10

([3]) 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).

([4]) http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2004-08

([5]) Annex F — Member States' comments and GMO Panel responses, http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2015-00342

and that evidence showing a history of safe use of the Pat protein, as required under Commission Implementation Regulation (EU) No 503/2013, is not duly documented by the notifier;

I. whereas persistence of Cry proteins released into the environment due to use of GM maize 1507 in feedstuffs was not monitored, even though Cry proteins may persist in soil for months retaining their insecticidal activity, as found for Cry1Ab-toxin ([1]);

J. whereas glufosinate is classified as toxic to reproduction and thus falls under the 'cut-off 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; whereas the approval of glufosinate expires on 31 July 2018;

K. whereas the application of the complementary herbicides is part of regular agricultural practice in the cultivation of herbicide-resistant plants and it can therefore be expected that residues from spraying will always be present in the harvest and are inevitable constituents; whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of complementary herbicides than their conventional counterparts ([2]);

L. whereas the residues from spraying with glufosinate were not assessed; whereas it cannot therefore be concluded that genetically engineered maize 1507 is safe for use in food and feed;

M. whereas maize 1507 is authorised for cultivation in Argentina, Brazil, Canada, Colombia, Honduras, Japan, Panama, Paraguay, the Philippines, South Africa, the USA and Uruguay; whereas a recent peer-reviewed study finds that targeted insects developing resistance to Cry proteins is a 'major threat to the sustainability of the Bt technology' ([3]); whereas glufosinate-resistant weeds have been observed since 2009;

N. 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, on 14 September 2017 delivered no opinion; whereas 12 Member States voted against, 12 Member States, representing only 38,75 % of the Union population voted in favour, and four Member States abstained;

O. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission 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 that practice has also been deplored by Commission President Juncker as not being democratic ([4]);

P. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading ([5]) and called on the Commission to withdraw it and submit a new one;

Q. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission will, 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]) Annex F — Member States' comments and GMO Panel responses, http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2015-00342, p. 7.
([2]) https://link.springer.com/article/10.1007%2Fs00267-015-0589-7
([3]) https://drive.google.com/file/d/0B7H5dHXeodSCc2RjYmwzaUIyZWs/view
([4]) For example, in the opening statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or in the State of the Union Address 2016 (Strasbourg, 14 September 2016).
([5]) OJ C 355, 20.10.2017, p. 165.

R. whereas the Commission's proposal to amend Regulation (EU) No 182/2011 is not sufficient in terms of addressing the lack of democracy in the GMO authorisation process;

S. whereas democratic legitimacy can only be ensured by providing, at the very least, that when no opinion is delivered by the Food Chain and Animal Health Standing Committee the Commission proposal is withdrawn; whereas this procedure already exists for some other standing committees;

1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

2. Considers that the 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 of the European Parliament and of the Council [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, while 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 so as to address the shortcomings of the current procedure, which has proven inadequate;

5. Calls on the legislators responsible to advance work on the Commission proposal amending Regulation (EU) No 182/2011 as a matter of urgency and to ensure that, inter alia, if no opinion is delivered by the Food Chain and Animal Health Standing Committee with respect to GMOs approvals, either for cultivation or for food and feed, the Commission will withdraw the proposal;

6. 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;

7. Calls on the Commission to develop strategies for health risk assessment and toxicology, as well as post-market monitoring, that target the whole food and feed chain;

8. 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 for cultivation in the Union or for import for food and feed;

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

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[1] OJ L 31, 1.2.2002, p. 1.

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P8_TA(2017)0397

Genetically modified soybean 305423 × 40-3-2

European Parliament resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D052752 — 2017/2906(RSP))

(2018/C 346/18)

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 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D052752),

— 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), and 19(3) and 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, on 14 September 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 14 July 2016, and published on 18 August 2016 ([3]),

— having regard to the proposal 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/4566

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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,

([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 maizes 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 maizes combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European parliament and of the Council on genetically modified food and feed (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, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2017)0214).
— 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 (Texts adopted, P8_TA(2017)0341).
— Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0377).
— Resolution of 4 October 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-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0378).

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

A. whereas on 20 September 2007 Pioneer Overseas Corporation submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 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 305423 × 40-3-2 in products consisting of it or containing it for uses other than food and feed as any other soybean, with the exception of cultivation;

B. whereas on 14 July 2016 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 published on 18 August 2016;

C. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to 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 one of the parental plants, soybean 305423, was genetically engineered with the intention of changing the oil composition in plants and to be resistant to acetolactate synthase (ALS)-inhibiting herbicides, which include herbicides of the imidazolinone, sulfonylurea, triazolopyrimidine, pyrimidinyl(thio)benzoate and sulfonylaminocarbonyltriazolinone chemical families; whereas the other parental plant, soybean 40-3-2, incorporates the EPSPS gene to make it resistant to glyphosate-based herbicides; whereas these genetically modified soybeans were combined to create a so-called stacked event which is resistant to two herbicides and altered in oil composition;

E. whereas many critical comments were submitted by Member States during the three-month consultation period ([1]); whereas the most critical comments relate to observations that it is not possible to give a favourable verdict, from the perspective of human or animal nutrition, on the safety profile of products derived from soya varieties carrying transformation events 305423 and 40-3-2, that it is not possible to draw conclusions on the allergenicity of this stacked soybean, that 'sufficient data and appropriate comparators are missing for assessing potential interactions between the parental lines and for detecting unintended effects in the stacked events compared to the parental lines' and that 'the risk assessment of soybean 305423 × 40-3-2 cannot be finalised on the basis of the data provided';

F. whereas the applicant provided a 90-day toxicological feeding study which was rejected by EFSA due to its insufficient quality; whereas, as a result, the risk assessment contains no such study, a fact which was criticised by a number of Member State competent authorities; whereas this data gap is unacceptable, especially given that 2006 EFSA guidelines require such a study ([2]);

G. whereas, on the basis of a number of data gaps (including the lack of assessment of unintended effects resulting from the genetic modification in question, the lack of assessment of toxic effects and the lack of assessment of residues from spraying with complementary herbicides), an independent study concludes that the risk assessment cannot be concluded and that the application should therefore be rejected ([3]);

H. whereas the application of the complementary herbicides is part of regular agricultural practice in the cultivation of herbicide-resistant plants and it can therefore be expected that residues from spraying will always be present in the harvest and are inevitable constituents; whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of complementary herbicides than their conventional counterparts ([4]);

([1]) Annex G — Member States' comments and GMO Panel responses http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2007-175

([2]) Idem.

([3]) https://www.testbiotech.org/sites/default/files/TBT%20Background%20 Soybean%20305423%20x%2040-3-2.pdf

([4]) https://link.springer.com/article/10.1007%2Fs00267-015-0589-7

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I. whereas glyphosate's current authorisation expires on 31 December 2017 at the latest; whereas questions on the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate is unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the WHO's International Agency for Research on Cancer (IARC) classified glyphosate as a probable carcinogen for humans;

J. whereas, according to the EFSA pesticide panel, conclusions on the safety of residues from spraying genetically modified crops with glyphosate formations cannot be drawn on the basis of the data provided so far ([1]); whereas additives and their mixtures used in commercial formulations for spraying glyphosate can show a higher toxicity than the active ingredient alone ([2]); whereas a number of studies show that glyphosate formulations can act as endocrine disruptors ([3]);

K. whereas imported genetically modified soybean is widely used for animal feed in the Union; whereas a peer-reviewed scientific study has found a possible correlation between glyphosate in feed given to pregnant sows and an increase in the incidence of severe congenital anomalies in their piglets ([4]);

L. whereas there is no comprehensive risk assessment of residues from spraying ALS inhibitors as complementary herbicides on genetically modified soybeans; whereas, on the contrary, major data gaps were identified by the EFSA pesticide panel in the case of thifensulfuron, which is one of the active ingredients that acts as an ALS inhibitor ([5]);

M. whereas the residues from spraying with the complementary herbicides were not assessed; whereas it cannot therefore be concluded that genetically engineered soybean 305423 × 40-3-2 sprayed with glyphosate and ALS inhibitor herbicides is safe for use in food and feed;

N. whereas authorising the import of soybean 305423 × 40-3-2 into the Union will undoubtedly lead to an increase in its cultivation in third countries and to a corresponding increase in the use of the complementary herbicides;

O. whereas soybean 305423 × 40-3-2 is cultivated in Argentina, Canada and Japan; whereas the devastating impact of the use of glyphosate on health in Argentina has been widely documented;

P. whereas the Union has signed up to the UN's sustainable development goals (SDGs), which include a commitment to substantially reducing the number of deaths and illnesses from hazardous chemicals, and air, water and soil pollution and contamination, by 2030 (SDG 3, target 3.9) ([6]); whereas the Union is committed to policy coherence for development (PCD), which aims at minimising contradictions and building synergies between different Union policies, including in the areas of trade, environment and agriculture, to benefit developing countries and increase the effectiveness of development cooperation;

([1]) EFSA conclusion of the peer review of the pesticide risk assessment of the active substance glyphosate. EFSA journal 2015, 13 (11):4302: http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4302/epdf

([2]) https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3955666

([3]) https://www.testbiotech.org/sites/default/files/TBT%20Background%20Soybean %20305423%20x%2040-3-2.pdf

([4]) https://www.omicsonline.org/open-access/detection-of-glyphosate-in-malformed-piglets-2161-0525.1000230.php?aid=27562

([5]) 'The potential endocrine disruption of thifensufron-methyl was identified as an issue that could not be finalised and a critical area of concern'. Conclusion on the peer review of the active substance thifensulfuron-methyl. EFSA journal 13(7):4201, p. 2: http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4201/epdf

([6]) https://sustainabledevelopment.un.org/sdg3

Q. 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; whereas more than 20 different varieties of glyphosate-resistant weeds have been documented in scientific publications ([1]);

R. 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, on 14 September 2017 delivered no opinion; whereas 14 Member States voted against, only 10 Member States, representing only 38,43 % of the Union population voted in favour, and four Member States abstained;

S. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission 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 that practice has also been deplored by Commission President Juncker as not being democratic ([2]);

T. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading ([3]) and called on the Commission to withdraw it and submit a new one;

U. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission will, 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;

V. whereas the Commission's proposal to amend Regulation (EU) No 182/2011 is not sufficient in terms of addressing the lack of democracy in the GMO authorisation process;

W. whereas democratic legitimacy can only be ensured by providing, at the very least, that when no opinion is delivered by the Food Chain and Animal Health Standing Committee the Commission proposal is withdrawn; whereas this procedure already exists for some other standing committees;

1. Considers that the draft Commission implementing decision exceeds 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 of the European Parliament and of the Council ([4]), 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, while ensuring the effective functioning of the internal market;

3. Calls on the Commission to withdraw its draft implementing decision;

([1]) https://link.springer.com/chapter/10.1007/978-94-007-7796-5_12

([2]) For example, in the opening statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or in the State of the Union Address 2016 (Strasbourg, 14 September 2016).

([3]) OJ C 355, 20.10.2017, p. 165.

([4]) OJ L 31, 1.2.2002, p. 1.

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 so as to address the shortcomings of the current procedure, which has proven inadequate;

5. Calls on the legislators responsible to advance work on the Commission proposal amending Regulation (EU) No 182/2011 as a matter of urgency and to ensure that, inter alia, if no opinion is delivered by the Food Chain and Animal Health Standing Committee with respect to GMOs approvals, either for cultivation or for food and feed, the Commission will withdraw the proposal;

6. Calls on the Commission not to authorise any herbicide-tolerant genetically modified plants ('HT GMP') without full assessment of the specific cumulative effects of the residues from spraying with the combination of the complementary herbicides and their commercial formulations as applied in the countries of cultivation;

7. Calls on the Commission to request much more detailed testing to determine health risks relating to stacked events such as soybean 305423 × 40-3-2;

8. Calls on the Commission to develop strategies for health risk assessment and toxicology, as well as post-market monitoring, that target the whole food and feed chain;

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 for cultivation in the Union or for import for food and feed;

10. 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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P8_TA(2017)0398

Genetically modified oilseed rapes MON 88302 × Ms8 × Rf3

European Parliament resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapes MON 88302 × Ms8 x Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D052753 — 2017/2907(RSP))

(2018/C 346/19)

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 oilseed rapes MON 88302 × Ms8 x Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D052753),

— 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) and 19(3) 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, on 14 September 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 1 March 2017, and published on 10 April 2017 ([3]),

— having regard to the proposal 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/4767

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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,

([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 maizes 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 (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 maizes combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European parliament and of the Council on genetically modified food and feed (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, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (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) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2017)0214).
— 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 (Texts adopted, P8_TA(2017)0341).
— Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0377).
— Resolution of 4 October 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-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0378).

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

A. whereas on 3 December 2013 Monsanto Europe S.A. and Bayer CropScience N.V. submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from genetically modified oilseed rape MON 88302 × Ms8 × Rf3 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 oilseed rape MON 88302 × Ms8 × Rf3 in products consisting of it or containing it for uses other than food and feed as any other oilseed rape, with the exception of cultivation; whereas the application covered, for those uses, all sub-combinations of the single genetic modification events constituting oilseed rape MON 88302 × Ms8 × Rf3;

B. whereas on 1 March 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 published on 10 April 2017;

C. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to 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 the three-event stack oilseed rape (OSR) was produced by conventional crossing to combine three single OSR events: MON 88302, expressing the 5-enolpyruvylshikimate-3-phosphate synthase (CP4 EPSPS) protein for tolerance to glyphosate-containing herbicide, MS8, expressing Barnase and phosphinothricin acetyltransferase (PAT) proteins, and RF3, expressing Barstar and PAT proteins, for tolerance to glufosinate-ammonium-containing herbicides and for obtaining heterosis (hybrid vigour);

E. whereas many critical comments were submitted by Member States during the three-month consultation period; whereas the most critical general comments include the observation that 'the presented data do not support a comprehensive and robust assessment of potential interactions between the single events incorporated into the GM OSR MON 88302 × Ms8 × Rf3, which is required according to EFSA guidance', that 'given the study batteries and designs, no final evidence is possible with reference to long-term (especially in regards to foodstuffs), reproductive or developmental effects', that 'information (data and data analyses) provided on phenotypic evaluation, composition and toxicology is insufficient' and that 'further studies should be carried out to prove the safety of OSR MON 88302 × Ms8 × Rf3' ([1]);

F. whereas key specific areas of concern relate to the lack of a 90-day feeding study on rats, the lack of assessment of the residues of the complementary herbicides on imported food and feed, the possible negative health consequences thereof and the inadequacy of the environmental monitoring plan;

G. whereas, on the basis of the lack of a 90-day sub-chronic toxicity report on rats, the French Agency for Food, Environmental and Occupational Health and Safety duly rejected the application to place OSR MON 88302 × Ms8 × Rf3 on the market ([2]);

H. whereas an independent study concludes that the opinion of EFSA should be rejected on account of major flaws and substantial gaps and, hence, the import of viable kernels of the stacked event MON 88302 × MS8 × RF3 into the Union should not be authorised ([3]);

([1]) Annex G — Member States' comments and GMO Panel responses: http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-01002

([2]) Idem.

([3]) https://www.testbiotech.org/sites/default/files/TBT%20comment%20 MON80332%20x%20MS8%20x%20RF3_v2.pdf

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I. whereas the application of the complementary herbicides is part of regular agricultural practice in the cultivation of herbicide-resistant plants, and it can therefore be expected that residues from spraying will always be present in the harvest and are inevitable constituents; whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of complementary herbicides than their conventional counterparts ([1]);

J. whereas glyphosate's current authorisation expires on 31 December 2017 at the latest; whereas questions on the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate is unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the WHO's International Agency for Research on Cancer (IARC) classified glyphosate as a probable carcinogen for humans;

K. whereas, according to the EFSA pesticide panel, on the basis of data provided so far, conclusions on the safety of residues from spraying genetically modified crops with glyphosate formations cannot be drawn ([2]); whereas additives and their mixtures used in commercial formulations for spraying glyphosate can show a higher toxicity than the active ingredient alone ([3]); whereas a number of studies show that glyphosate formulations can act as endocrine disruptors ([4]);

L. whereas imported genetically modified (GM) oilseed rape is widely used for animal feed in the Union; whereas a peer-reviewed scientific study has found a possible correlation between glyphosate in feed given to pregnant sows, and an increase in the incidence of severe congenital anomalies in their piglets ([5]);

M. whereas glufosinate is classified as toxic to reproduction and thus falls under the so-called 'cut-off' 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]);

N. whereas one Member State competent authority has highlighted the inconsistency of authorising the import of this glufosinate-tolerant GM OSR given that it is unlikely that the authorisation for the use of glufosinate in the Union will be renewed due to its reproductive toxicity ([8]);

O. whereas the residues from spraying with the complementary herbicides were not assessed; whereas it cannot therefore be concluded that this genetically engineered OSR sprayed with glyphosate and glufosinate is safe for use in food and feed;

P. whereas, in addition, many Member State competent authorities have raised concerns about the potential of this GM OSR to establish itself as a feral crop population in the Union, particularly along import transport routes, and have pointed out the insufficiency of the monitoring plan in this regard;

([1]) https://link.springer.com/article/10.1007%2Fs00267-015-0589-7
([2]) EFSA conclusion of the peer review of the pesticide risk assessment of the active substance glyphosate. EFSA journal 2015, 13 (11):4302: http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4302/epdf
([3]) https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3955666
([4]) https://www.testbiotech.org/sites/default/files/TBT%20Background%20 Soybean%20305423%20x%2040-3-2.pdf
([5]) https://www.omicsonline.org/open-access/detection-of-glyphosate-in-malformed-piglets-2161-0525.1000230.php?aid=27562
([6]) OJ L 309, 24.11.2009, p. 1.
([7]) OJ L 67, 12.3.2015, p. 6.
([8]) Annex G — Member States' comments and GMO Panel responses: http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-01002

Q. whereas one Member State commented that 'Glyphosate is commonly used for weed control along railways and roadsides in the Union. The high glyphosate tolerance of MON88302 × Ms8 × Rf3 may lead to selective advantage under such circumstances. The effects of this selective advantage on the persistence and invasiveness should be taken into account on assessing the likelihood of the line to form permanent populations in Europe, especially considering the ability of oilseed rape to survive in the seed bank';

R. whereas, according to a 2011 Austrian study, 'Several international studies identify seed spillage during transport activities as a major component for the establishment of feral OSR populations in roadside habitats', that 'it is a well-known problem that feral OSR populations are ubiquitous in countries where OSR is grown but also in countries where OSR seeds are just imported and subsequently transported to oil processing plants' and that 'moreover, importing different types of herbicide tolerant (HT) OSR lines can result in multiple-resistant feral populations ("gene stacking") causing or exacerbating herbicide management problems of road side habitats' ([1]);

S. whereas the development of GM 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 GM crops; whereas more than 20 different varieties of glyphosate-resistant weeds have been documented in scientific publications ([2]); whereas glufosinate-resistant weeds have been observed since 2009;

T. 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, on 14 September 2017 delivered no opinion; whereas 14 Member States voted against the draft implementing act, only nine Member States, representing only 36,48 % of the Union population voted in favour, and five Member States abstained;

U. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, it has adopted 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 that practice has also been deplored by Commission President Juncker as not being democratic ([3]);

V. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading ([4]) and called on the Commission to withdraw it and submit a new one;

W. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission will, 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;

X. whereas the Commission's proposal to amend Regulation (EU) No 182/2011 is not sufficient in terms of addressing the lack of democracy in the GMO authorisation process;

Y. whereas democratic legitimacy can only be ensured by providing, at the very least, that when no opinion is delivered by the Food Chain and Animal Health Standing Committee, the Commission proposal is withdrawn; whereas this procedure already exists for some other standing committees;

([1]) https://www.bmgf.gv.at/cms/home/attachments/3/0/9/CH1060/CMS1215778250501/osrimportban_gt73,ms8xrf3_2011_(nicht_zu_versenden_).pdf, p. 4.

([2]) https://link.springer.com/chapter/10.1007/978-94-007-7796-5_12

([3]) For example, in the opening statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or in the State of the Union Address 2016 (Strasbourg, 14 September 2016).

([4]) OJ C 355, 20.10.2017, p. 165.

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1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

2. Considers that the 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 of the European Parliament and of the Council ([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, while 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 so as to address the shortcomings of the current procedure, which has proven inadequate;

5. Calls on the legislators responsible to advance work on the Commission proposal amending Regulation (EU) No 182/2011 as a matter of urgency and to ensure that, inter alia, if no opinion is delivered by the Food Chain and Animal Health Standing Committee with respect to GMOs approvals, either for cultivation or for food and feed, the Commission will withdraw the proposal;

6. Calls on the Commission not to authorise any herbicide-tolerant genetically modified plants (HT GMP) made resistant to a combination of herbicides, as is the case with oilseed rape MON 88302 × Ms8 × Rf3, without a 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 to determine health risks relating to stacked events such as oilseed rape MON 88302 × Ms8 × Rf3;

8. Calls on the Commission to develop strategies for health risk assessment, toxicology and post-market monitoring that target the whole food and feed chain;

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 for cultivation in the Union or for import for food and feed;

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

([1]) OJ L 31, 1.2.2002, p. 1.

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P8_TA(2017)0401

Reflection paper on the future of EU finances

European Parliament resolution of 24 October 2017 on the Reflection Paper on the Future of EU Finances (2017/2742(RSP))

(2018/C 346/20)

The European Parliament,

— having regard to Articles 311, 312 and 323 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([1]), and in particular Article 2 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 ([2]),

— having regard to its resolution of 6 July 2016 on 'Preparation of the post-electoral revision of the MFF 2014-2020: Parliament's input ahead of the Commission's proposal' ([3]),

— having regard to the Commission's Reflection Paper on the Future of EU Finances of 28 June 2017,

— having regard to the Commission statement of 4 July 2017 on the Reflection Paper on the Future of EU finances,

— having regard to its resolution of 16 February 2017 on budgetary capacity for the euro area ([4]),

— having regard to the motion for a resolution of the Committee on Budgets,

— having regard to Rule 123(2) of its Rules of Procedure,

1. Is convinced that a debate on the future financing of the European Union cannot happen without taking into account the lessons learnt from the previous multiannual financial frameworks (MFF) and particularly the 2014-2020 MFF; points to the severe deficiencies of the current MFF, which was stretched to its limits in order to provide the necessary resources for the Union to confront a number of serious crises and new challenges and finance its new political priorities; stresses its conviction that the low level of the current MFF proved insufficient to match the actual needs and political ambitions of the Union;

2. Welcomes the Commission's presentation of its Reflection Paper on the Future of EU Finances; notes that the Commission translates into budgetary terms the five scenarios for the future model of the European Union, as presented in its White Paper on the Future of Europe of March 2017, while addressing a number of basic characteristics and principles of the EU budget; agrees with the proposed methodology and takes a positive stance towards the Commission's statement that the future MFF must be underpinned by a clear vision of Europe's priorities; trusts that this paper sets a clear structure for the discussions and opens a much-needed political debate on the orientation, purpose and level of the EU budget in the light of the fundamental objectives and future challenges of the Union; calls on the Member States to consult citizens and to assume an active and constructive role in laying down their vision for the future of the EU budget;

([1]) OJ L 347, 20.12.2013, p. 884.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) Texts adopted, P8_TA(2016)0309.
([4]) Texts adopted, P8_TA(2017)0050.

3. Regrets, however, the fact that four out of the five presented scenarios ('Carrying on', 'Doing less together', 'Some do more' and 'Radical redesign') signify an effective decline in the Union's ambitions and envisage the reduction of two long-standing EU policies and cornerstones of the European project enshrined in the Treaties — the common agricultural policy and cohesion policy; stresses its long-standing position that additional political priorities should be coupled with additional financial means and not be financed to the detriment of existing EU policies; considers the fifth scenario ('Doing much more together') a positive and constructive starting point for the ongoing discussion on the future of EU finances and consequently the future model of the European Union; encourages the Commission to develop a scenario which takes into account Parliament's recommendations in order to respond to the current and future challenges, and in order to define the new set of priorities;

4. Recalls that pursuant to Article 311 TFEU, the Union shall provide itself with the means necessary to attain its objectives; believes that the shortcomings of the current MFF and the scale of the new priorities, as well as the impact of the United Kingdom's withdrawal, all point to the same conclusion: the need to break the ceiling for expenditure of 1 % of the EU's Gross National Income (GNI) and, therefore, to significantly increase the Union's budget in order to respond to the challenges ahead; opposes, in this context, any nominal decrease in the volume of the EU budget in the next MFF, and therefore believes that the next MFF should be set at the level of at least 1,23 % of the EU's GNI; advocates a discussion among the Member States on the matter;

5. Regrets the fact that the EU budget is predominantly financed from national contributions based on GNI instead of genuine own resources, as provided for in the EU Treaties; reiterates its commitment to a fully-fledged reform of the EU own resources system, with simplicity, fairness and transparency as guiding principles, and in line with the recommendations of the High Level Group on Own Resources; stresses that any such system should include a balanced basket of new EU own resources designed to support EU policy objectives that should be introduced progressively to provide fairer and more stable EU finances; highlights, moreover, that the United Kingdom's withdrawal from the Union provides an opportunity to put an end to all rebates; expects the Commission to submit ambitious legislative proposals to that effect and points out that both the expenditure and the revenue side of the next MFF will be treated as a single package in the upcoming negotiations;

6. Is convinced that, unless the Council agrees to significantly increase the level of its national contributions to the EU budget, the introduction of new EU own resources remains the only option for adequately financing the next MFF to a level that corresponds to the actual needs and political ambitions of the Union; expects, therefore, the Council to take a political stance on this matter, considering that a de facto blockage of any reform of the EU own resources system can no longer be envisaged; recalls in this regard that the report of the High Level Group on Own Resources was adopted unanimously by all of its members, including those members appointed by the Council;

7. Welcomes the Commission's intention to design the future EU budget on the basis of the principles of EU added value, a focus on performance, accountability, greater flexibility within a stable framework and simplified rules, as presented in the reflection paper;

8. Stresses, in this context, the importance of a thorough evaluation of the efficiency and effectiveness of current EU policies, programmes and instruments; looks forward, in that respect, to the results of the ongoing spending review and expects them to be taken into account in the design of the post-2020 MFF; underlines, in particular, the need to ensure the success rate of highly oversubscribed EU programmes on the one hand, and to determine the reasons for under-implementation on the other; considers it important to achieve synergies between the EU budget and the national budgets, and to provide for the means to monitor the level and performance of spending at national and EU level;

9. Acknowledges that the search for European added value is a fundamental question to be addressed, and agrees that the Union budget should serve, inter alia, as a tool for achieving the Treaty objectives and providing for European public goods; points out, however, the multi-faceted character of the concept of European added value and its multiple interpretations, and warns against any attempt to use its definition to call into question the relevance of EU policies and programmes on purely quantitative or short-term economic considerations; believes that there is a clear added value when an action at European level:

— goes further than national, regional or local efforts could (spillover effect),

— incentivises actions at national, regional or local level to fulfil EU Treaty objectives which would not otherwise be realised,

— supports actions that can only be financed by pooling resources at EU level because of their very high financing requirements, or

— contributes to the establishment and support of peace and stability in the EU's neighbourhood and beyond;

encourages the Commission to further develop the concept of European added value, while taking into account territorial specificities; calls on the Commission to propose the appropriate performance indicators for this purpose;

10. Considers that the structure of the next MFF should render the EU budget more readable and understandable to EU citizens and allow for a clearer presentation of all areas of EU expenditure; recalls, at the same time, the need to facilitate both planning continuity and flexibility within headings; believes that the overall MFF structure should reflect the political debate on the main pillars and orientation of EU spending, including sustainable development, growth and innovation, climate change, solidarity, security and defence; is convinced, therefore, that an adjustment to the current MFF headings is necessary;

11. Believes that the EU budget must be transparent and democratic; recalls its firm commitment to the notion of the unity of the EU budget and questions the necessity and added value of creating additional instruments outside the MFF; reiterates its long-standing position that the European Development Fund, alongside other instruments outside the MFF, should be integrated into the Union budget; stresses that such integration should entail the respective financial envelopes of those instruments being added on top of the current MFF ceilings, in order not to jeopardise the financing of other EU policies and programmes;

12. Points out that, after exhausting all available margins, the budgetary authority approved the substantial mobilisation of the flexibility provisions and special instruments included in the MFF regulation in order to secure the additional appropriations needed to respond to crises or finance new political priorities during the current MFF; underlines the fact that during the MFF mid-term revision, several barriers to the MFF flexibility mechanisms were removed, in order to allow for greater flexibility under the current financial framework;

13. Underlines, in this context, that the next MFF should provide directly for the appropriate level of flexibility that will enable the Union to respond to unforeseen circumstances and finance its evolving political priorities; believes, therefore, that the MFF flexibility provisions should allow for all unallocated margins, as well as de-committed appropriations, to be carried over without any restrictions to future financial years and mobilised by the budgetary authority, for any purpose deemed necessary, in the context of the annual budgetary procedure; calls, moreover, for the significant reinforcement of MFF special instruments, which should be counted over and above the MFF ceilings for both commitments and payments, as well as for the creation of a separate crisis reserve that should allow resources to be mobilised immediately in the event of an emergency;

14. Advocates a real and tangible simplification of implementation rules for beneficiaries and a reduction of the administrative burden; encourages the Commission, in this context, to identify and eliminate overlaps between instruments offered by the EU budget which pursue similar objectives and serve similar types of actions; is of the opinion, however, that such simplification should not result in the replacement of grants by financial instruments and must not lead to a sectorialisation of EU programmes and policies, but should guarantee a cross-cutting approach with complementarity at its heart; calls for a far-reaching harmonisation of rules with the aim of creating a single rulebook for all EU instruments;

15. Recognises the potential of financial instruments as a complementary form of funding to subsidies and grants; cautions, however, that they are not appropriate for all types of actions and policy fields, as not all policies are entirely market-driven; calls on the Commission to simplify the rules governing the use of financial instruments and to encourage the possibility of a combination of various EU resources under harmonised rules by creating synergies and avoiding any

competition between different forms of funding; expresses its concern regarding the option of a single fund that would integrate EU-level financial instruments and provide loans, guarantees and risk-sharing instruments in different policy windows, as presented in the reflection paper in this context, and will examine this proposal thoroughly;

16. Reiterates its position that the duration of the MFF should be aligned with the political cycle of both Parliament and the Commission and should ensure long-term programming; stresses, in this context, that the duration of the MFF should take full account of the need for longer-term predictability in the implementation of European Structural and Investment Fund (ESIF) programmes under shared management, which cannot operate without the stability of at least a seven-year commitment; proposes, therefore, that the next MFF should be agreed for a period of 5+5 years with a mandatory mid-term revision;

17. Notes the Commission President's announcement in his State of the Union address of an upcoming proposal for a dedicated euro area budget line; calls on the Commission to come up with additional and more detailed information in that respect; recalls that Parliament's resolution of 16 February 2017 calls for a specific euro area budgetary capacity which should be part of the EU budget over and above the current ceilings of the MFF and financed by euro area and other participating members via a source of revenue, which should, for its part, be agreed between participating Member States and considered to be assigned revenue and guarantees;

18. Expects the Commission to present its proposals on both the future MFF and own resources by May 2018; states its intention to present in due time its own position on all related aspects, and expects Parliament's views to be fully incorporated into the forthcoming Commission proposals;

19. Expresses its readiness to engage in a structured dialogue with the Commission and the Council, with a view to reaching a final agreement on the next MFF before the end of the current parliamentary term; is convinced that an early adoption of the MFF Regulation will enable the subsequent adoption of all sectoral legislative acts in time for the new programmes to be in place at the beginning of the next period; stresses the detrimental effects of the late launching of the programmes under the current MFF; urges the European Council, in this context, to use the 'passerelle' clause of Article 312 (2) TFEU, which allows qualified majority voting on the MFF in Council;

20. Instructs its President to forward this resolution to the Council, the Commission, the other institutions and bodies concerned, and the governments and parliaments of the Member States.

Tuesday 24 October 2017

P8_TA(2017)0402

Legitimate measures to protect whistle-blowers acting in the public interest

European Parliament resolution of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies (2016/2224(INI))

(2018/C 346/21)

The European Parliament,

— having regard to the Treaty on European Union, in particular Article 2 thereof,

— having regard to the Charter of Fundamental Rights of the European Union, in particular Article 11 thereof,

— having regard to the European Convention on Human Rights (ECHR), in particular Article 10 thereof,

— having regard to Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure,

— having regard to Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC,

— having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC,

— having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC,

— having regard to its resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect ([1]),

— having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect (TAXE 2) ([2]),

— having regard to its resolution of 23 October 2013 on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken ([3]),

— having regard to Resolution 1729 (2010) of the Parliamentary Assembly of the Council of Europe on the protection of 'whistle-blowers',

— having regard to Resolution 2060 (2015) of the Parliamentary Assembly of the Council of Europe on improving the protection of whistle-blowers,

([1]) Texts adopted of that date, P8_TA(2015)0408.
([2]) Texts adopted of that date, P8_TA(2016)0310.
([3]) OJ C 208, 10.6.2016, p. 89.

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— having regard to its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union ([1]),

— having regard to the Commission communication of 6 June 2011 on fighting corruption in the EU (COM(2011)0308),

— having regard to the Commission communication of 5 July 2016 on further measures to enhance transparency and the fight against tax evasion and avoidance (COM(2016)0451),

— having regard to the G20 Anti-Corruption Action Plan, in particular its guiding principles for legislation on the protection of whistle-blowers,

— having regard to the OECD report of March 2016 entitled 'Committing to Effective Whistleblower Protection',

— having regard to the Decision of the European Ombudsman closing her own-initiative inquiry OI/1/2014/PMC concerning whistle-blowing,

— having regard to the Recommendation CM/Rec(2014)7 of 30 April 2014 of the Committee of Ministers of the Council of Europe on the protection of whistle-blowers, as well to its relevant brief guide for implementing a national framework of January 2015,

— having regard to Resolution 2171 (2017) of the Parliamentary Assembly of the Council of Europe of 27 June 2017 calling on the national parliaments to recognise the 'right to blow the whistle',

— having regard to Principle 4 of the OECD Recommendation on Improving Ethical Conduct in the Public Service,

— having regard to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,

— having regard to its resolution of 14 February 2017 on the role of whistle-blowers in the protection of EU's financial interests ([2]),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Budgetary Control, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Culture and Education, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs (A8-0295/2017),

A. whereas the EU set itself the objective of upholding democracy and the rule of law and thus guarantees its citizens freedom of expression; whereas whistle-blowing is a fundamental aspect of the freedom of expression and information, as enshrined in the Charter of Fundamental Rights of the European Union, compliance with and application of which are guaranteed by the EU; whereas the EU promotes workers' protection and the improvement of working conditions;

([1]) Texts adopted of that date, P8_TA(2015)0457.
([2]) Texts adopted of that date, P8_TA(2017)0022.

B. whereas the European Union is helping to consolidate international cooperation in the fight against corruption, in full compliance with the principles of international law, human rights and the rule of law, as well as the sovereignty of each country;

C. whereas under Article 67(2) of the Treaty on the Functioning of the European Union (TFEU) the European Union is competent to deal with matters relating to the European common asylum policy;

D. whereas transparency and citizen participation are among the developments and challenges to be addressed by democracies in the 21st century;

E. whereas, since the economic and financial crisis and the debt crisis, we have seen a wave of action against international tax avoidance and evasion; whereas more transparency in the financial services sphere is needed in order to discourage malpractice, and some Member States have already experience with central repositories for reporting actual or possible breaches of financial prudential rules; whereas the United Nations adopted its Convention against Corruption in 2003 ([1]); whereas Parliament established two special committees and one committee of inquiry following these revelations; whereas it has already called for protection of whistle-blowers in several resolutions ([2]); whereas the initiatives already agreed upon to strengthen international information exchange in tax matters have been helpful, and whereas the various tax-related leaks have revealed large amounts of important information on malpractices that would otherwise not have surfaced;

F. whereas whistle-blowers play an important role in reporting unlawful or improper conduct which undermines the public interest and the functioning of our societies, and, in order to do so, they expose to their employer, public authorities or directly to the public, information on such conduct which undermines the public interest;

G. whereas, in so doing, they help Member States, the major EU institutions and other EU bodies to prevent and tackle, in particular, any breach of the principle of integrity or any misuse of power that threatens or violates public health and safety, financial integrity, the economy, human rights, the environment or the rule of law, or which increases unemployment, limits or distorts fair competition or undermines citizens' trust in democratic institutions and processes at national and EU levels;

H. whereas corruption is a serious problem facing the European Union today, as it can result in the failure of governments to protect the population, workers, the rule of law and the economy, in a deterioration of public institutions and services, economic growth and competitiveness in various fields, and in a loss of trust in the transparency and democratic accountability of public and private institutions and industries; whereas corruption is estimated to cost the EU economy EUR 120 billion annually or 1 % of EU GDP;

I. whereas, while global anti-corruption efforts have thus far been focused predominantly on public sector wrongdoings, recent leaks have highlighted the role of financial institutions, advisers and other private companies in facilitating corruption;

J. whereas a number of publicised whistle-blowing cases have shown that whistle-blowing brings information of public interest, such as unlawful or improper conduct or other serious wrongdoing in the private and public sectors, to the attention of the public and of political authorities; whereas some of these acts have therefore been subject to corrective measures;

([1]) https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50027_F.pdf

([2]) See, for example, its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect and its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union.

K. whereas the safeguarding of confidentiality contributes to the creation of more effective channels for reporting fraud, corruption or other infringements, and whereas, given the sensitivity of the information, mismanagement of confidentiality may lead to the unauthorised dissemination of information and a violation of the public interest of the Union and the Member States;

L. whereas the introduction of public beneficial ownership registries for company trusts, and similar legal arrangements and other transparency measures for investment vehicles, may act as a counter-deterrent against the wrongdoings that whistle-blowers typically address;

M. whereas safeguarding the confidentiality of whistle-blowers' identities and of the information they disclose contributes to the creation of more effective channels for reporting fraud, corruption, wrongdoing, misconduct and other serious infringements, and whereas, given the sensitivity of the information, mismanagement of confidentiality may lead to undesired information leaks and a violation of the public interest within the Union; whereas, in the public sector, protecting whistle-blowers can make it easier to detect the misuse of public funds, fraud and other forms of cross-border corruption linked to national or EU interests;

N. whereas it is regrettable that the existing channels for making formal complaints about misconduct by multinational companies rarely result in any concrete punishments for wrongdoings;

O. whereas whistle-blowing has proved useful in a number of areas, in both the public and private sectors, such as public health, taxation, the environment, consumer protection, combating corruption and discrimination and upholding social rights;

P. whereas such cases must be clearly defined, in the light of the duties performed by whistle-blowers, the seriousness of the facts reported or the nature of the dangers revealed;

Q. whereas it is essential that the line between whistle-blowing and informing should not be crossed; whereas it is not a matter of knowing everything about everyone, but rather of identifying instances of a failure to address threats to democracy;

R. whereas, in a number of cases, whistle-blowers are subject to retaliatory action, intimidation and pressure with the intention of preventing or deterring them from whistle-blowing or punishing them for having done so, and whereas such pressure is particularly often exercised in the workplace where whistle-blowers who have discovered information in the public interest in the context their working relationship may find themselves in a weaker position vis-à-vis employers;

S. whereas serious concerns have often been raised that whistle-blowers acting in the public interest can face hostility, harassment, intimidation and exclusion at their place of work, impediments to future employment, loss of livelihood and often also serious threats to their family members and colleagues; whereas fears of retaliation can have a deterrent effect on whistle-blowers, thereby endangering the public interest;

T. whereas the protection of whistle-blowers should be guaranteed by law and reinforced throughout the EU, in both the public and private sectors, provided they are acting on reasonable grounds; whereas such protection mechanisms should be balanced and guarantee full respect of the fundamental and legal rights of the persons against whom the reports are made; whereas such protection mechanisms should apply to investigative journalists, who remain vulnerable in the context of the disclosure of sensitive information and protect whistle-blowers in the name of the confidentiality of their sources;

U. whereas the protection of whistle-blowers is not adequately guaranteed in a number of Member States, while many others have introduced advanced programmes to protect them, often, however, lacking in consistency and therefore offering an insufficient degree of protection; whereas the result of that is fragmented protection of whistle-blowers in Europe, which makes it difficult for them to find out their rights, and how to whistle-blow, and creates legal insecurity especially in cross-border scenarios;

V. whereas the office of the European Ombudsman has a clear competence in relation to the investigation of EU citizens' complaints about maladministration in the EU institutions, but in itself plays no role in the protection of whistle-blowers;

W. whereas whistle-blowing is very often not restricted to economic and financial matters; whereas the lack of adequate protection could dissuade potential whistle-blowers from reporting misconduct in order to avoid the risk of reprisal and/or retaliation; whereas the OECD has reported that in 2015, 86 % of companies had a mechanism to report suspected instances of serious corporate misconduct, but over one-third of them did not have a written policy on protecting whistle-blowers from reprisals, or did not know if such a policy existed; whereas several whistle-blowers exposing economic and financial wrongdoings, misconducts or illegal activities have been subject to prosecution; whereas persons who report or disclose information in the public interest often suffer reprisals, as do family members and colleagues, resulting, for example, in the loss of their careers; whereas the European Court of Human Rights has a well-established case law regarding whistle-blowers, but the protection of whistle-blowers should be guaranteed by law; whereas the Charter of Fundamental Rights of the European Union ensures the freedom of expression and the right to good administration;

X. whereas the protection of whistle-blowers in the European Union should not be limited to European cases alone, but should also apply to international cases;

Y. whereas workplaces need to cultivate a working environment within which people feel confident in raising concerns about potential wrongdoings such as failings, misconduct, mismanagement, fraud or illegal actions; whereas it is extremely important to foster the right culture that allows people to feel able to raise issues without fear of reprisals that might affect their current and future employment situation;

Z. whereas in many jurisdictions, and particularly in the private sector, employees are subject to duties of confidentiality with respect to certain information, with the possible consequence that whistle-blowers might encounter disciplinary action for reporting outside of their working relationship;

AA. whereas, according to an OECD study, more than one third of organisations with a reporting mechanism do not have or do not know of a written policy on protecting whistle-blowers from reprisals;

AB. whereas EU law already provides for certain rules protecting whistle-blowers from certain forms of retaliation in different areas, the Commission has not yet proposed adequate legislative measures for the effective and uniform protection of whistle-blowers and their rights in the EU;

AC. whereas all EU institutions have been obliged since 1 January 2014 to introduce internal rules protecting whistle-blowers who are officials of EU institutions, in accordance with Articles 22a, 22b and 22c of the Staff Regulations;

AD. whereas Parliament has repeatedly called for the horizontal protection of whistle-blowers in the EU;

AE. whereas, in its resolutions of 23 October 2013 on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken; of 25 November 2015 on tax rulings and other measures similar in nature or effect; of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies; and of 14 February 2017 on the role of whistle-blowers in the protection of the EU's financial interests, Parliament called on the Commission to submit a legislative proposal establishing an effective and comprehensive European whistle-blower protection programme protecting those who report suspected fraud or illegal activity affecting the public interest or the financial interests of the European Union;

AF. whereas any third-country national recognised as a whistle-blower by the European Union or one of its Member States must be entitled to all the relevant protection measures if, whether in the course of his or her duties or otherwise, he or she has come into the possession of and disclosed information about illegal conduct or acts of espionage, committed either by a third country or by a domestic or multinational company, which are prejudicial to a State, a nation or Union citizens and jeopardise, without their knowledge, the integrity of a government, national security or collective or individual freedoms;

AG. whereas since 1 July 2014 almost all European institutions and agencies have, as is mandatory, incorporated measures to protect whistle-blowers into their internal rules of procedure, in accordance with Articles 22(b) and (c) of the Staff Regulations;

AH. whereas international organisations such as the Council of Europe and the OECD have already laid down principles which are now well established and the case-law of the European Court of Human Rights is consistent on that matter;

AI. whereas the importance of the protection of whistle-blowers has been recognised by all major international instruments concerning corruption, and whistle-blowing standards have been set out by the United Nations Convention against Corruption (UNCAC), Council of Europe Recommendation CM/Rec(2014)7 and the 2009 OECD Anti-Bribery Recommendation;

AJ. whereas it is vital for a horizontal, comprehensive framework to be established as a matter of urgency, which, by laying down rights and obligations, protects whistle-blowers effectively throughout the Member States of the EU, as well as in the EU institutions, authorities and organisations;

Role of whistle-blowers and the need to protect them

1. Calls on the Commission, after carrying out an assessment of the appropriate legal base enabling the EU to take further action, to present before the end of this year a horizontal legislative proposal establishing a comprehensive common regulatory framework which will guarantee a high level of protection across the board, in both the public and private sectors as well as in national and European institutions, including relevant national and European bodies, offices and agencies, for whistle-blowers in the EU, taking into account the national context and without limiting the possibility for Member States to take further measures; stresses that there are at present a number of possibilities for legal bases enabling the EU to take action on the matter; calls on the Commission to consider them with the aim of proposing a broad, coherent and effective mechanism; reminds the Commission of the doctrine elaborated by the CJEU, through long-standing case-law, on the concept of implied competences of the Union, which allows the use of several legal bases;

2. Emphasises the unreasonable and worrying fact that citizens and journalists are being subject to prosecution rather than legal protection when disclosing information in the public interest, including information on suspected misconduct, wrongdoing, fraud or illegal activity, particularly when it comes to conduct violating fundamental principles of the EU, such as tax avoidance, tax evasion and money laundering;

3. Suggests that international agreements pertaining to financial services, taxation and competition should include provisions on the protection of whistle-blowers;

4. Highlights the need for legal certainty regarding the protective provisions afforded to whistle-blowers, as a continued lack of clarity and a fragmented approach deters potential whistle-blowers from coming forward; points out, therefore, that relevant EU legislation should establish a clear procedure for properly handling disclosures and effectively protecting whistle-blowers;

5. Recalls that any future normative framework should take into account the rules, rights and duties that govern and impact on employment; further emphasises that this should be done in consultation with the social partners and in compliance with collective bargaining agreements;

6. Calls for such legislation to ensure that companies that take fully verified retaliatory action against whistle-blowers may not receive EU funds nor enter into contracts with public bodies;

7. Encourages the Member States to develop benchmarks and indicators on whistle-blower policies in both the public and private sector;

8. Calls on the Member States to take into consideration Article 33 of the UN Convention against Corruption, underlining the role of whistle-blowers in the prevention of, and fight against, corruption;

9. Deplores the fact that only a few Member States have introduced sufficiently advanced whistle-blower protection systems; calls on those Member States which have not yet adopted such systems, or relevant principles in national law, to do so as soon as possible;

10. Stresses the need for more attention to business ethics in the educational curricula of business studies and related disciplines;

11. Encourages the Member States and the EU institutions to promote a culture of acknowledgement of the important role played by whistle-blowers in society, including through awareness-raising campaigns; calls on the Commission, in particular, to come up with a comprehensive plan on this issue; considers it necessary to foster an ethical culture in the public sector and in workplaces, so as to highlight the importance of raising employees' awareness of existing legal frameworks regarding whistle-blowing, in cooperation with trade union organisations;

12. Urges the Commission to monitor Member States' provisions on whistle-blowers with a view to facilitating the exchange of best practices, which will help to ensure more efficient protection for whistle-blowers at national level;

13. Calls on the Commission to provide a comprehensive plan to discourage asset transfers to countries outside the EU where the anonymity of corrupt persons can be maintained;

14. Takes 'whistle-blower' to mean anybody who reports on or reveals information in the public interest, including the European public interest, such as an unlawful or wrongful act, or an act which represents a threat or involves harm, which undermines or endangers the public interest, usually but not only in the context of his or her working relationship, be it in the public or private sector, of a contractual relationship, or of his or her trade union or association activities; stresses that this includes individuals who are outside the traditional employee-employer relationship, such as consultants, contractors, trainees, volunteers, student workers, temporary workers and former employees, who have evidence of such acts with reasonable grounds to believe that the information reported is true;

15. Considers that individuals who are outside the traditional employee-employer relationship, such as consultants, contractors, trainees, volunteers, student workers, temporary workers and former employees, as well as citizens, should also be given access to reporting channels and appropriate protection when they reveal information on an unlawful or wrongful act or an act which undermines the public interest;

16. States that a clear solution for whistle-blowers working in EU-registered companies but based outside the EU is needed;

17. Considers that a breach of the public interest includes, but is not limited to, acts of corruption, criminal offences, breaches of legal obligations, miscarriages of justice, abuse of authority, conflicts of interest, unlawful use of public funds, misuse of powers, illicit financial flows, threats to the environment, health, public safety, national and global security, privacy and personal data protection, tax avoidance, consumers' rights, attacks on workers' rights and other social rights and attacks on human rights and fundamental freedoms as well as on the rule of law, and acts to cover up any of these breaches;

18. Considers that the general public interest should take precedence over the private or economic value of the information revealed, and that it should be possible to reveal information on serious threats to the public interest even when it is legally protected; takes the view, however, that special procedures should apply for information involving respect for professional ethics and classified information related to national security and defence; considers that in such cases, the report should be made to a competent authority;

19. Stresses that whistle-blowers must always be guaranteed effective protection, even if the disclosures do not concern unlawful acts, if the information is made available with the aim of ensuring that the public interest is not undermined;

20. Stresses the need for the Member States to comply with the Council of Europe Recommendation on the protection of whistle-blowers;

21. Stresses that the role of whistle-blowers in revealing serious attacks on the public interest has proved its significance on many occasions over a number of years and that whistle-blowers contribute to democracy, the transparency of politics and the economy and public information, and that they should be recognised as necessary to prevent illegitimate action; underlines that whistle-blowers have proved to be a crucial resource for investigative journalism and for an independent press; points out that guaranteeing the confidentiality of sources is fundamental to freedom of the press; calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected; takes the view that journalists are also vulnerable and should therefore benefit from legal protection;

22. Notes the fact that in recent years some Member States have taken steps to strengthen whistle-blowers' rights; deplores, however, the fact that whistle-blowers continue to be subject to civil and criminal proceedings in a number of Member States, especially where the existing means to defend, support and protect them are absent, insufficient or ineffective; notes that, in addition, the disparities between Member States lead to legal insecurity, forum shopping and the risk of unequal treatment;

23. Believes that the lack of adequate whistle-blower protection has a negative impact on the protection of the EU's financial interest;

24. Considers that the implementation of comprehensive legal regulations on the protection of whistle-blowers encourages a 'speak up' culture and that whistle-blowing should be promoted as an act of good citizenship; urges the Member States and the EU institutions, therefore, to promote the positive role that whistle-blowers play, as well the serious concerns regarding their often vulnerable and defenceless position, in particular through awareness-raising and protection campaigns, communication and training efforts; recommends to the Commission, in particular, that a comprehensive plan on this issue be presented; calls, in this context, for a website to be launched where useful information on the protection of whistle-blowers should be provided, and through which complaints can be submitted; stresses that this website should be easily accessible to the public and should keep their data anonymous;

25. Calls for action to change the public perception of whistle-blowers, particularly by politicians, employers and the media, by highlighting their positive role as an early-warning mechanism and a deterrent, enabling the detection and prevention of abuses and corruption, and as an accountability mechanism enabling public scrutiny of governments and companies;

26. Encourages Member States to be proactive in promoting an open culture within the workplace, whether public or private, which enables organisations to operate to high ethical standards, gives employees the confidence to speak up, and therefore enables action to be taken to prevent or remedy any threats or harm;

27. Encourages Member States to evaluate regularly the effectiveness of the measures they implement, taking account of public opinion on attitudes towards the act of whistle-blowing and whistle-blowers, cross-sectoral surveys of senior managers responsible for receiving and handling reports, and independent research studies on whistle-blowing across workplaces;

28. Encourages those Member States that have not yet adopted legislation on whistle-blowing to do so in the near future, and calls on the Commission to consider creating a platform for exchanging best practices in this area between Member States and also with third countries;

29. Highlights the importance of research and the exchange of best practices to encourage better protection for whistle-blowers at European level;

30. Urges the European Court of Auditors and the Office of the European Ombudsman to publish by the end of 2017: (1) special reports containing statistics and a clear track record of whistle-blowing cases identified in the European institutions and in businesses, associations, organisations and other bodies registered in the Union; (2) the follow-up by the institutions concerned in relation to the cases revealed, on the basis of the current Commission guidelines and rules; (3) the outcome of each investigation opened as a result of the information received from whistle-blowers; (4) the measures envisaged in every case for the whistle-blowers' protection;

Reporting mechanism

31. Notes that the absence of clearly identified means of protection and of safe reporting, as well as the potential absence of follow-up, constitutes a barrier to whistle-blowers' activities, can dissuade them from whistle-blowing and can lead a number of whistle-blowers to remain silent; expresses its concern about retaliation and pressures which whistle-blowers face when they address the wrong person or party within their organisation;

32. Considers that it is necessary to establish a consistent, credible and reliable system which enables reports to be delivered inside the organisation, to competent authorities and outside the organisation; believes that such a system would facilitate the assessment of the credibility and validity of a report made within its framework;

33. Calls on the Commission to study a system which would enable whistle-blowing inside and outside the organisation; stresses that, to do so, clear, fair and equitable procedures should be established, ensuring full respect for the fundamental and legal rights of both the whistle-blower and the alleged wrongdoer; believes that employers should be encouraged to introduce internal reporting procedures and that one independent and impartial person or entity should be responsible for collecting reports in each organisation; considers that employee representatives should be involved in the assignment of that role; underlines that the recipient of the alert should give appropriate follow-up to each report received and keep the whistle-blower informed of that follow-up in a reasonable time frame;

34. Believes that each organisation should set up clear reporting channels allowing the whistle-blower to blow the whistle inside his or her organisation; underlines that each employee should be informed of the relevant reporting procedure, which should guarantee confidentiality and a treatment of the alert within a reasonable time frame; underlines that the whistle-blower must remain able to turn to the appropriate public authorities, non-governmental organisations or the media, especially in the absence of a favourable response from the organisation, or if reporting internally or to the competent authorities would obviously compromise the efficiency of the alert, if the whistle-blower is at risk or urgently needs to report information;

35. Highlights the right of the public to be informed of any wrongdoing that undermines the public interest; underlines, in that respect, that it should always be possible for a whistle-blower publicly to disclose information on an unlawful or wrongful act or an act which undermines the public interest;

36. Points out that its resolution of 14 February 2017 on the role of whistle-blowers in the protection of EU's financial interests also calls for the EU institutions, in co-operation with all relevant national authorities, to introduce and take all necessary measures to protect the confidentiality of information sources, and calls therefore for the creation of a controlled website where complaints can be submitted in a strictly confidential manner;

37. Believes that reporting outside the organisation, including directly to the public without first going through an internal step, is not grounds to invalidate a report, file a lawsuit or refuse to give protection; believes that this protection should be granted independently of the chosen reporting channel and on grounds of the information revealed and the fact that the whistle-blower had reasonable grounds to believe that it was true;

Protection given to whistle-blowers

38. Expresses its concerns about the risks run by whistle-blowers at their place of work, in particular the risks of direct or indirect retaliation by the employer and by those working for or acting on behalf of the employer; stresses that retaliation usually takes the form of suspending, slowing down or stopping career progression, or even of dismissal, along with psychological harassment; stresses that retaliation is a barrier to whistle-blowers' activities; believes that it is necessary to introduce protective measures against retaliation; takes the view that retaliation should be penalised and sanctioned effectively; stresses that, once someone is recognised as a whistle-blower, measures should be taken to protect him or her, to bring to an end any retaliation measures taken against him or her, and to grant the whistle-blower full compensation for the prejudice and damage incurred; is of the opinion that these provisions should be included in the Commission's proposal for a horizontal whistle-blower protection directive;

39. Considers that whistle-blowers should have the option of lodging an application for interim relief to prevent retaliation, such as dismissal, until there is an official outcome of any administrative, judicial or other proceedings;

40. Emphasises that no employment relationship should restrict someone's right of freedom of expression and that no one should be discriminated against in the event of exercising that right;

41. Points out that any future normative framework should take into account the rules, rights and duties that govern and impact on employment; emphasises, furthermore, that this should be done with the involvement of the social partners and in compliance with collective bargaining agreements;

42. Stresses that whistle-blowers and their family members, as well as anyone who assists them and whose lives or safety are in jeopardy, must be entitled to proper and effective protection of their physical, moral and social integrity and their livelihoods by being granted the highest possible level of confidentiality;

43. Emphasises that protection should also be provided if a whistle-blower draws attention to conduct involving a Member State;

44. Notes that investigative journalists and members of the independent press pursue a profession that is often solitary and in the course of which they face many kinds of pressure, and therefore that it is essential they be protected against all attempts at intimidation;

45. Suggests that interim relief pending the outcome of civil proceedings should be available for persons who have been the victim of retaliation for having made a public interest report or disclosure, particularly in cases of loss of employment;

46. Condemns the practice of gagging orders, which involve filing or threatening to file lawsuits against the whistle-blower not in an effort to seek justice but in an effort to bring about self-censorship or financial, mental or psychological exhaustion; believes that such abuse of process should be subject to criminal penalties and sanctions;

47. Points out the risk that whistle-blowers run of having legal and civil proceedings brought against them; stresses that they are often the weaker party in trials; considers, therefore, that in the case of alleged retaliatory actions taken against the whistle-blower, the employer shall provide evidence that these actions are unrelated to the report made by the whistle-blower; considers that the protection of the whistle-blower should be granted on the basis of the information exposed and not on the intention of the whistle-blower; stresses, however, that the whistle-blower must have reported information that he or she believed to be true; takes the view that confidentiality should be guaranteed throughout the proceedings and that the identity of the whistle-blower shall not be revealed without his or her consent; underlines that a breach of the confidentiality of identity without the whistle-blower's consent should be subject to criminal penalties and sanctions;

48. Takes the view that whistle-blowers should not be liable for prosecution, civil legal action or administrative or disciplinary penalties because they have made a report;

49. Believes that the option to report anonymously could encourage whistle-blowers to share information which they would not share otherwise; stresses, in that regard, that clearly regulated means of reporting anonymously, to the national or European independent body responsible for collecting reports, verifying their credibility, following up on the response given and providing guidance to whistle-blowers, including in the digital environment, should be introduced, setting out exactly the cases in which the means of reporting anonymously apply; stresses that the identity of the whistle-blower and any information allowing his or her identification should not be revealed without his or her consent; considers that any breach of anonymity should be subject to sanctions;

50. Stresses that nobody should lose the benefit of protection on the sole grounds that he or she has misjudged the facts or that the perceived threat to the public interest did not materialise, provided that, at the time of reporting, he or she had reasonable grounds to believe them to be true; recalls that, in the event of false accusations, those responsible should be held accountable and not benefit from the protection granted to whistle-blowers; stresses that any person who is prejudiced, whether directly or indirectly, by the reporting or disclosure of inaccurate or misleading information should be afforded the right to seek effective remedies against malicious or abusive reporting;

51. Recalls the importance of devising instruments to ban any form of retaliation, whether this is passive dismissal or passive measures; urges the Member States to refrain from criminalising the actions of whistle-blowers in disclosing information on unlawful or wrongful acts or acts which undermine or endanger the public interest;

52. Recalls that in the meantime, current EU law must be applied properly by both the EU institutions and the Member States, and that it should be interpreted in such a way as to offer whistle-blowers acting in the public interest the best possible protection; stresses that whistle-blower protection has already been recognised as an important mechanism for ensuring the effective application of EU legislation; calls, therefore, on the Member States to refrain from criminalising the actions of whistle-blowers who disclose information in the public interest;

Supporting whistle-blowers

53. Stresses the role that public authorities, trade unions and civil society organisations play in supporting and helping whistle-blowers in their dealings within their organisation;

54. Stresses that, in addition to the professional risks, whistle-blowers, as well as people who assist them, also face personal, psychological, social and financial risks; believes that, where applicable, psychological support should be provided, that specialised legal aid should be given to whistle-blowers who ask for it and lack sufficient resources, that social and financial aid should be given to those who express a duly justified need for it, and as a protective measure if civil or judicial proceedings are brought against a whistle-blower, in accordance with national law and practices; adds that compensation should be granted, irrespective of the nature of the damage suffered by the whistle-blower as a result of making a report;

55. Refers, in this respect, to the fact that the European Ombudsman has indicated in Parliament that she is willing to examine the possibility of creating such a body within the Ombudsman's Office, and urges the Commission to look into the feasibility of entrusting the European Ombudsman, which already has a competence to investigate complaints of malpractices within the EU institutions, with these tasks;

56. Calls on Member States and EU institutions, in cooperation with all relevant authorities, to introduce and take all possible necessary measures to protect the confidentiality of the information sources in order to prevent any discriminatory actions or threats, as well as to establish transparent channels for information disclosure, to set up independent national and EU authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls also for the establishment of a centralised European authority for the effective protection of whistle-blowers and people who assist their acts based on the model of national privacy watchdogs;

57. Calls on the Commission, in order for these measures to be effective, to develop instruments focusing on providing protection against unjustified legal prosecutions, economic sanctions and discrimination;

58. Calls on the Member States to establish independent bodies, with sufficient budgetary resources, adequate competence and appropriate specialists, responsible for collecting reports, verifying their credibility, following up on the response given and providing guidance to whistle-blowers, particularly in the absence of a positive response from their organisation, as well as orienting them towards appropriate financial help, especially in cross-border situations or in cases directly involving Member States or the EU institutions; suggests that the latter publish an annual report on the alerts received and their treatment, while respecting the confidentiality requirement of potentially ongoing investigations;

59. Stresses that consideration should be given to making access to information and confidential advice free of charge for individuals contemplating making a public interest report or disclosure on unlawful or wrongful acts which undermine or endanger the public interest; notes that structures able to provide such information and advice should be identified and their details made available to the general public;

60. Emphasises that, in addition to all the protection measures afforded to whistle-blowers in general, these whistle-blowers in particular must be guaranteed proper reception arrangements, accommodation and safety in a Member State which does not have an extradition agreement with the country which committed the acts in question; in cases where the European Union has an extradition agreement with the third country involved, calls on the Commission, pursuant to Article 67(2) TFEU on European asylum policy, to use its powers to take all the measures required to protect these whistle-blowers, who are particular vulnerable to severe reprisals in the country whose illegal or fraudulent practices they brought to public attention;

61. Calls on the Commission to propose the establishment of a similar body at EU level, with sufficient budgetary resources, adequate competence and appropriate specialists, responsible for coordinating Member State activities, particularly in cross-border cases; believes that that European body should also be able to collect reports, verify their credibility, issue binding recommendations and guide whistle-blowers when the response given by the Member State or national bodies is obviously not appropriate; suggests that the latter publish an annual report on the alerts received and their treatment, while respecting the confidentiality requirement of potentially ongoing investigations; considers that the European Ombudsman's mandate could be extended to serve that purpose;

62. Believes that, once an alert has been recognised as serious, it should lead to proper investigation and be followed by appropriate measures; underlines that, during the investigation, the whistle-blower should be allowed to clarify his or her complaint and provide additional information or evidence;

63. Encourages the Member States to develop data, benchmarks and indicators on whistle-blower policies in the public and private sectors;

64. Calls on the EU institutions to address the Ombudsman's own initiative report of 24 July 2014, in compliance with Article 22(c) of the new Staff Regulations, inviting all EU bodies to adopt ethical alert mechanisms and whistle-blowing legal frameworks directly based on the internal rules of the Ombudsman's office; reiterates its determination to take such action;

65. Considers that whistle-blowers should also have the right to review and comment on the outcome of the investigation related to their disclosure;

66. Calls on the EU institutions and other EU bodies to lead by example by applying, without delay, the European Ombudsman's guidelines; calls on the Commission to implement in full, both for itself and for EU agencies, its own guidelines protecting whistle-blowers in accordance with its 2012 staff regulations; calls on the Commission effectively to cooperate and coordinate efforts with other institutions, including the European Public Prosecutor's Office, to protect whistle-blowers;

67. Points to the need for a better system for reporting corporate malpractices, one that complements and seeks to improve the efficiency of the current National Contact Points for the OECD Guidelines for Multinational Enterprises;

68. Stresses that investigations into the issues raised by whistle-blowers should be conducted independently and within the shortest time frame possible, protecting too the rights of individuals potentially implicated by a disclosure; underlines that both the whistle-blower and any person implicated by a disclosure should be able to provide additional arguments and evidence throughout the investigation, and that they should be kept informed of the handling of the disclosure;

69. Welcomes the fact that the Commission has finally introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but stresses the need for simplifying procedures and insists that there should not be an excessive number of channels;

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

Tuesday 24 October 2017

P8_TA(2017)0403

Minimum income policies as a tool for fighting poverty

European Parliament resolution of 24 October 2017 on minimum income policies as a tool for fighting poverty (2016/2270(INI))

(2018/C 346/22)

The European Parliament,

— having regard to Article 5(3) of the Treaty on European Union (TEU) and Articles 4, 9, 14, 19, 151 and 153 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the 1948 Universal Declaration of Human Rights, as reconfirmed by the 1993 World Conference on Human Rights, and in particular Articles 3, 23 and 25 thereof,

— having regard to the Charter of Fundamental Rights of the European Union, and notably its provisions relating to social rights, in particular Articles 34, 35 and 36, which specifically define the right to social and housing assistance, the right to a high level of human health protection, and the right of access to services of general economic interest,

— having regard to the European Social Charter and in particular Articles 1, 4, 6, 12, 14, 17, 19, 30 and 31 thereof,

— having regard to International Labour Organization (ILO) Conventions Nos 29 and 105 on the abolition of forced labour, ILO Convention No 102 on social security, and ILO Recommendation No 202 on social protection floors,

— having regard to the ILO's Decent Work Agenda and Global Jobs Pact, as adopted by a worldwide consensus at the International Labour Conference on 19 June 2009,

— having regard to the EPSCO Council conclusions of June 2013, 'Towards social investment for growth and jobs',

— having regard to Council Recommendation 92/441/EEC of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems ([1]) (recommendation on minimum income),

— having regard to Council Recommendation 92/442/EEC of 27 July 1992 on the convergence of social protection objectives and policies ([2]),

— having regard to Commission Recommendation 2013/112/EU of 20 February 2013 entitled 'Investing in Children: breaking the cycle of disadvantage' ([3]),

— having regard to the Commission communication of 20 February 2013 entitled 'Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020' (COM(2013)0083) and its accompanying document SWD(2013)0038,

([1]) OJ L 245, 26.8.1992, p. 46.
([2]) OJ L 245, 26.8.1992, p. 49.
([3]) OJ L 59, 2.3.2013, p. 5.

— having regard to Commission Recommendation 2008/867/EC of 3 October 2008 on the active inclusion of people excluded from the labour market ([1]),

— having regard to the Commission communication of 3 March 2010 entitled 'Europe 2020: a strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

— having regard to the Commission proposal of 2 March 2015 for a Council decision on guidelines for the employment policies of the Member States (COM(2015)0098),

— having regard to its resolution of 6 May 2009 on the renewed social agenda ([2]),

— having regard to its resolution of 20 October 2010 on the role of minimum income in combating poverty and promoting an inclusive society in Europe ([3]),

— having regard to its resolution of 20 November 2012 entitled 'Social Investment Pact — as a response to the crisis' ([4]),

— having regard to its resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty ([5]),

— having regard to its resolution of 14 April 2016 on meeting the antipoverty target in the light of increasing household costs ([6]),

— having regard to its resolution of 26 May 2016 entitled 'Poverty: a gender perspective' ([7]),

— having regard to its resolution of 15 September 2016 on the proposal for a Council decision on guidelines for the employment policies of the Member States ([8]),

— having regard to its resolution of 19 January 2017 on a European Pillar of Social Rights ([9]),

— having regard to the opinion of the European Economic and Social Committee of 15 June 2011 entitled 'The European Platform against Poverty and Social Exclusion — a European framework for social and territorial cohesion',

— having regard to the opinion of the European Economic and Social Committee of 10 December 2013 on 'European minimum income and poverty indicators',

— having regard to the study entitled 'Towards adequate and accessible minimum income schemes in Europe', published in 2015 by the European Minimum Income Network (EMIN),

— having regard to the Eurofound report of 2015 entitled 'Access to social benefits: reducing non-take-up',

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([1]) OJ L 307, 18.11.2008, p. 11.
([2]) OJ C 212 E, 5.8.2010, p. 11.
([3]) OJ C 70 E, 8.3.2012, p. 8.
([4]) OJ C 419, 16.12.2015, p. 5.
([5]) Texts adopted, P8_TA(2015)0401.
([6]) Texts adopted, P8_TA(2016)0136.
([7]) Texts adopted, P8_TA(2016)0235.
([8]) Texts adopted, P8_TA(2016)0355.
([9]) Texts adopted, P8_TA(2017)0010.

Tuesday 24 October 2017

— having regard to the Eurofound report of 2017 on 'Income inequalities and employment patterns in Europe before and after the Great Recession',

— having regard to the study by the European Parliament's Policy Department A entitled 'Minimum Income Policies in EU Member States', published in final form in April 2017,

— having regard to the report entitled 'Minimum Income Schemes in Europe — A study of national policies 2015', drawn up for the Commission by the European Social Policy Network (ESPN) in 2016,

— having regard to the question for oral answer O-000087/2016 — B8-0710/2016 of 15 June 2016 tabled by its Committee on Employment and Social Affairs,

— having regard to the question for written answer P-001004/2016 of 2 February 2016,

— having regard to its recommendation to the Council of 7 July 2016 on the 71st session of the United Nations General Assembly ([1]),

— having regard to the Schuman Declaration of 9 May 1950, which called for 'the equalisation and improvement of the living conditions of workers';

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Economic and Monetary Affairs (A8-0292/2017),

A. whereas poverty and social exclusion, the causes and duration of which are not dependent on the will of those afflicted by them, are infringements of human dignity and of fundamental human rights; whereas the EU and its Member States committed in 2010 to reducing the number of persons at risk of poverty and social exclusion by 20 million by 2020; whereas poverty and social exclusion are not only matters of individual responsibility and need to be addressed in a collective manner;

B. whereas Europe is one of the wealthiest regions in the world, although recent data on income poverty have highlighted the rise in poverty and severe material deprivation in Europe and growing inequalities between Member States;

C. whereas a buoyant economy with low unemployment is still the most effective tool for fighting poverty;

D. whereas income poverty is only a part of the overall concept of poverty, and therefore poverty does not refer only to material resources, but also to social resources, notably education, health and access to services;

E. whereas the term 'relative poverty' says nothing about real need, but, rather, merely describes a person's income relative to that of others;

F. whereas according to the methodology developed by Eurostat, the at-risk-of-poverty threshold is set at 60 % of national median equivalised disposable income (per household, after social transfers); whereas given the existing divergences between Member States and different national social policies, this percentage should be considered

([1]) Texts adopted, P8_TA(2016)0317.

together with other indicators such as reference budgets; whereas income is an indirect indicator of living standards and a reference budget reflects the diversity of consumption patterns and the cost of living across Member States;

G. whereas there must be no confusion between 'income differentials' and 'poverty';

H. whereas, according to the Commission ([1]), 119 million people in the EU — some 25 % of the total population — are at risk of poverty and social exclusion after social benefits; whereas in some Member States this fact is accompanied by persistently high unemployment rates, and whereas this situation particularly affects young people, for whom the figures are even more alarming; whereas even though numbers are slightly declining, there are still more people at risk of poverty than in 2008; whereas the EU and the Member States are far from reaching the Europe 2020 target on poverty and social exclusion, since the level remains above that target;

I. whereas available data suggest that certain groups of people, such as children, women, the unemployed, single-parent households, and persons with disabilities, are especially vulnerable to poverty, deprivation and social exclusion;

J. whereas poverty especially hits families;

K. whereas reconciling family and working life, especially for single parents, is of the utmost importance for being able to escape poverty;

L. whereas account should be taken of the need to incorporate action to prevent and combat poverty and social exclusion in all relevant policy areas, ensuring universal access to public services, decent jobs and an income allowing people to live with dignity;

M. whereas, according to the Commission, high unemployment, poverty and inequality remain key concerns in some Member States; whereas broad income inequalities are not only detrimental to social cohesion, but they also hamper sustainable economic growth, as has been noted by Commissioner Thyssen; whereas, according to Eurofound, the impact of the crisis has been generally more acute among lower-income individuals, pushing income inequalities upwards within European societies ([2]);

N. whereas homelessness represents the most extreme form of poverty and deprivation and has increased in recent years in virtually all Member States, overall in those worst hit by the economic and financial crisis; whereas, according to the European Federation of National Organisations working with the Homeless (FEANTSA), around 4 million people across the EU experience homelessness every year, over 10,5 million households suffer severe housing deprivation and 22,3 million households face a housing cost overburden, indicating that they spend more than 40 % of disposable income on housing;

O. whereas the current situation requires measures to promote national minimum income schemes so that all those with insufficient incomes and meeting specific conditions for eligibility are ensured decent living conditions, while also improving social and labour market inclusion and guaranteeing equal opportunities in enjoying fundamental rights; whereas education, redistributive social transfers and benefits, fair tax policy and a sound employment policy are

([1]) '2017 European Semester: Assessment of progress on structural reforms, prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No 1176/2011' (COM(2017)0090).

([2]) https://www.eurofound.europa.eu/publications/report/2017/income-inequalities-and-employment-patterns-in-europe-before-and-after-the-great-recession

important factors for mitigating income inequalities, lowering the unemployment rate and cutting poverty; whereas having a decent job would protect someone from the risk of poverty and could be considered as a major indispensable means of social integration;

P. whereas according to an overview carried out by Eurofound, many people in the EU do not receive the benefits they are entitled to, including in-work benefits, for example because of the complexity of benefit systems or application procedures, or because they are not aware of their entitlements;

Q. whereas the concept of a minimum income must not be confused with the concept of a minimum wage, which is fixed by collective agreement or by legislation at national level;

R. whereas the setting of wages is a Member State competence;

S. whereas introducing and strengthening adequate minimum income schemes in all Member States, with adequate budgetary, human and material resources, together with active employment policies for people able to work, is an important and effective measure for combating poverty and inequality, helping ensure economic and territorial cohesion, protecting the fundamental rights of individuals, ensuring a balance between economic and social objectives and supporting social integration and access to the labour market;

T. whereas the provision and management of social security systems is a Member State competence, which the Union coordinates but does not harmonise;

U. whereas, according to the European Social Observatory (OSE), some forms of income support already exist in 26 Member States ([1]);

V. whereas there are many differences between Member States in the treatment of minimum income policies, since the right to a dignified life is not considered as a universal and subjective right in all Member States; whereas there exist high levels of non-take-up, as well as lack of coordination between income support, active labour market policies and social services; whereas in only a few cases are minimum income schemes able to lift people out of poverty;

W. whereas some of the most vulnerable people, such as the homeless, experience difficulties in accessing minimum income schemes;

X. whereas guaranteeing the provision of an adequate minimum income for those who lack the requisite resources to achieve a decent standard of living, as well as participation in labour market (re)integration measures and safeguarding access to employment and the motivation to seek work, are provisions that are included under the European Pillar of Social Rights ([2]); whereas at the high-level conference held in Brussels on 23 January 2017, following the public consultation on this issue, the President of the Commission, Jean-Claude Juncker, reiterated that such measures should be adopted by all Member States;

Y. whereas, according to Eurostat, in 2015 the employment rate of EU citizens aged from 20 to 64 stood at 70,1 % and was far from the goal of 75 % set under the Europe 2020 strategy;

([1]) 'Towards a European minimum income', November 2013: http://www.eesc.europa.eu/resources/docs/revenu-minimum_-etude-ose_-vfinale_en–2.pdf

([2]) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions launching a consultation on a European Pillar of Social Rights (COM(2016)0127) — Annex 1.

Z. whereas the Commission proposal of 2 March 2015 on guidelines for the employment policies of the Member States reiterates the importance of income support for combating poverty (Guideline 8);

AA. whereas well-designed, adequate and widely available income support systems do not prevent or discourage a return to the labour market and also help boost internal demand;

AB. whereas the Commission's Recommendation of 3 October 2008 on active inclusion rightly recognises that apart from facilitating access to quality employment for those who can work, active inclusion policies should also 'provide resources which are sufficient to live in dignity, together with support for social participation, for those who cannot';

AC. whereas on 5 October 2015 the Council adopted conclusions on pension adequacy, considering it essential that public pension or other social protection schemes contain appropriate safeguards for people whose employment opportunities do or did not allow them to build up sufficient pension entitlements, and that such safeguards should notably include minimum pensions or other minimum income provisions for older people;

AD. whereas in Council Recommendation 92/441/EEC, the Council called on Member States to recognise the basic right of all people to receive social assistance and have sufficient resources to be able to live in a dignified manner; whereas in Council Recommendation 92/442/EEC of 27 July 1992 Member States are urged to base their own social protection systems on those principles;

AE. whereas in its conclusions of 17 December 1999, the Council endorsed promoting social inclusion as one of the objectives with a view to modernising and improving social protection;

AF. whereas the Recommendation on active inclusion identifies adequate income support as one of the three equally important strands of an active inclusion strategy and stresses that it must be accompanied by access to quality services and by inclusive labour markets; whereas, likewise, promoting social inclusion requires coordinated measures that address the individual and his or her dependants, accompanied by action to promote stable work;

AG. whereas in many countries key barriers to developing effective links between the different strands of active inclusion include lack of capacity, skills and resources in public employment services and social assistance institutions, lack of coordination and cooperation between services, and a tendency to prioritise different groups in need of support who may be easier to reintegrate into the labour market ([1]);

AH. whereas the Commission's Social Investment Package of 2013 once again reiterated the importance of an active inclusion approach, and within this stressed the importance of adequate minimum income support; whereas it was stated that the adequacy of existing national minimum income schemes can be improved to ensure that the level is high enough for a decent life; whereas it was mentioned that 'the Commission will, as part of the European Semester, monitor the adequacy of income support and use for this purpose reference budgets once these have been developed together with the Member States';

AI. whereas ILO Recommendation No 202 on social protection floors states that countries should 'establish as quickly as possible and maintain their social protection floors comprising basic social security guarantees', and further states:

([1]) European Social Policy Network (ESPN), 'Minimum Income Schemes in Europe: A study of national policies 2015', January 2016.

'The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services';

AJ. whereas the Council has recognised the necessity of active inclusion with adequate income support and the importance of an integrated life-cycle approach for tackling poverty ([1]);

AK. whereas the long-term unemployed, who at the end of 2015 accounted for 48,1 % of the unemployed total in the EU, equivalent to 10,9 million people, find it much harder to return to the labour market;

AL. whereas in many instances, as a result of bringing up children and the periods of time spent doing so, there are severe losses of income and continuing financial drawbacks ('family pay gap');

AM. whereas mothers and fathers bringing up children are doing real work that must be recognised as such;

AN. whereas, at the end of 2015 5,1 % of inactive individuals in the EU consisted of discouraged people who would have wanted to work but had stopped looking for employment, and whereas these people are not systematically counted in the unemployment figures;

AO. whereas unemployment leads to a fast and steady deterioration of workers' living conditions and of their mental and emotional state, which compromises their prospects of updating their skills and, consequently, the possibility of (re) integration in the labour market;

AP. whereas certain public employment programmes may be an effective tool that can work along with minimum income schemes as a means to the social and vocational inclusion of particular categories, such as unemployed young people, the long-term unemployed and other vulnerable groups; whereas such programmes could be effective in contexts and depressed geographic areas where retraining is required; whereas people who keep themselves busy working under a public employment programme will also find it easier to find new jobs; whereas such programmes need to provide a decent wage and include a personalised itinerary, and should lead to decent work;

AQ. whereas the Council conclusions on the 2017 Annual Growth Survey and the Joint Employment Report adopted by the EPSCO Council on 3 March 2017 ([2]) both call on Member States to ensure that social protection systems provide adequate income support and that reforms continue to focus on, among other things, providing adequate income support and high-quality activation and enabling services;

AR. whereas vocational training, in particular through work-related training schemes, provides the necessary skills for pursuing a professional activity and building a professional network, thus helping achieve sustainable labour market integration and reducing the risk of poverty;

AS. whereas minimum income schemes represent a very small percentage of government social spending, while providing a huge return on investment, and the cost of non-investment has enormous immediate impacts for the individuals concerned and long-term costs for society;

([1]) Council Conclusions on 'Combating Poverty and Social Exclusion: An integrated approach', 16 June 2016.

([2]) Council document 6885/17: 'The 2017 Annual Growth Survey and Joint Employment Report: Political guidance on employment and social policies — Council Conclusions' (3 March 2017); and Council document 6887/17: 'Joint Employment Report from the Commission and the Council accompanying the Communication from the Commission on the Annual Growth Survey 2017' (3 March 2017).

AT. whereas minimum income schemes are good for the whole of society, as they are indispensable for achieving more equal societies and more equal societies perform better on many social and economic indicators;

AU. whereas minimum income schemes are an effective form of economic stimulus package, as the money is used to address pressing needs and immediately re-enters the real economy;

AV. whereas the right to an adequate standard of living is recognised in Article 25 of the UN Universal Declaration on Human Rights, and refers to the extent to which the level of benefit provides people with sufficient resources to ensure 'a standard of living adequate for their health and well-being'; whereas coverage refers to the extent to which all those in need of support are covered by the eligibility conditions pertaining to a minimum income scheme; whereas take-up refers to the extent to which those who are eligible to receive a minimum income benefit actually do receive it;

AW. whereas often the lack of adequate payments coupled with limited coverage and poor take-up, due inter alia to poor administration, inadequate access to information, excessive bureaucracy and stigmatisation, means that the payments concerned fall very far short of ensuring a decent life for the most vulnerable in society ([1]);

AX. whereas a number of Member States have to deal with severe budget deficits and increased debt levels and have consequently tightened their social spending, and this has affected their public health, education, social security and protection and housing systems, and, in particular, access to the related services and the adequacy, availability and quality of those services, resulting in a negative impact especially on the most deprived members of society in those Member States;

AY. whereas minimum income schemes can act as automatic macroeconomic stabilisers in response to economic shocks;

AZ. whereas the effectiveness of minimum income schemes in terms of alleviating poverty, fostering labour market integration, especially for the young, and acting as automatic stabilisers varies significantly between Member States;

BA. whereas minimum income policies act as an automatic stabiliser; whereas the recession has been less severe in countries which have solid systems to support disposable household income;

BB. whereas tax avoidance and tax evasion create an unlevel playing field within the EU and are depriving Member States of large volumes of revenue that would otherwise contribute to sufficient funding for robust social and public welfare policies, as well as reducing government revenue when such revenue could finance better conditions for economic growth, higher incomes and social policies; whereas this phenomenon constitutes a serious problem for the EU;

BC. whereas a number of studies have shown how poverty negatively affects economic growth ([2]);

([1]) ESPN, 'Minimum Income Schemes in Europe: A study of national policies 2015'.

([2]) See: World Bank, 'Poverty Reduction and Growth: The Virtuous and Vicious Circle', 2006; OECD, 'Trends in Income Inequality and its Impact on Economic Growth', 2014.

BD. whereas some Member States are launching pilot projects for testing basic income policies, among them Finland, where a randomly chosen group of 2 000 unemployed people will receive an unconditional sum of EUR 560 per month, which should produce an adequate incentive to accept temporary or part-time work;

BE. whereas implementing basic income schemes is being discussed in several Member States;

Minimum income schemes

1. Calls on all Member States to introduce adequate minimum income schemes, accompanied by back-to-work support measures for those who can work and education and training programmes adapted to the personal and family situation of the beneficiary, in order to support households with inadequate income and enable them to have a decent standard of living; stresses that this minimum income should be the last social protection network and should consist of adequate financial support in addition to a guaranteed access to quality services and to active labour policies, as an effective way to combat poverty and ensure a decent existence for all those who lack sufficient resources; highlights in this regard that the right to social assistance is a fundamental right and that adequate minimum income schemes help people to live a life in dignity, support their full participation in society and ensure their autonomy across the life cycle;

2. Takes the view that promoting inclusive and poverty-free societies must be based on enhancing the status of work with labour rights based on collective bargaining and providing quality public health, social security and education services that break the cycles of exclusion and promote development;

3. Highlights the importance of adequate public funding to finance minimum income schemes; calls on the Commission to specifically monitor the use of the 20 % of the total allocation of the ESF devoted to fighting poverty and social exclusion, and also to examine, in the forthcoming review of the Common Provisions Regulation for the Structural Funds (Regulation (EU) No 1303/2013), and in particular in the framework of the European Social Fund and the EU Programme for Employment and Social Innovation (EaSI), the funding possibilities for helping every Member State establish a minimum income scheme where it does not exist or improve the functioning and effectiveness of existing systems;

4. Acknowledged that it is difficult for Member States to go from no or low-quality minimum income schemes to high-level schemes; requests, therefore, that Member States work towards the progressive realisation of adequate minimum income schemes, addressing the issues of adequacy, coverage and take-up of the schemes;

5. Emphasises that the establishment of minimum income schemes can both mitigate inequalities and the social impact of the crisis and have a counter-cyclical impact by providing resources to improve demand in the internal market;

6. Stresses that it is vital for all those in need to have access to sufficient minimum income schemes to be able to meet their basic requirements, including for the most excluded such as homeless people; considers that adequate minimum income is an income that is indispensable for those in need to live a life in dignity, and that it should be considered in conjunction with the right to access to universal public and social services; believes that minimum income schemes have to ensure the non-perpetuation of social dependency and facilitate inclusion in society; recalls that the Recommendation on active inclusion recognises the need for an integrated strategy in the implementation of the three social inclusion strands (adequate income support, inclusive labour markets and access to quality services);

7. Highlights the importance of the automatic stabilisation dimension of welfare systems for the absorption of social shock waves caused by external effects such as recessions; calls, therefore, on the Member States, in view of ILO Recommendation No 202, which defines social protection floors, to ensure and increase investment in social protection systems in order to guarantee their performance in tackling and preventing poverty and inequalities while ensuring their sustainability;

8. Points up — in connection with the minimum income debate — the particular position of families and single parents and the particular extent to which they are affected;

9. Highlights that people should be enabled to participate fully in society and the economy, and that this right should be fully recognised and made visible in Union policymaking, by ensuring high-quality universal social protection systems which include within them effective and adequate minimum income schemes;

10. Considers that social protection, including pensions and services such as healthcare, childcare and long-term care, remains essential for balanced and inclusive growth, also contributing to a longer working life, creating employment and reducing inequalities; calls, therefore, on the Commission and the Member States to boost policies that ensure sufficiency, adequacy and efficiency, as well as the quality of social protection systems throughout the life-cycle of a person, thus guaranteeing a decent life, fighting inequalities and boosting inclusion, with the aim of eradicating poverty, especially for those excluded from the labour market and the most vulnerable groups;

11. Emphasises that an adequate income across the life-cycle is fundamental for helping people with insufficient levels of income to achieve a decent life;

12. Emphasises that adequate minimum income schemes, as an active inclusion tool, promote social participation and inclusion;

13. Recalls that one of the main goals of the Europe 2020 strategy is reducing the number of those affected by poverty and social exclusion by at least 20 million, and that still more efforts are needed to reach that goal; believes that minimum income schemes can be a helpful way to reach this objective;

14. Stresses that decent jobs are the best way to fight poverty and social exclusion; recalls in this context the importance of boosting growth, investment and job creation;

15. Regrets that some Member States appear to disregard Council Recommendation 92/441/EEC, which recognises the 'basic right of a person to sufficient resources and social assistance to live in a manner compatible with human dignity';

16. Points out that, while most Member States have national minimum income schemes, several of these schemes do not provide adequate income support for all the people that need them ([1]); calls on all Member States to provide for the introduction and, if necessary, upgrading of guaranteed minimum income schemes so as to help prevent poverty and foster social inclusion;

17. Stresses that the introduction of a national minimum income scheme should not lower the protection afforded by regional minimum income schemes;

18. Stresses the importance of the European Semester in encouraging Member States which do not yet have minimum income schemes to introduce systems of adequate income support;

19. Notes that in some Member States the entitlement to minimum income benefits is subject to participation in active labour market measures; highlights in this regard the important role of the EU as a medium that enables Member States to exchange best practice;

([1]) ESPN, 'Minimum Income Schemes in Europe: A study of national policies 2015'.

20. Reiterates its position, as expressed in its resolution of 20 October 2010, on the role of minimum income in combating poverty and promoting an inclusive society in Europe;

21. Takes due note of the European Economic and Social Committee's opinion on a framework directive on adequate minimum income in the European Union, which should lay down common rules and indicators, provide methods for monitoring its implementation and improve dialogue between the individuals concerned, the Member States and the EU institutions; calls on the Commission and the Member States, in this regard, to evaluate the manner and the means of providing an adequate minimum income in all Member States;

22. Welcomes the Commission statement that the European Semester now has a stronger focus on employment and social performance, but believes more efforts are necessary to reach this goal and to assure global coherence, especially through the promotion of social investment; calls on the Commission to regularly monitor and assess the progress made by Member States with regard to the Country Specific Recommendations (CSRs) in delivering accessible, affordable and quality services, as well as implementing adequate and efficient minimum income schemes;

23. Stresses the importance of the European Semester in monitoring the adequacy of existing minimum income schemes and their impact on reducing poverty, specifically through the CSRs, but also underlines the importance of the joint employment report and the Annual Growth Survey;

24. Stresses that minimum income schemes should ensure an income that is above the poverty line, prevent severe material deprivation, and lift households out of such situations, and should be accompanied by the provision of public services such as health, education and childcare;

25. Considers that minimum income schemes should be embedded in a strategic approach towards social inclusion and integration, involving both general policies and targeted measures — in terms of housing, healthcare, education and training, social services and other services of general interest — helping people to overcome poverty, while providing personalised support, as well as assistance in gaining access to the labour market for those who can work; believes that the real objective of minimum income schemes should be not simply to assist but above all to accompany the beneficiaries in moving from situations of social exclusion to an active life, thus avoiding long-term dependency;

26. Calls on the Member States to improve coordination and integrated planning between administrations and services dealing with the different strands of active inclusion, developing a single point of contact for clients, and enhancing the capacity of and resources available to services so as to increase access to them and improve their quality;

27. Considers it crucial to guarantee an adequate income also for people in vulnerable situations for whom a return to work is not possible or no longer an option, as recognised by the Recommendation on active inclusion;

28. Calls for significant and verified progress to be made on the adequacy of minimum income schemes, so as to reduce poverty and social exclusion, in particular among the most vulnerable in society, and help guarantee their right to a life of dignity;

29. Notes with concern that in many Member States, for example, the costs of long-term care exceed even the average pension income; stresses the importance of taking into account the specific needs and living costs of different age groups;

30. Stresses the importance of defining appropriate eligibility criteria adapted to the socio-economic situation in the Member States, to make it possible to benefit from an adequate minimum income scheme; believes that these criteria should include not being a beneficiary of an unemployment benefit, or the circumstance that being a beneficiary is insufficient to avoid poverty and social exclusion, and should also take account of the number of children and other dependents; emphasises nevertheless that these criteria should not create administrative barriers for accessing minimum income schemes for people who are already in a highly vulnerable situation (e.g. a fixed address should not be required for homeless people);

31. Reiterates the importance of equal access to minimum income schemes, with no discrimination on grounds of ethnicity, gender, educational level, nationality, sexual orientation, religion, disability, age, political opinions or socio-economic background;

32. Is concerned at the high rate of non-take-up among people who are entitled to minimum income; considers that non-take-up is one of the major barriers to the social inclusion of those concerned; requests the Commission and the Social Protection Committee to further research the problem of non-take-up and to develop recommendations and guidelines to tackle this problem; calls on the Member States to combat non-take-up, including by raising public awareness about the existence of minimum income schemes, providing appropriate guidance on accessing those schemes, and improving their administrative organisation;

33. Stresses the need for Member States to take specific action to determine a minimum income threshold, based on relevant indicators including reference budgets, in order to safeguard economic and social cohesion and reduce the risk of poverty in all Member States; takes the view that this information should be presented annually on the International Day for the Eradication of Poverty (17 October);

34. Notes that many Member States already use the Minimum Income Protection Indicators (MIPI); calls for the use of MIPI data by all Member States, which will also allow better comparison between national systems;

35. Believes that minimum income should be considered temporary and should always be accompanied by active policies of inclusion in the labour market;

36. Argues that minimum income schemes are transitional instruments for reducing and fighting poverty, social exclusion and inequality, and that they should be seen as a social investment; notes the counter-cyclical effects of minimum income schemes;

37. Emphasises the need, when minimum income levels are determined, for due account to be taken of the number of dependants, in particular children or people with high dependence, in order to break the vicious circle of poverty, in particular child poverty; calls on the Commission and the Member States to ensure the swift implementation of the 2013 recommendation 'Investing in children: breaking the cycle of disadvantage'; takes the view, furthermore, that the Commission should draw up an annual report on progress in the fight against child poverty and the implementation of the recommendation, with the help of the indicators included therein;

38. Points out that reference budgets can help set the level of minimum income necessary to meet people's fundamental needs, including also non-monetary aspects, such as access to education and lifelong learning, decent housing, quality healthcare services, social activities and civic participation, while taking into account household composition and ages, as well as the economic and social context of each Member State; recalls that the Commission, in its Social Investment Package communication, urges Member States to set reference budgets to help design efficient and adequate income support that takes into account social needs identified at local, regional and national level in order to improve territorial cohesion; calls, in addition, for the use of reference budgets as a tool to assess the adequacy of minimum income schemes provided by Member States;

39. Believes that Member States, when setting adequate minimum income schemes, should take into account the Eurostat at-risk-of poverty threshold, set at 60 % of national median equivalised disposable income (after social transfers), together with other indicators such as reference budgets; considers that reference budgets could be used to better tackle poverty and to test the robustness of the level of minimum income and of the above-mentioned threshold, while respecting the subsidiarity principle;

40. Believes that the lack of up-to-date figures on income and living conditions is an obstacle to the implementation and comparison of a reference budget and a minimum income taking account of national specificities;

41. Calls on the Commission and the Member States to exchange best practices from minimum income schemes;

42. Calls on the Commission and the Social Protection Committee to document and disseminate examples of successful strategies, and to promote peer reviews and other methods of exchanging good practice on minimum income schemes; recommends that these efforts should focus on key issues such as ensuring regular uprating, improving coverage and take-up, addressing disincentives, and enhancing links between the different active inclusion strands;

43. Believes that, given the many questions posed by minimum income schemes, such as accessibility, coverage, financing, entitlement conditions and duration, a concept for national minimum income schemes could be helpful in contributing to a level playing field among Member States; in this regard calls on the Commission to carry out an impact assessment of minimum income schemes in the EU, to request regular monitoring and reporting, and to consider further steps, taking into account the economic and social circumstances of each Member State and the needs of the groups most affected, as well as assessing whether the schemes enable households to meet their basic personal needs and to reduce poverty;

44. Is concerned at the cuts in the amount and/or duration of unemployment benefits and the tightening of eligibility criteria which have occurred in many Member States in recent years, resulting in more people having to rely on minimum income schemes and creating additional pressure on those schemes ([1]);

45. Stresses that inequalities are growing within each Member State and within the EU;

46. Is concerned that in many Member States the level of benefits and coverage of minimum income schemes seems to have been reduced in recent years; considers that Member States should increase coverage by minimum income schemes of people in need of support, in line with the recommendations of the ESPN ([2]):

(a) calls on Member States with very complex and fragmented systems to simplify these and develop more comprehensive systems;

(b) calls on Member States with currently low levels of coverage to review their conditions to ensure that all people in need are covered;

(c) calls on Member States whose minimum income schemes currently exclude significant groups experiencing poverty, to amend their schemes to better cover them;

(d) calls on Member States with high levels of administrative discretion in their core minimum income systems to aim to reduce this and ensure that there are clear and consistent criteria for making decisions linked to an effective appeals process;

([1]) ESPN, 'Social Investment in Europe: A study of national policies 2015', 2015.
([2]) ESPN, 'Minimum Income Schemes in Europe: A study of national policies 2015'.

47. Stresses the importance of increasing participation in lifelong learning of workers, the unemployed and vulnerable social groups, as well as the need to improve the level of professional qualifications and the acquisition of new skills, which are a fundamental tool to accelerate integration in the labour market, increase productivity and help people find a job;

48. Points up the importance of demographic developments in connection with combating poverty in Europe;

49. Stresses that urgent practical steps need to be taken to eradicate poverty and social exclusion, promote effective social safety nets and reduce inequality, in such a way as to help ensure economic and territorial cohesion; stresses that these steps must be taken at the appropriate level, with actions at both national and European level in accordance with the division of competences for the relevant policies;

50. Supports the Commission's social investment approach, which views well-designed social policies as contributing to economic growth whilst protecting people from poverty and acting as economic stabilisers ([1]);

51. Welcomes reflections and studies concerning how to achieve a fairer distribution of income and wealth within our societies;

52. Stresses that key factors impeding the development of a social investment approach by Member States include the impact of the economic crisis ([2]);

53. Calls for due attention to be paid as of now, in the shaping of macroeconomic policies, to the need to reduce social inequalities and guarantee access for all social groups to properly funded public social services, thus tackling poverty and social exclusion;

54. Calls for action to reduce social inequalities by enabling people to make best use of their gifts and capabilities; also calls for social support to be focused on those who are both poor and unable to earn a sufficient income by their own efforts;

55. Points out that recent experience of reforms based on tax exemptions shows that it is preferable to finance minimum income policies using budget support rather than through tax incentives;

56. Underlines that education, social transfers and progressive, fair and redistributive tax systems, alongside practical measures to strengthen competitiveness and combat tax avoidance and tax evasion, all have the potential to contribute to economic, social and territorial cohesion;

57. Underlines the need to adapt existing minimum income schemes in order to better address the challenge of youth unemployment;

Public employment programmes

58. Takes note of certain public employment programmes, which consist of the option, for those who want to and are able to work, to have a transitional job, in the public sector or in non-profit private entities or social economy enterprises; stresses, however, that it is important for these programmes to promote work with rights, based on collective bargaining and on labour legislation;

([1]) European Commission: communication 'Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020' (COM(2013)0083), 20 February 2013; and: ESPN, 'Social Investment in Europe: A study of national policies 2015'.

([2]) ESPN, 'Social Investment in Europe: A study of national policies 2015'.

59. Takes the view that public employment programmes should help to improve workers' employability and facilitate their access to the regular labour market; recalls that these programmes should include a personalised itinerary and should provide decent wages and lead to decent work;

60. Believes that the creation of decent jobs should be a priority for the EU as an important step towards reducing poverty and social exclusion;

61. Calls on the Commission and the Member States to ensure the full participation of all stakeholders, in particular social partners and civil society organisations, in the design, implementation and monitoring of minimum income policies and programmes;

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

Wednesday 25 October 2017

P8_TA(2017)0413

Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism

European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism (2017/2038(INI))

(2018/C 346/23)

The European Parliament,

— having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),

— having regard to the preamble to the TEU, in particular the second and fourth to seventh indents thereof,

— having regard to, inter alia, Article 2, Article 3(3), second indent, and Article 6 of the TEU,

— having regard to, inter alia, Article 10 and Article 19(1) of the TFEU,

— having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 ('the Charter'), which was proclaimed on 12 December 2007 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,

— having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948,

— having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989, in particular, its Article 3,

— having regard to UN Resolution A/70/L.1 adopted by the General Assembly on 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development',

— having regard to UN Resolution A/RES/60/7 adopted by the General Assembly on 1 November 2005 on the Holocaust Remembrance,

— having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,

— having regard to the Council of Europe Framework Convention for the Protection of National Minorities,

— having regard to the Declaration of the Committee of Ministers of the Council of Europe on the Rise of Anti-Gypsyism and racist violence against Roma in Europe, adopted on 1 February 2012,

— having regard to General Policy Recommendation No 13 of the European Commission against Racism and Intolerance (ECRI) on combating anti-Gypsyism and discrimination against Roma,

— having regard to the Charter of European political parties for a non-racist society, adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 32nd Session in March 2017,

Wednesday 25 October 2017

— having regard to the Council of Europe Parliamentary Assembly Resolution 1985 (2014) — The situation and rights of national minorities in Europe, and Resolution 2153 (2017) — Promoting the inclusion of Roma and Travellers,

— having regard to the statement by the Secretary General of the Council of Europe, Thorbjørn Jagland, of 11 April 2017 on 10 goals for the next 10 years,

— having regard to the ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No 111),

— having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ([1]),

— having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ([2]),

— having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ([3]),

— having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ([4]),

— having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ([5]),

— having regard to the Council recommendation of 9 December 2013 on effective Roma integration measures in the Member States and to the Council conclusions of 8 December 2016 on Accelerating the process of Roma integration and of 13 October 2016 on the European Court of Auditors Special Report No 14/2016,

— having regard to the Council conclusions of 15 June 2011 on early childhood education and care,

— having regard to the Commission Communications on Roma integration (COM(2010)0133, COM(2012)0226, COM(2013)0454, COM(2015)0299, COM(2016)0424), including the Communication on an EU Framework for National Roma Integration Strategies up to 2020 (COM(2011)0173),

— having regard to the Commission Communication on the Youth Guarantee and Youth Employment Initiative three years on (COM(2016)0646),

— having regard to Commission Recommendation 2013/112/EU of 20 February 2013 on Investing in children: breaking the cycle of disadvantage,

— having regard to its previous resolutions on Roma ([6]),

([1]) OJ L 180, 19.7.2000, p. 22.
([2]) OJ L 303, 2.12.2000, p. 16.
([3]) OJ L 315, 14.11.2012, p. 57.
([4]) OJ L 166, 30.4.2004, p. 1.
([5]) OJ L 328, 6.12.2008, p. 55.
([6]) OJ C 4 E, 7.1.2011, p. 7; OJ C 308 E, 20.10.2011, p. 73; OJ C 199 E, 7.7.2012, p. 112; OJ C 468, 15.12.2016, p. 36; OJ C 468, 15.12.2016, p. 157.

— having regard to its resolution of 15 April 2015 on the occasion of International Roma Day — anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II ([1]),

— having regard to its resolution of 13 December 2016 on the situation of fundamental rights in the European Union in 2015 ([2]), in particular paragraphs 117-122 on Roma rights,

— having regard to the Fundamental Rights Report 2016 by the European Union Agency for Fundamental Rights,

— having regard to the Fundamental Rights Agency's EU-MIDIS I and II surveys and various other surveys and reports on Roma,

— having regard to the Court of Auditors' Special Report No 14/2016 on EU policy initiatives and financial support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground,

— having regard to the Eurobarometer survey 'Discrimination in the EU in 2015',

— having regard to the reports and recommendations of the Organisation for Security and Co-operation in Europe (OSCE), among other things, its action plan on improving the situation of Roma and Sinti within the OSCE area,

— having regard to the reports and recommendations of watchdog and civil society organisations, primarily those of the European Roma Rights Centre, Fundación Secretariado Gitano, OSF, ERGO, and Amnesty International,

— having regard to the reference paper on Anti-Gypsyism of the Alliance against Anti-Gypsyism,

— having regard to the report of the Centre for European Policy Studies on Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States,

— having regard to the newly established European Roma Institute for Arts and Culture (ERIAC) in Berlin, which aims to establish the artistic and cultural presence of Europe's 12 million Roma people, enabling their self-expression and, through this, contributing to the fight against anti-Gypsyism,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A8-0294/2017),

A. whereas Roma are still being deprived of their human rights in Europe;

B. whereas Roma are part of Europe's culture and values and they have contributed to the cultural richness, diversity, economy and common history of the EU;

([1]) OJ C 328, 6.9.2016, p. 4.
([2]) Texts adopted, P8_TA(2016)0485.

C. whereas 'anti-Gypsyism is a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination' ([1]);

D. whereas, despite efforts at national, European and international level, persistent and structural anti-Gypsyism ([2]) can be detected at all levels of European society throughout all of Europe on a daily basis, manifesting itself, e.g. in individual and institutional neglect, discrimination, inequality, disempowerment, belittling, othering and scapegoating, stigmatisation, hate speech, and making them into victims of violence, extreme poverty and profound social exclusion; whereas anti-Gypsyism is on the rise and political parties gain in popularity by expressing flagrantly anti-Roma sentiments;

E. whereas different forms of anti-Gypsyism can be identified in the work and workings of public authorities and institutions in almost all spheres and at all levels in the Member States, manifesting itself most commonly in the failure to provide Roma with equal access or any access to public utilities and services, their denial of equal rights and equal treatment, the omission of Roma people from policy-making and knowledge-production processes, their underrepresentation in official bodies at all levels of society, the creation of discriminative programmes and the misuse of funding opportunities for improving the lives of Roma;

F. whereas inadvertent anti-Gypsyism can even be observed in the workings of the EU institutions, as numerous EU programmes and funds that could have a positive impact on the living conditions and life prospects of Roma do not reach them, or they symbolically designate the Roma as one of their beneficiaries, but do not take into account their realities and the discrimination they face;

G. whereas anti-Gypsyism, however unconscious it might be, can be revealed in the EU *acquis*, which often fails to take into consideration the realities and challenges of Roma, who, due to their having been subject to multiple discrimination for centuries, are unable to enjoy the same rights and opportunities, and the same level of protection provided by the EU *acquis* to other EU citizens;

H. whereas there is a persistent paternalistic treatment of Roma detectable both in language and actions in our society, only stressing the need for Roma 'inclusion' or 'integration', when, in fact, what is needed is a fundamental shift in approach; whereas their access to and full enjoyment of their fundamental rights and citizenship in our society needs to be ensured;

I. whereas Roma are continually referred to as a vulnerable people, when, in fact, depriving Roma of their inalienable human rights and denying them equal treatment and access to welfare, services, information, justice, education, healthcare, employment, etc. suggest that it is the structures established and maintained by those in power that are discriminatory, that render Roma vulnerable; whereas this demonstrates that the relevant authorities have ignored their human rights responsibilities;

Belonging and participating

1. Stresses that in order to fight against the subconscious societal consensus to exclude Roma, to combat their discrimination and social exclusion, and in order to tear down stereotypes created and reinforced through popular literature, the media, the arts and language through centuries, it is essential to educate mainstream societies about the diversity of Roma, their history, culture, and the forms, extent and severity of the anti-Gypsyism that they face in their everyday lives; calls on Member States, in this context, to take full responsibility for their Roma citizens and launch long-term awareness-raising and intersectional sensitisation campaigns;

([1]) ECRI's General Policy Recommendation No 13 on Combating Anti-Gypsyism and Discrimination against Roma.
([2]) Anti-Gypsyism is sometimes spelt differently, and in the various Member States it is sometimes referred to by a slightly different term, such as *Antiziganismus*.

2. Considers active and meaningful social, economic, political and cultural participation by Roma as key to tackling anti-Gypsyism effectively and creating much-needed mutual trust for the benefit of the whole of society; notes the joint responsibility of the Commission and the Member States in this regard; calls, therefore, on the Commission and the Member States to design strategies featuring both proactive and reactive measures on the basis of real, systematic consultations with Roma representatives and NGOs, and to involve them in the running, monitoring and evaluation of mainstream programmes and projects launched at all levels, including at the local level; calls on the Commission and the Member States to promote the establishment of independent Roma civil organisations and public institutions and the empowerment of a young, progressive Roma leadership;

Reconciling and building trust

3. Urges the Commission, for the sake of creating essential mutual trust, to set up a truth and reconciliation commission at EU level (either within existing structures or as a separate body) to acknowledge the persecution, exclusion and disownment of Roma throughout the centuries, to document these in an official white paper and to engage with European Parliament and Roma experts in carrying out these tasks;

4. Calls on Member States to create (either within existing structures or as a separate body) national truth and reconciliation commissions in order to acknowledge the persecution, exclusion and disownment of Roma through the centuries while involving members of parliament, government officials, lawyers, Roma representatives, NGOs and grassroots organisations, to document these issues in an official white paper, and encourages Member States to make the history of Roma part of the curricula in schools;

5. Calls on the Member States to commemorate the victims of the Roma Holocaust, to mark 2 August as Roma Holocaust Memorial Day, and to grant appropriate, immediate restitution to living Holocaust survivors through a simplified procedure, accompanied by an awareness-raising campaign; calls on the Commission and the Member States to include Roma victims in their commemorations held on 27 January each year to mark Holocaust Remembrance Day and to organise voluntary training courses for civil servants on the Roma Holocaust;

Carrying out performance checks

6. Expresses its concern that, while several targeted programmes are being implemented in the Member States, most mainstream programmes, including those covered by Structural Funds, fail to reach out to the most disadvantaged, in particular the Roma; calls, therefore, on the Court of Auditors to check the performance of EU programmes, such as the EU's employment and education programmes, e.g. Erasmus+ and the Youth Employment Initiative (YEI), in a more thorough manner and on a regular basis;

7. Calls on the Commission to:

— assess EU programmes and funding opportunities to determine if they meet the requirement of non-discrimination and participation, and where necessary, to take corrective measures without delay,

— apply a robust, quality-focused and long-term monitoring and financial accountancy scheme to check the performance of Member States when using EU programmes,

— actively involve the Roma addressees of the projects in their monitoring and evaluation process in an effective and transparent manner,

— ensure that the existing complaint mechanism is made more accessible and transparent for residents, NGOs and authorities to enable them to report discriminatory EU funds and programmes,

— suspend funding in cases of misuse of EU funds,

— reform ESIF so that they provide financial support for the fight against anti-Gypsyism in a more proactive way, and,

— extend the Europe for Citizens and the Rights, Equality and Citizenship funding programmes recognising the important role of civil society watchdog organisations and other relevant stakeholders in monitoring anti-Gypsyism and ensuring respect for fundamental rights;

8. Calls on the Commission and the Member States to:

— ensure that the relevant interventions financed by the EU with possible implications for the Roma community are inclusive and fight segregation,

— ensure that segregation practices are clearly described and explicitly excluded from funding,

— improve funding opportunities in order to ensure that the education and employment opportunities created provide a real and sustainable way out of long-term unemployment, which is necessary in order to live with dignity,

— ensure that all available resources are used effectively, and,

— increase the absorption rate of EU funds in line with the priorities established in the National Roma Integration Strategies;

9. Calls on the Member States to increase coordination among local and national authorities to eliminate administrative and political obstacles, and effectively use the EU funds to improve the situation of Roma people, in particular children;

10. Recalls the 2013 Council Recommendation stating that the promotion of social inclusion, and combating poverty and discrimination, including, inter alia, the socio-economic integration of marginalised communities such as Roma, should be facilitated by the allocation of at least 20 % of the total ESF resources in each Member State to investment in people;

Securing equal rights and fighting anti-Gypsyism through training

11. Recalls that minority rights and the prohibition of discrimination form an integral part of fundamental rights, and, as such, fall within the scope of the EU values to be respected in accordance with Article 2 TEU; recalls that action can be taken by the EU if there is a clear risk of a serious breach by a Member State of those values in accordance with Article 7 TEU;

12. Calls on the Member States, based on the alarming reports from NGOs and watchdog organisations:

— to implement and enforce Directive 2000/43/EC in order to effectively prevent and eliminate all forms of discrimination against Roma, and to ensure that national, regional and local administrative regulations are not discriminatory and do not result in segregation practices,

— to implement and enforce Framework Decision 2008/913/JHA as it provides the means for a successful fight against anti-Gypsyist rhetoric and violence against Roma;

13. Calls on the Commission to provide assistance to Member States for transposing and implementing the equal treatment directives and to continue launching infringement proceedings against all Member States, without exception, that breach or fail to transpose or implement equal treatment directives, such as the Racial Equality Directive (2000/43/EC), the Free Movement and Residence Directive (2004/38/EC) ([1]), the Victims' Rights Directive (2012/29/EU), the Framework

([1]) OJ L 158, 30.4.2004, p. 77.

Decision (2008/913/JHA) on racism and xenophobia, the Audiovisual Media Services Directive (2010/13/EU) ([1]), and the Council Directive on equal treatment between men and women (2004/113/EC) ([2]) and that on equal treatment in employment and occupation (2000/78/EC);

14. Calls on the Commission and the Council to break the deadlock and re-launch negotiations on the Anti-discrimination Directive;

15. Condemns certain Member States' denial of inequality of their Roma nationals, their lack of political will to remedy their failure in securing Roma people's access to and enjoyment of their fundamental rights, and their blaming them for their social exclusion caused by structural racism;

16. Calls on Member States to:

— clearly condemn and sanction the denial of the Roma Holocaust, hate speech and scapegoating by politicians and public officials at all levels and in all types of media, as they directly reinforce anti-Gypsyism in society,

— take further measures to prevent, condemn and counter anti-Roma hate speech, also by using cultural dialogue;

17. Urges the Commission and Member States to intensify their work with NGOs to deliver best practice training on countering prejudice as well as on the effective countering of hate speech campaigns through the mapping of NGO partners' specific needs and demands in this respect; calls on the Commission to launch a call for civil society to monitor and report hate speech, hate crime and Holocaust denial in the Member States;

18. Calls on its President to condemn and sanction MEPs who use defamatory, racist or xenophobic language or such behaviour in Parliament;

19. Deplores the violation of the right of Roma to free movement; calls on the Member States to acknowledge that the fundamental principles of the EU must apply to all citizens, and that the Free Movement Directive does not allow collective expulsions and any kind of racial profiling; calls on the Member States of origin to take their responsibility to combat poverty and exclusion of all their citizens, and on the Member States of arrival to increase cooperation across borders to combat discrimination and exploitation and prevent exclusion continuing in the country of arrival;

20. Calls on the Member States to tackle the bias against Roma refugees and asylum seekers in the context of migration; recalls that Member States receive asylum seekers from the Western Balkan countries that, in numerical terms, consist of many Roma from Serbia and the former Yugoslav Republic of Macedonia, and that this may be correlated to the particular factors affecting the Roma community there; calls for the inclusion of a specific chapter on persecution as a result of anti-Gypsyism in the country of origin information concerning the relevant countries;

21. Is deeply concerned by the number of stateless Roma people in Europe, resulting in the complete denial of their access to social, educational and health care services and pushing them to the very margins of society; calls on Member States to end statelessness and ensure the enjoyment of fundamental human rights for all;

22. Calls on the Member States to carry out birth registration without discrimination and to ensure the identification of all their citizens in order to avoid Roma people being denied access to all the essential basic services; calls on Member States to take immediate corrective measures to stop discriminatory birth registration, and, through their local authorities, to take active steps in order to ensure that every child is registered; calls on the Commission to assess and monitor the situation in Member States, share best practices on the identification and protection of people whose citizenship has not been recognised and have no access to identity documents, and to launch awareness-raising campaigns on the importance of birth registration;

([1]) OJ L 95, 15.4.2010, p. 1.
([2]) OJ L 373, 21.12.2004, p. 37.

23. Is deeply concerned by the unequal access of Roma to health information, services and care, the severe lack of health insurance cards among them, and their racial abuse; calls on the Member States to take effective measures to remove any barriers to accessing the health care system; asks the Member States, where necessary, to secure funding for healthcare mediator programmes for Roma, increase healthcare awareness and improve access to vaccination and preventive health care in Roma communities;

24. Is alarmed by the discrimination against Roma women, who are often placed in segregated, sub-standard maternity wards, and face physical abuse, neglect, under- and mistreatment by medical staff when attempting to access sexual and reproductive healthcare services, and who often do not access mobile health screenings; urges the Member States to set up a monitoring and corrective mechanism to this end immediately, and to ensure that medical personnel who violate ethics are held accountable; calls on the Commission and the Member States to enhance efforts to foster sustainable and comprehensive capacity-building for Roma women, to create specialised structures such as clearing points in order to provide tailored health information material, and to provide the necessary support for community-health initiatives;

25. Calls on the Member States to give priority to children while implementing the EU framework for National Roma strategies, in particular by providing access to health care, dignified living conditions and access to education for Roma children; stresses that combating illiteracy among Roma children is key to the better integration and inclusion of Roma people, enabling the next generations to improve their access to employment;

26. Urges Member States to condemn forced sterilisation, and to provide compensation to Roma women having been subject to systemic and state-supported sterilisation accompanied by a public apology to the victims of this crime against humanity;

27. Is deeply alarmed by the phenomenon of unlawful removal of Roma children from their parents; calls on Member States to investigate such cases without delay, and take appropriate measures in order to prevent them;

28. Condemns Member States' failure to secure Roma people's equal access to justice and their equality before the law taking shape:

— in the failure or the unacceptably slow procedures of ensuring justice for the victims of hate crimes, especially those perpetrated by police officers,

— in the disproportionate criminalisation of Roma,

— in over-policing (ethnic profiling, excessive stop-and-search procedures, uncalled-for raids on Roma settlements, arbitrary seizure and destruction of property, excessive use of force during arrests, assaults, threats, humiliating treatment, physical abuse, and the denial of rights during police interrogation and custody),

— and in under-policing of crimes committed against Roma, providing little or no assistance, protection (such as in cases of trafficking and for victims of domestic violence) or investigation in cases of crimes reported by Roma;

29. Calls on Member States to:

— guarantee that all citizens are equal before the law and ensure that everyone has equal access to justice and procedural rights,

— provide mandatory, human-rights based and service-oriented, in-service training to law enforcement officers and officials in the judicial system at all levels,

— investigate and prosecute hate crimes and provide best practices for identifying and investigating hate crimes, including those motivated specifically by anti-Gypsyism,

— set up anti-hate crime units with knowledge of anti-Gypsyism in police forces,

— encourage appropriate policing and, in cases of police misconduct, to apply sanctions,

— recruit dispute resolution professionals to work with police,

— encourage the active recruitment of Roma as members of the police force,

— ensure that victim support programmes address the specific needs of Roma and that assistance is provided to them when reporting crimes and filing complaints,

— continue and to extend the geographic scope of JUSTROM, a joint Commission-Council of Europe programme on Roma women's access to justice,

— fully implement the EU anti-trafficking directive and step up their police and judicial cooperation to combat trafficking, and,

— fully implement Directive 2011/93/EU ([1]) to prevent and combat child sexual abuse and exploitation and to protect victims;

30. Calls on the European Police College (CEPOL) to continue the provision of training courses in the field of fundamental rights and the related intersectional sensitisation of the police force;

31. Is deeply concerned about widespread discrimination against Roma in the field of housing characterised by a discriminatory rental and property ownership market and social housing system, forced evictions and demolitions of the homes of Roma without the provision of adequate alternative housing, the placement of Roma in segregated camps and emergency shelters cut off from basic services, the erection of walls around Roma settlements, and the failure of public authorities to secure Roma people's full access to daily potable tap water and to sewage systems;

32. Calls on Member States to take effective measures to ensure equal treatment of Roma in access to housing, and to make full use of EU funds to improve the housing situation of Roma, in particular by promoting desegregation, eliminating any spatial segregation, by promoting community-led local development and integrated territorial investment supported by ESIF and also through a consistent policy on public housing; urges the Member States to ensure access to public utilities, such as water, electricity and gas, and infrastructure for housing in compliance with national legal requirements;

33. Calls on the Commission to recognise its competence in the context of racially motivated forced evictions; calls on the Member States to ensure that forced evictions are in full compliance with Union law as well as with other international human rights obligations, such as those arising from the European Convention on Human Rights; calls, furthermore, for an increase in the number and availability of desegregation experts in the Member States most concerned in order to support authorities in ensuring that European structural and investment funds effectively promote desegregation, and calls for the European Social Fund and the European Regional Development Fund (ESF-ERDF) to be earmarked for spatial desegregation measures;

34. Welcomes pro-active initiatives that seek to improve the housing situation of Roma in cities; acknowledges the initiative of Eurocities that collects evidence through a mapping exercise exploring the characteristics of Roma communities living in cities, the challenges they face and the cities' responses to these;

([1]) OJ L 335, 17.12.2011, p. 1.

35. Deplores continuing school segregation, including the overrepresentation of Roma children in 'special schools', Roma-only schools, separate classes, 'container schools', etc.; calls on Member States to draw up and take specific school desegregation and other effective measures to ensure equal treatment and full access for Roma children to high quality and mainstream education, and to ensure that all Roma children complete at least compulsory education; highlights, in this regard, the importance of exploring the reasons for early school drop-out, in particular the role of anti-Gypsyism in this phenomenon; encourages, furthermore, the Member States to explore new ways of closing the existing educational gap through adult learning, vocational education and training, and informal and non-formal learning; insists that this should be done while paying attention also to intersectional discrimination, with the involvement of Roma experts and school mediators, and ensuring adequate resources for such measures;

36. Considers the discrimination of Roma in the field of employment, most often characterised by long-term unemployment, zero-hour contracts, precarious employment conditions lacking medical and social insurance or pensions, labour market barriers (which exist even for Roma with tertiary education) and the lack of re-training possibilities, alarming and unacceptable; urges, therefore, the Member States to take effective measures to ensure the equal treatment of Roma in access to the labour market and to employment opportunities, and to dismantle direct and indirect barriers, including discrimination;

37. Calls for the Member States to engage with the private sector to support training, employment and business opportunities for Roma, especially in growing technology sectors; calls on the Member States to ambitiously explore how new technologies can assist and contribute to the social and economic inclusion of Roma and to the fight against anti-Gypsyism; highlights the importance of regional development for sustainable job creation in the least developed regions;

38. Calls on the Member States to promote policies that have proven to have a significant positive impact, such as vocational and on-the-job training, individual counselling services, self-employment, social entrepreneurship and first work experience programmes, in order to foster Roma participation in the labour market and to prevent the intergenerational transmission of poverty in Roma communities;

39. Condemns multiple and intersecting forms of discrimination of Roma, which are often hidden or covert; stresses that policies targeting one ground of discrimination should pay attention to the situation of specific groups that are likely to be victims of multiple discrimination; urges the Commission and Member States to pay special attention to improving educational attainment, participation, access to employment, housing, healthcare and to the prevention of discrimination in case of Roma facing multiple and intersectional discrimination, and to include specific programmes for them in the EU Framework for National Roma Integration Strategies after 2020;

40. Notes with concern that Roma women are exposed to multiple and intersectional discrimination for being women, and for belonging to the Roma ethnic minority group and thus find themselves in a disadvantaged position when it comes to participating in society at all levels and to accessing basic services and resources; highlights that discrimination is even more acute for Roma women and girls without identity papers; emphasises that improving the situation of Roma women and girls requires specific and targeted non-discriminatory policies which enable equal access to employment and education, including life-long learning, and which ensure quality housing — a key to improving their living conditions and combating poverty and exclusion;

41. Calls on the Member States to ensure that a specific chapter on women's rights and gender equality is included in their National Roma Integration Strategies (NRISs), and that gender mainstreaming measures aimed at promoting women's rights and the gender equality perspective are applied in each section thereof, in particular in the allocation of funds, in line with the Council conclusions on an EU Framework for National Roma Integration Strategies which 'demand a gender perspective to be applied in all policies and actions for advancing Roma inclusion'; calls on Member State governments and local authorities to involve Roma women in the preparation, implementation, evaluation and monitoring of the NRISs; emphasises the need for gender-disaggregated data to be systematically collected and regularly analysed, and calls on the Commission and the Member States to assess whether policies are achieving the desired improvements for Roma women

and girls, and to take action if there is a lack of progress; calls on the Commission to support the promotion of gender equality in the implementation of all aspects of the Europe 2020 strategy in line with the Strategy for equality between women and men 2010-2015;

42. Calls on the Member States to pay heed to the particular challenges faced by Roma women and girls in relation to early and forced marriages and attacks on their physical integrity, and encourages the Member States to promote and support the collection and dissemination of data on legal and other measures taken at national level to prevent and combat violence perpetrated against Roma women and girls;

43. Encourages businesses and local authorities to create training schemes and work opportunities for Roma women;

44. Calls on governments to encourage and support the effective participation of Roma women in public and political life;

45. Regards equality bodies as vital for informing Roma about their rights, assisting them in exercising their rights and reporting on discrimination; calls on the Commission and the Member States to establish standards to secure adequate powers and resources for equality bodies to monitor and act on cases of anti-Gypsyism; calls on the Member States to support the work and institutional capacity of equality bodies for the promotion of equal treatment by granting them adequate resources so that they can provide effective legal and judicial assistance and to bolster their work with Roma legal advisers to ease the reporting of abuses;

46. Is concerned about the low level of participation of Roma people as interlocutors with or seated representatives of local, regional and national governments and the failure of governments to guarantee their exercise of full citizenship; recognises the crucial role of civil society in this respect; calls for broader cooperation among the national and local authorities concerned, the EU, the Council of Europe and NGOs; encourages EU and Member States' institutions and political parties to actively promote the political participation and empowerment of Roma and their recruitment into public administrations; calls for Roma empowerment programmes, including those aimed at increasing and ensuring the long-term participation of Roma from an intersectional perspective as representatives of local, regional and national governments; calls for the Commission and the Member States to take action to ensure that Roma women's participation in policy and decision-making is enhanced;

47. Calls on Member States to provide mandatory, practical and intersectional fundamental rights and non-discrimination-related training courses for all public officials, who are duty bearers and key to the correct implementation of EU and Member State legislation, in order to equip them with the necessary knowledge and skills to be able to serve all citizens from a human rights-based approach;

48. Calls on Member States, given the power of the media in influencing the perception of ethnic minorities by the public to:

— provide obligatory training to those working in public broadcasting and the media to raise their awareness about the challenges and discrimination faced by Roma, and about harmful stereotypes,

— promote the recruitment of Roma in public media, and,

— promote the representation of Roma on public media boards;

49. Encourages, in order to successfully stop the perpetuation of anti-Gypsyism, Member States to include mandatory human rights, democratic citizenship and political literacy training courses in their school curricula at all levels in order to end Roma people's identity insecurity, strengthen their self-confidence and ability to exercise and demand their equal rights;

50. Is deeply concerned by cuts in the public sector, which have dramatically affected the activities of both the state and state-funded NGOs to promote equality for Roma people and limited the reach of these projects; stresses that the state and its institutions have a fundamental role in promoting equality, which cannot be substituted;

National Roma Integration Strategies

51. Notes with concern that the efforts and financial means which have been invested, and the numerous European and national programmes and funds which have addressed the Roma community have not contributed significantly to the improvement of their living conditions and have not advanced Roma integration, in particular at the local level; calls, therefore, on the Member States, in order to fight against Roma people's marginalisation, discrimination and exclusion, and with a view to advancing the process of Roma integration and combating anti-Gypsyism:

— to be ambitious in setting up their National Roma Integration Strategies, to carry out more research into successful local practices and programmes with the active involvement of Roma in order to reveal their situation, the realities and challenges faced, and to pay special attention to anti-Gypsyism and its consequences with the aim of developing an improved, comprehensive and holistic approach to the issue, thereby addressing not only the social and economic aspect, but also combating racism, while working on mutual trust,

— to fully implement their National Roma Integration Strategies,

— to evaluate their effectiveness and update them regularly, define clear actions, tailor-made measures and set measurable goals and milestones,

— to work closely with every stakeholder, including regional and local entities, academia, the private sector, grassroots organisations and NGOs, and actively involve Roma,

— to further develop data collection, field work-based, financial and quality-oriented monitoring and reporting methodologies as they support effective evidence-based policies, can contribute to improving the effectiveness of strategies, actions and measures taken, and to identifying why the programmes and strategies do not deliver the long-awaited results,

— to empower their national Roma Contact Points by ensuring that they have an adequate mandate, the necessary resources and suitable working conditions in order to carry out their coordination tasks;

Putting anti-Gypsyism at the forefront of an improved post-2020 strategy

52. Welcomes the efforts made, and the wide range of useful mechanisms and funds developed by the Commission to foster the social and economic inclusion of Roma and the fact that it launched an EU Framework for National Roma Integration Strategies by 2020, calling on Member States to adopt national strategies;

53. Calls on the Commission to:

— upscale the EU Framework for National Roma Integration Strategies after 2020, building on the findings and recommendations of the Court of Auditors, the Fundamental Rights Agency (FRA), NGOs, watchdog organisations and all relevant stakeholders, to have an improved, updated and even more comprehensive approach,

— place anti-Gypsyism in the focus of the post-2020 EU Framework in addition to social inclusion, and to introduce anti-discrimination indicators in the fields of education, employment, housing health, etc., as anti-Gypsyism undermines the successful implementation of National Roma Integration Strategies,

— treat anti-Gypsyism as a horizontal issue, and to develop — in partnership with Member States, the FRA and NGOs — an inventory of practical steps for Member States to combat anti-Gypsyism,

— complete the Roma Task Force of the relevant Commission services by setting up a Commissioner-level project team on Roma issues, bringing together all the relevant Commissioners working in the field of equal rights and non-discrimination, citizenship, social rights, employment, education and culture, health, housing, and their external dimension, in order to safeguard the creation of non-discriminatory and complementary EU funds and programmes,

— to strengthen and complement the work of the Non-discrimination and Roma Coordination Unit of the Commission by reinforcing the team, allocating adequate resources and employing further staff in order to have sufficient capacities to fight anti-Gypsyism, raise awareness of the Roma Holocaust and to promote Holocaust remembrance;

54. Calls for the EU institutions to mainstream Roma rights in the context of external relations; insists strongly on the need to fight anti-Gypsyism and promote Roma rights in the candidate countries and potential candidate countries;

55. Calls on the Commission and Member States to apply and actively disseminate the working definition of anti-Gypsyism by the ECRI in order to provide clear guidance to state authorities;

56. Calls on all political groups in Parliament and political parties in the Member States to respect the revised charter of European political parties for a non-racist society, and asks them to regularly renew their commitment and to condemn and sanction hate speech;

57. Calls on the European Union Agency for Fundamental Rights to prepare a study on anti-Gypsyism in the EU and candidate countries, to focus on anti-Gypsyism during their work on Roma issues and to monitor it in all relevant fields;

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58. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the Council of Europe and the United Nations.

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Implementation of the Environmental Liability Directive

European Parliament resolution of 26 October 2017 on the application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the 'ELD') (2016/2251(INI))

(2018/C 346/24)

The European Parliament,

— having regard to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage ([1]) (hereinafter the 'ELD'),

— having regard to the report from the Commission to the Council and the European Parliament under Article 18(2) of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage (COM(2016)0204),

— having regard to Articles 4 and 191 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Article 37 of the Charter of Fundamental Rights of the European Union,

— having regard 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 and repealing Council Directive 90/220/EEC ([2]),

— having regard to the amendment of the ELD through Directive 2006/21/EC ([3]) on the management of waste from the extractive industries, Directive 2009/31/EC ([4]) on the geological storage of carbon dioxide and Directive 2013/30/EU ([5]) on safety of offshore oil and gas operations,

— having regard to the Commission Staff Working Document — REFIT Evaluation of the Environmental Liability Directive (SWD(2016)0121), which accompanies the Commission report (COM(2016)0204),

— having regard to the briefing of the European Parliamentary Research Service of 6 June 2016 entitled 'The implementation of the Environmental Liability Directive: a survey of the assessment process carried out by the Commission' ([6]),

— 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 and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0297/2017),

([1]) OJ L 143, 30.4.2004, p. 56.
([2]) OJ L 106, 17.4.2001, p. 1.
([3]) OJ L 102, 11.4.2006, p. 15.
([4]) OJ L 140, 5.6.2009, p. 114.
([5]) OJ L 178, 28.6.2013, p. 66.
([6]) PE 556.943.

A. whereas, according to Article 191(1) of the TFEU, Union policy on the environment must contribute to the pursuit of objectives, such as protecting the health of its citizens, protecting and improving the quality of the environment, promoting the prudent and rational utilisation of natural resources, and promoting measures at international level to address global or regional environmental problems;

B. whereas Article 191(2) of the TFEU stipulates that Union policy on the environment must aim at a high level of protection and must be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay;

C. whereas Article 11 of the TFEU stipulates that environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development;

D. whereas Article 192 of the TFEU entrusts to the European Parliament and the Council the task of identifying the measures to be taken in order to achieve the general objectives of the Union relating to the environment ([1]);

E. whereas Article 37 of the Charter of Fundamental Rights requires that a high level of environmental protection and the improvement of the quality of the environment be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development;

F. whereas a coordinated environmental strategy across the Union is a way of encouraging cooperation and ensuring that Union policies are consistent with each other;

G. whereas the current scope of the ELD concerns solely environmental damage to biodiversity (protected species and natural habitats), water and the land, caused by operators;

H. whereas in order to cover liability for environmental damage, a financial security market has grown up spontaneously, which nevertheless might be insufficient to cover specific cases, such as SMEs or particular types of operations (offshore platforms, nuclear facilities, etc.);

I. whereas the uneven implementation of the ELD is due primarily, among other issues, to difficulties in ascertaining if the damage to a natural resource has exceeded the set threshold, and to the fact that many Member States have no procedure for examining comments or criticism from environmental NGOs and other stakeholder bodies;

J. whereas in many Member States large numbers of stakeholders (environmental NGOs, insurance companies, operators, and, above all, the authorities concerned) know little — or in some cases nothing — about the details of the ELD, a situation due not least to the fact that there are no guidance documents to help in transposing the legislation;

K. whereas many Member States have made progress in effectively achieving the main objectives of preventing and remedying environmental damage; whereas, however, in a few Member States the enforcement of the ELD is still inadequate;

L. whereas new scientific findings show that pollution from industrial activities can affect both the environment and humans in hitherto unsuspected ways and that this endangers human health, sustainability, and the balance of biological and bio-evolutionary processes;

([1]) Judgment of the Court of Justice of 9 March 2010, *ERG and Others*, C-378/08, ECLI:EU:C:2010:126, paragraph 45; Judgment of the Court of Justice of 9 March 2010, *ERG and Others*, C-379/08 and C-380/08, ECLI:EU:C:2010:127, paragraph 38; Judgment of the Court of Justice of 9 March 2010, *Buzzi Unicem SpA and Others*, C-478/08 and C-479/08, ECLI:EU:C:2010:129, paragraph 35.

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1. Acknowledges the importance of the Commission's studies and reports regarding the assessment of the implementation of the ELD and its impact on the Member States as well as of its recommendations for the effective and coherent implementation of the directive by giving priority to harmonisation of national solutions and practices in a wider legal liability framework; welcomes in that context the development of the Multi-Annual ELD Work Programme (MAWP) for the period 2017-2020;

2. Observes with concern that the findings of those reports give an alarming picture of the actual implementation of the ELD and notes that the directive has been transposed in a patchy and superficial way in many Member States;

State of play of the implementation of the ELD

3. Notes that several Member States failed to comply with the deadline for transposing the ELD and that only by mid-2010 had it been transposed by all 27 Member States;

4. Considers that, owing to the discretionary powers awarded in the ELD and to the significant lack of clarity and uniform application of key concepts as well as to underdeveloped capacities and expertise, the transposition of the ELD into national liability systems has not resulted in a level playing field and that, as confirmed in the Commission report, it is currently totally disparate in both legal and practical terms, with great variability in the amount of cases between Member States; is therefore of the opinion that additional efforts are required to enable regulatory standardisation to take place across the EU;

5. Notes that this lack of uniformity is also due to the generic nature of the ELD, which was drawn up along the lines of the framework directive model;

6. Regrets that, in spite of the action taken by the Commission concerning late transposition and issues relating to non-conformity, and that, in spite of the ELD's extreme flexibility, seven Member States have yet to resolve a number of non-compliance issues;

7. Notes that inconsistencies among Member States in how they report cases of environmental damage that triggered the application of the ELD ([1]) can be attributed to the application of their national legislation instead of the ELD;

Limits to the effectiveness of the ELD

8. Observes that the effectiveness of the ELD varies significantly from Member State to Member State;

9. Points out that the different interpretations and application of the 'significance threshold' for environmental damage are one of the main barriers to an effective and uniform application of the ELD, while precise data on administrative costs for public authorities, including data on the application of complementary and compensatory remediation, are limited, quite divergent, and for businesses, not available at all;

10. Deplores the fact that under the ELD, incidents are defined as 'serious' only if they give rise to deaths or serious injuries, with no reference to the consequences for the environment; highlights therefore that even if it does not give rise to deaths or serious injuries, an incident may have a serious impact on the environment, by virtue of its scale or because it affects, for example, protected areas, protected species or particularly vulnerable habitats;

([1]) According to the Commission report (COM(2016)0204), between April 2007 and April 2013, Member States reported around 1 245 confirmed cases of environmental damage which triggered the application of the ELD. Moreover, according to the same report, the number of cases varies considerably from one Member State to another. Two Member States account for over 86 % of all reported cases (Hungary: 563, Poland: 506 cases), most of the remaining cases having been reported by six Member States (60 by Germany, 40 by Greece, 17 by Italy and 8 by Latvia, Spain and the United Kingdom). 11 Member States reported no such incidents in 2007, possibly because they deal with them exclusively under their national system.

11. Regrets that there are activities with potential negative impacts on biodiversity and the environment, such as the pipeline transport of dangerous substances, mining, and the introduction of invasive alien species, that are currently not covered by the requirement for strict liability; notes that in particular for biodiversity damage, the activities listed in Annex III do not sufficiently cover the sectors that could potentially give rise to damage;

12. Considers that in Article 1 of the ELD the framework of environmental liability should be broadened to include environmental rehabilitation and ecological restoration to the baseline condition after occupational activities have ended, even when environmental damage is caused by activities or emissions expressly authorised by the competent authorities;

13. Stresses that all stakeholders have reported problems in holding operators strictly liable for dangerous activities referred to in Annex III to the ELD, in relation to successors of liable parties ([1]);

14. Recalls the experiences in the implementation of the current financial securities, which have shown to be lacking as regards ensuring that operators have effective cover for financial obligations where they are liable for environmental damage, and is concerned at the cases where operators have not been in a position to bear the costs of environmental remediation;

15. Stresses that problems persist regarding the application of the directive to large-scale incidents, especially when it is not possible to identify the liable polluter and/or the polluter becomes insolvent or bankrupt;

16. Notes that the cost of environmental damage for the operators responsible can be reduced through the use of financial security instruments (covering insurance and alternative instruments, such as bank guarantees, bonds, funds or securities); believes that demand is low within the ELD financial security market due to the small number of cases occurring in many Member States, the lack of clarity regarding certain concepts set out in the directive and the fact that in many Member States, depending on the level of maturity of the market for such instruments, insurance models are generally proving slow to emerge;

17. Notes that the opportunity to improve the provision of financial guarantees is being hampered by the scarcity and contradictory nature of the data on ELD cases in the EU's possession;

18. Encourages the Member States to take measures to accelerate the development of financial security instruments and markets by the appropriate economic and financial operators, including financial mechanisms in case of insolvency, with the aim of enabling operators to use financial guarantees to cover their responsibilities;

19. Draws attention to the Commission's feasibility study on the concept of an EU-wide industrial disaster risk-sharing facility ([2]) and emphasises the need to carry out further analysis and a more in-depth feasibility study on the key legal and financial issues;

20. Welcomes the fact that, as regards the application of the ELD in relation to protected species and natural habitats, half the Member States apply a broader scope (Belgium, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovenia, Spain, Sweden, and the United Kingdom);

([1]) Judgment of the Court of Justice of 4 March 2015, *Ministero dell'Ambiente e della Tutela del Territorio e del Mare and others* v *Fipa Group Srl and others*, Case C-534/13, ECLI:EU:C:2015:140.

([2]) Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents, Final Report, European Commission, DG ENV, 17 April 2013.

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21. Takes the view that among the various causes of the insufficient harmonisation of the ELD is also the failure to provide for the application of a standard administrative procedure for notifying competent authorities of imminent threat of, or actual, environmental damage; regrets therefore that there is no obligation to publish such notifications or information about how the cases were dealt with; notes that some Member States have identified this limitation in their national legislation and thus set up databases about the notifications/incidents/cases; points out, however, that the practice varies broadly from Member State to Member State and is rather limited;

22. Emphasises that compensatory regimes must be able to address transboundary claims effectively, rapidly, within a reasonable timeframe and without discrimination among claimants from different European Economic Area countries; recommends that they should cover both primary and secondary damage caused in all affected areas, given that such incidents affect wider areas and may have a long-term impact; stresses the need especially for neighbouring countries, which are not members of the European Economic Area, to respect international law regarding environmental protection and liability;

23. Reiterates that according to Article 4(5) of the ELD, the directive only applies to environmental damage or to an imminent threat of such damage caused by pollution of a diffuse character, where it is possible to establish a causal link between the damage and the activities of individual operators; also reiterates that the Intergovernmental Panel on Climate Change (IPCC) had, in its 2013 report, already established a rigorous causal relationship between gas emissions and damage related to climate change and the environment ([1]);

Suggestions to improve harmonisation of the ELD

24. Calls for the ELD to be reviewed as soon as possible and the definition of 'environmental damage' laid down in Article 2(1) of the directive, specifically with regard to the criteria relating to determining adverse effects on protected species and habitats (Annex I), and to risks of water damage and land damage, to be revised with a view to making it sufficiently effective, consistent and coherent to keep pace with the rapid evolution of pollutants from industrial activities;

25. Calls on the Commission to clarify, define and set out in detail the concept of 'significance threshold' and to assess differentiated maximum liability thresholds for activities, in order to standardise the application of the ELD, making it uniform in all Member States;

26. Calls on the Commission to provide a clear and coherent interpretation of the geographical scope of ELD 'favourable conservation status' (EU territory, national territory, natural landscape area); considers, in this respect, that a site-specific approach is necessary to ensure correct and effective implementation;

27. Calls on the Commission to determine what rules are necessary to establish a clear and irrefutable distinction between those cases in which the ELD is applicable and those in which the national standard should apply, where this is more stringent;

28. Notes that air pollution harms human health and the environment and according to Eurostat, nitrogen dioxide and particulate matter pollution pose serious health risks; calls in that context for the inclusion of 'ecosystems' in the definitions of 'environmental damage' and 'natural resource' in Article 2; calls, furthermore, on the Commission to consider the possibility of extending the scope of the ELD and imposing liability for damage to human health and the environment, including damage to the air ([2]);

([1]) IPCC, 2013: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (Stocker, T.F. et al. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 1535 pp, doi:10.1017/CBO9781107415324).

([2]) This option was considered in the Commission document of 19 February 2014 'Study on ELD Effectiveness: Scope and Exceptions', p. 84.

29. Calls on the Commission to introduce mandatory financial security, e.g. a mandatory environmental liability insurance for operators and to develop a harmonised EU methodology for calculating the maximum liability thresholds, taking account of the characteristics of each activity and its surrounding area; calls, in addition, on the Commission to consider the possibility of establishing a European fund for the protection of the environment from damage caused by industrial activity governed by the ELD ([1]), without undermining the polluter-pays principle, for insolvency risks and only in cases where financial security markets fail; considers that the same should apply to cases of large-scale accidents, when it is impossible to trace the operator responsible for the damage;

30. Calls for any operator benefiting from the carrying-out of activities to be also liable for any environmental damage or pollution caused by those activities;

31. Is of the view that considering the relevance and potential impacts of industry-related disasters and the risks posed to human health, the natural environment and property, further safeguards need to be added in order to provide European citizens with a safe and sound disaster prevention and management system based on risk-sharing, stepped-up responsibility of industrial operators and the polluter-pays principle; calls for an assessment of whether it is necessary to include in the ELD a third-party liability regime for damage caused to human health and the environment ([2]);

32. Calls for the adoption of a regime for the secondary liability of successors of liable parties;

33. Recommends that the option of requiring subsidiary state liability be made mandatory in order to ensure effective and proactive implementation of the legislation;

34. Calls furthermore for the removal of the options for granting permit defence and state-of-the art defence in order to create a level playing field, promote the polluter-pays principle and improve the effectiveness of the legislation;

35. Calls on the Commission to come forward with a proposal for environmental inspections at the European level without further delay;

36. Considers that in the context of a review of the ELD, it should be a priority to extend strict liability to non-Annex III activities for all environmental damage with adverse effects, so as to improve the effectiveness of the legislation in implementing the polluter-pays principle and to provide an incentive for operators to undertake proper risk management for their activities; calls in that context on the Commission to establish a register for operators who engage in dangerous activities and a financial monitoring scheme to ensure that operators are solvent;

37. Calls on the Commission to ensure the application of the ELD to environmental damage caused by any occupational activity and to ensure strict producer liability;

38. Calls for the establishment of a publicly available European database of cases of environmental damage governed by the ELD modelled on, for example, the Irish reporting system whereby cases of environmental damage can be notified online, in order to create greater trust in the ELD system and to ensure better implementation; considers that such a public database would enable stakeholders, operators and citizens to become more aware of the existence of the ELD regime and its enforcement and would thus contribute to better prevention and remediation of environmental damages;

([1]) As regards this option please refer to the document published by the Commission on 17 April 2013 entitled 'Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents'.

([2]) As already provided for in Portugal and as assessed in the Commission study of 16 May 2013 entitled 'Implementation challenges and obstacles of the Environmental Liability Directive (ELD)', p. 75.

39. Recommends that, in order for public databases of ELD cases to be easily accessible and effective, they should be set up in accordance with the following criteria:

— they should be available online and additional information pertaining to the cases should be granted upon request,

— each country should have a centralised database rather than separate databases for every region,

— notifications about new incidents should be immediately published online,

— each case registered in the database should include information about the name of the polluter, nature and extent of the damage caused, prevention/remediation action measures taken or to be taken, proceedings carried out by/and or with the authorities;

40. Calls for the categories of dangerous activities set out in Annex III to be expanded to include all activities that are potentially harmful to the environment and human health;

41. Stresses the importance of a culture of environmental damage prevention, through a systematic information campaign in which Member States ensure that potential polluters and potential victims are informed of the risks to which they are exposed, of the availability of insurance or other financial and legal means that could protect them from those risks, and of the benefits they could gain from them;

42. Considers that all cases of proven liability as well as the details of penalties imposed should be made public in order to make the true cost of environmental damage transparent to all;

43. Proposes that a channel be set up to encourage environmentalist NGOs and other stakeholder bodies to put forward their comments and criticisms;

44. Suggests that tax relief or other favourable arrangements be introduced for companies which successfully endeavour to prevent environmental damage;

45. Recommends the establishment of specific independent authorities to be vested with management and monitoring powers as well as the power to impose penalties laid down in the ELD, including the possibility of requiring financial guarantees of potentially liable parties, taking into account the specific situation of the individual potential polluter, for example, with regard to environmental permits;

46. Calls on the Commission and the Member States to ensure that the ELD adequately supports efforts to achieve the objectives of the EU's Birds and Habitats Directives; insists that the authorities responsible for environmental inspections must be involved in the implementation and enforcement of environmental liability law;

47. Calls on the Commission to step up its training programme for the application of the ELD in the Member States and to set up helpdesks for practitioners providing information, assistance and assessment support for risk and damage evaluations; recommends in addition that guidance documents be adopted to help Member States transpose the legislation correctly;

48. Reiterates that, in accordance with the ELD, persons adversely affected by environmental damage are entitled to ask the competent authorities to take action; also notes that Union law stipulates that European citizens should be guaranteed effective and timely access to justice (Article 9(3) of the Aarhus Convention, Article 6 of the Treaty on European Union and the relevant provisions of the European Convention for the Protection of Human Rights) and that the costs of the environmental harm should be borne by the polluter (Article 191 of the TFEU); calls therefore on the Commission to come up with a legislative proposal on minimum standards for implementing the Aarhus Convention's access to justice pillar; asks the Commission to assess the possibility of introducing collective redress mechanisms for breaches of the Union's environmental law;

49. Calls on the Commission, in the context of a review of the ELD, to consider whether it might impose an obligation on Member States to submit reports every two years on the application of the directive;

50. Considers criminal sanctions to be another important deterrent against environmental damage, and notes with regret that Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law is not up to date; calls on the Commission to take action, without further delay, to review that directive's scope so that it covers all applicable Union environmental legislation;

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

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P8_TA(2017)0417

Combating sexual harassment and abuse in the EU

European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP))

(2018/C 346/25)

The European Parliament,

— having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Charter of Fundamental Rights of the European Union, which entered into force with the Treaty of Lisbon in December 2009, and in particular Articles 20, 21, 23 and 31 thereof,

— having regard to the 2014 report by the European Union Agency for Fundamental Rights (FRA) entitled 'Violence against women' ([1]),

— having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ([2]),

— having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ([3]), which defines and condemns harassment and sexual harassment,

— having regard to the Gender Equality Index Report of the European Institute for Gender Equality,

— having regard to the Commission staff working document of 3 December 2015 entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),

— having regard to the EU Presidency Trio declaration of July 2017 by Estonia, Bulgaria and Austria on equality between women and men,

— having regard to the 1993 UN Declaration on the Elimination of Violence against Women,

— 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, and to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol,

— having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ([4]) (the Victims' Rights Directive),

([1]) http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report
([2]) OJ L 204, 26.7.2006, p. 23.
([3]) OJ L 373, 21.12.2004, p. 37.
([4]) OJ L 315, 14.11.2012, p. 57.

— having regard to the Framework Agreement on Harassment and Violence at Work (2007) between ETUC/CES, BUSINESSEUROPE, UEAPME and CEEP,

— having regard to the report of the European Network of Equality Bodies (EQUINET) entitled 'The Persistence of Discrimination, Harassment and Inequality for Women. The work of equality bodies informing a new European Commission Strategy for Gender Equality', published in 2015,

— having regard to the Istanbul Convention on preventing and combating violence against women and domestic violence ([1]), in particular Articles 2 and 40 thereof, and to its 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 ([2]),

— having regard to its resolutions of 20 September 2001 on harassment at the workplace ([3]), of 26 November 2009 on the elimination of violence against women ([4]), of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women ([5]), of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work ([6]), of 25 February 2014 with recommendations to the Commission on combating violence against women ([7]) and the accompanying European Added Value Assessment of November 2013, and of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women ([8]),

— having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015 ([9]), of 10 March 2015 on progress on equality between women and men in the European Union in 2013 ([10]), and of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies ([11]),

— having regard to Article 12a of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union,

— having regard to the guide for Members of the European Parliament entitled 'Zero Harassment at the Work Place', issued in September 2017, and the action plan of Parliament's administration on this crucial matter,

— having regard to Rules 123(2) and (4) of its Rules of Procedure,

A. whereas gender equality is a core value of the EU — as recognised in the Treaties and the Charter of Fundamental Rights — which the EU has committed to integrating into all its activities;

B. whereas the EU is a community of values, based on democracy, the rule of law and fundamental rights, enshrined in its core principles and objectives in the first articles of the TEU and in the criteria for Union membership;

([1]) https://rm.coe.int/168008482e
([2]) Texts adopted, P8_TA(2017)0329.
([3]) OJ C 77 E, 28.3.2002, p. 138.
([4]) OJ C 285 E, 21.10.2010, p. 53.
([5]) OJ C 296 E, 2.10.2012, p. 26.
([6]) OJ C 168 E, 14.6.2013, p. 102.
([7]) OJ C 285, 29.8.2017, p. 2.
([8]) Texts adopted, P8_TA(2016)0451.
([9]) Texts adopted, P8_TA(2017)0073.
([10]) OJ C 316, 30.8.2016, p. 2.
([11]) Texts adopted, P8_TA(2017)0402.

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C. whereas sexual harassment is defined in EU law as 'where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment' ([1]);

D. whereas sexual harassment is a form of violence against women and girls and is the most extreme yet persistent form of gender-based discrimination; whereas some 90 % of victims of sexual harassment are female and approximately 10 % are male; whereas according to the EU-wide FRA study of 2014 entitled 'Violence against women' one in three women have experienced physical or sexual violence during their adult lives; whereas up to 55 % of women have been sexually harassed in the EU; whereas 32 % of all victims in the EU said the perpetrator was a superior, colleague or customer; whereas 75 % of women in professions requiring qualifications or top management jobs have been sexually harassed; whereas 61 % of women employed in the service sector have been subjected to sexual harassment; whereas 20 % of young women (between the ages of 18 and 29) in the EU-28 have experienced cyber harassment; whereas one in ten women have been subjected to sexual harassment or stalking using new technology;

E. whereas cases of sexual harassment and bullying are significantly underreported to the authorities due to a fairly persistent low social awareness of the issue, insufficient channels for victim support and the perception that it is a sensitive issue for society, despite the existence of formal procedures to tackle it in the workplace and in other spheres;

F. whereas sexual violence and harassment in the workplace is a matter of health and safety and should be treated and prevented as such;

G. whereas discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is prohibited by EU law;

H. whereas sexual violence and harassment are contrary to the principle of gender equality and equal treatment and constitute gender-based discrimination, and are therefore prohibited in employment, including with regard to access to employment, vocational training and promotion;

I. whereas the persistence of gender stereotypes, sexism, sexual harassment and abuse is a structural and widespread problem throughout Europe and the world, and is a phenomenon that involves victims and perpetrators of all ages, educational backgrounds, incomes and social positions, and whereas this has physical, sexual, emotional and psychological consequences for the victim; whereas the unequal distribution of power between men and women, gender stereotypes and sexism, including sexist hate speech, offline and online, are root causes of all forms of violence against women and have led to men's domination over women and discrimination against them and to women's full advancement being prevented;

J. whereas the Beijing Platform for Action's definition of violence against women encompasses, but is not limited to, physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere ([2]);

K. whereas the Victims' Rights Directive defines gender-based violence as a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'; whereas women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence ([3]);

([1]) http://ec.europa.eu/justice/gender-equality/files/your_rights/final_harassement_en.pdf
([2]) http://www.un.org/womenwatch/daw/beijing/platform/violence.htm
([3]) See recital 17 of the Victims' Rights Directive.

L. whereas EU law requires that Member States must ensure that an equality body is in place to provide independent assistance to victims of harassment and sexual harassment, conduct independent surveys, publish independent reports and make recommendations in matters of employment and vocational training, in the access to and supply of goods and services, and for the self-employed;

M. whereas sexual harassment and abuse, predominantly by men against women, is a structural and widespread problem throughout Europe and the world, and is a phenomenon that involves victims and perpetrators of all ages, educational backgrounds, incomes and social positions, and that is linked to the unequal distribution of power between women and men in our society;

N. whereas gender equality is the responsibility of all individuals in society and requires the active contribution of both women and men; whereas the authorities should commit to the development of education and awareness campaigns directed at men and the younger generations, with the aim of involving men and boys as partners, gradually preventing and eliminating all forms of gender-based violence and promoting or empowering women;

O. whereas women in the European Union are not equally protected against gender-based violence, sexual harassment and abuse owing to differing policies and legislation across the Member States; whereas judiciary systems do not provide sufficient support to women; whereas the perpetrators of gender-based violence are often already known to the victim and whereas in many cases the victim is in a position of dependence, which increases their fear of reporting the violence;

P. whereas all Member States have signed the Istanbul Convention, but only 15 have ratified it; whereas the EU's accession to the Convention does not exonerate Member States from ratification at national level; whereas Article 40 of the Istanbul Convention stipulates that 'parties shall take the necessary legislative and other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction';

Q. whereas violence and harassment in political life is disproportionately targeted at women; whereas such violence constitutes a violation of human rights and fundamental freedoms, including the obligation to ensure that women can freely participate in political representation;

R. whereas sexual harassment is defined in Article 12a of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union;

S. whereas sexual harassment or sexist behaviour is not harmless and whereas trivialising sexual harassment or sexual violence by using understated language reflects sexist attitudes towards women and communicates messages of control and power in the relationship between men and women, impacting on women's dignity, autonomy and freedom;

T. whereas Parliament has established specific structures and internal rules to address sexual harassment in the House, namely the Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants (APAs) and Members of the European Parliament, while an Advisory Committee on harassment and its prevention in the workplace is dealing with other formal procedures related to staff members of Parliament's administration and political groups in order to assess possible cases and to prevent sexual harassment and abuse;

U. whereas politicians, as elected representatives of citizens, have a crucial responsibility to act as positive role models in preventing and combating sexual harassment in society;

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Zero tolerance and the fight against sexual harassment and sexual abuse in the EU

1. Strongly condemns all forms of sexual violence and physical or psychological harassment and deplores the fact that these acts are too easily tolerated, whereas in fact they constitute a systemic violation of fundamental rights and a serious crime that must be punished as such; stresses that impunity must end by ensuring that perpetrators are prosecuted;

2. Insists on effective implementation of the existing legal framework addressing sexual harassment and abuse, encouraging at the same time the EU Member States, as well as public and private companies, to take further measures to effectively prevent and end sexual harassment in the workplace and elsewhere; stresses that the dedicated legal procedures established to address sexual harassment cases in the workplace should be followed;

3. Welcomes initiatives such as the #MeToo movement that aim to report cases of sexual harassment and violence against women; strongly supports all the women and girls who have participated in the campaign, including those who denounced their perpetrators;

4. Calls on the Commission and the Member States to adequately monitor the correct implementation of the EU directives prohibiting harassment on the basis of gender and sexual harassment, and to ensure that the EU Member States strengthen the human resource capacity of equality bodies supervising discriminatory practices and make sure that these bodies are given a clear mandate and adequate resources to cover the three areas of employment, self-employment and access to goods and services;

5. Calls on the Commission to assess, exchange and compare the existing best practices of combating sexual harassment in the workplace and to disseminate the results of this assessment as regards the effective measures that Member States could take to encourage companies, social partners and organisations involved in vocational training to prevent all forms of gender-based discrimination, in particular as regards harassment and sexual harassment in the workplace;

6. Highlights the central role of all men in committing to change and to ending all forms of harassment and sexual violence, by combating circumstances and structures which enable, even passively, the behaviour that leads to this and challenging any misconduct or inappropriate behaviour; calls on the Member States to actively involve men in awareness-raising and prevention campaigns;

7. Believes that key actions to combat sexual harassment include tackling the issues of under-reporting and social stigma, establishing procedures of workplace accountability, active engagement of men and boys in violence prevention, and action against emerging forms of violence, e.g. in cyberspace;

8. Is alarmed that harassment of women online and especially on social media, ranging from unwanted contact, trolling and cyber-bullying to sexual harassment and threats of rape and death, is becoming widespread in our digital society, which also gives rise to new forms of violence against women and girls, such as cyber-bullying, cyber-harassment, the use of degrading images online and the distribution on social media of private photos and videos without the consent of the people involved;

9. Calls on the Commission and the Member States to ensure that funding mechanisms for programmes to combat violence against women can be used for awareness raising and to support civil society organisations addressing violence against women, including sexual harassment;

10. Calls on the Commission and the Member States to speed up the ratification of the Istanbul Convention; calls on the Member States to fully implement it, including by setting up a system of disaggregated data collection, which includes data broken down by the age and gender of the perpetrators and the relationship between the perpetrator and the victim, and which includes sexual harassment;

11. Calls on the Commission to submit a proposal for a directive against all forms of violence against women and girls and of gender-based violence; reiterates its call for the Commission to put forward a comprehensive EU strategy against all forms of gender-based violence, including sexual harassment and sexual abuse against women and girls;

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 for better inclusion of women in decision-making processes, in unions and in senior positions of organisations in the public and private sectors; calls on the Commission and the Member States, together with NGOs, social partners and equality bodies, to step up significant awareness-raising measures as regards the rights of the victims of sexual harassment and gender-based discrimination; stresses the urgent need for Member States, employers' organisations and trade unions to promote awareness of sexual harassment and to support and encourage women to report incidents immediately;

14. Stresses the importance of dedicated training and awareness-raising campaigns regarding existing formal procedures on reporting sexual harassment in the workplace and victims' rights, thus enforcing the principle of dignity at work and promoting a zero-tolerance approach as the norm;

Sexual harassment in parliaments, including the European Parliament

15. Strongly condemns the cases of sexual harassment that have been revealed in the media and expresses its strong support towards the victims of sexual harassment and abuse; stresses that, in order to be taken seriously, it is crucial for the EU institutions to firmly stand against any form of gender discrimination or any action that hinders gender equality;

16. Acknowledges the fact that, by a Bureau decision of 14 April 2014, the European Parliament adopted new rules which included the creation of dedicated bodies such as the Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants and Members of the European Parliament and its prevention at the workplace and an earlier Advisory Committee dealing with harassment complaints and its prevention at the workplace for EP staff; notes with satisfaction the introduction of confidential reporting and the launch of an awareness-raising campaign aimed at combating sexual harassment within the House; notes the fact that other EU institutions have created similar bodies;

17. Calls on the President of Parliament and Parliament's administration:

— to urgently and thoroughly examine the recent media reports on sexual harassment and abuse in the European Parliament, while respecting the privacy of the victims, to share the findings with its Members and to propose adequate measures to prevent new cases;

— to evaluate and, if necessary, revise the composition of competent bodies so as to ensure independence and gender balance, and to further reinforce and promote the functioning of its Advisory Committee dealing with complaints of harassment between APAs and Members of Parliament as well as its Staff Advisory Committee for Parliament staff on harassment prevention, while acknowledging their important work;

— to revise its rules to also include trainees in all Advisory Committees on harassment prevention and to reinforce interest in strengthening their positive measures, and to avoid conflicts of interest regarding members of those important committee structures; to investigate formal cases, to maintain a confidential register of cases over time, and to adopt the best means to ensure zero tolerance at all levels in the institution;

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— to set up a task force of independent experts to be convened with a mandate to examine the situation of sexual harassment and abuse in Parliament, which will carry out an evaluation of Parliament's existing Advisory Committee dealing with complaints of sexual harassment between APAs and Members of Parliament and the Staff Advisory Committee for Parliament staff on harassment prevention, and propose adequate changes;

— to fully support victims in procedures within Parliament and/or with the local police; to activate emergency protection or safeguarding measures where necessary and to fully implement Article 12a of the Staff Regulations, ensuring that cases are fully investigated and disciplinary measures applied;

— to ensure the implementation of a strong and effective action plan against sexual harassment in the interest of prevention and support and mandatory training for all staff and Members on respect and dignity at work so as to ensure that a zero-tolerance approach becomes the norm; to fully engage in awareness-raising campaigns with all Members and services of the administration, with a special focus on groups in the most vulnerable positions, such as trainees, APAs and contract agents;

— to set up an institutional network of confidential counsellors tailored to Parliament's structures to support, advise and speak on behalf of victims, when needed, as is the practice for the Commission staff;

18. Calls on all colleagues to support and encourage victims to speak out and report cases of sexual harassment through improved formal procedures within Parliament's administration and/or to the police;

19. Resolves to adopt internal rules on whistle-blowing to safeguard the rights and interests of whistle-blowers and provide adequate remedies if they are not treated correctly and fairly in relation to their whistle-blowing;

20. Is very concerned that, all too often, assistants of Members (APAs) are afraid to speak out in cases of sexual harassment, as the 'loss of trust' clause in the APA statute means they can be dismissed with very short notice; calls for the participation of independent experts in dismissal procedures alongside the representatives of the administration with a view to an unbiased decision being reached;

21. Recommends that the European Ombudsman provide Parliament's High Level Group on Gender Equality and Diversity with data once a year as regards complaints about maladministration relating to gender equality in Parliament, with due respect for the decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties;

22. Calls on the Member States to examine the situation of sexual harassment and abuse in their national parliaments, to take active measures to combat it, and to implement and adequately enforce a policy of respect and dignity at work for elected members and staff; calls for the implementation of such a policy to be monitored;

23. Calls on the Member States to provide protective support for parliamentarians engaging with the public, particularly those experiencing sexual abuse and threats of gender-based violence, including online;

24. Calls for exchanges of best practice to be organised at all levels with other institutions and organisations such as UN Women, the Council of Europe, the EU institutions and stakeholders involved in promoting gender equality;

25. Calls on all politicians to act as responsible role models in preventing and combating sexual harassment in parliaments and beyond;

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26. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Parliamentary Assembly of the Council of Europe.

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P8_TA(2017)0418

Economic policies of the euro area

European Parliament resolution of 26 October 2017 on the economic policies of the euro area (2017/2114(INI))

(2018/C 346/26)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 121(2) and 136 thereof, and to Protocols No 1 and No 2,

— having regard to the Commission communication of 22 May 2017 on the 2017 country-specific recommendations (COM(2017)0500),

— having regard to its resolution of 15 February 2017 on the European Semester for economic policy coordination: Annual Growth Survey 2017 ([1]),

— having regard to the Commission communication of 22 February 2017 entitled '2017 European Semester: Assessment of progress on structural reforms, prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No 1176/2011' (COM(2017)0090),

— having regard to the Commission communication entitled '2017 Annual Growth Survey' (COM(2016)0725), to the reports entitled '2017 Alert Mechanism Report' (COM(2016)0728) and '2017 Draft Joint Employment Report from the Commission and the Council' (COM(2016)0729), and to the Commission recommendation for a Council recommendation on the economic policy of the euro area (COM(2015)0692),

— having regard to the Commission communication of 16 November 2016 entitled 'Towards a positive fiscal stance for the euro area' (COM(2016)0727),

— having regard to the report of the European Fiscal Board on 'Assessment of the prospective fiscal stance appropriate for the euro area' of 20 June 2017,

— having regard to the Occasional Paper No 182 on a 'Euro area fiscal stance' by the European Central Bank of January 2017,

— having regard to the Council recommendation of 21 March 2017 on the economic policy of the euro area ([2]),

— having regard to the Council conclusions of 23 May 2017 on in-depth reviews and implementation of the 2016 country-specific recommendations,

— having regard to the Council conclusions of 16 June 2017 on the closing of excessive deficit procedures for two Member States and on economic and fiscal policies,

— having regard to the Commission European Economic Forecast — Spring 2017 of May 2017,

([1]) Texts adopted, P8_TA(2017)0038.
([2]) OJ C 92, 24.3.2017, p. 1.

— having regard to the Eurostat dataset details on real GDP per capita, growth rate and totals of 31 May 2017,

— having regard to the OECD statistics on total tax revenue of 30 November 2016,

— having regard to the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union,

— having regard to the COP 21 agreement adopted at the Paris Climate Conference on 12 December 2015,

— having regard to Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ([1]),

— having regard to Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States ([2]),

— having regard to Regulation (EU) No 1174/2011 of the European Parliament and of the Council of 16 November 2011 on enforcement measures to correct excessive macroeconomic imbalances in the euro area ([3]),

— having regard to Council Regulation (EU) No 1177/2011 of 8 November 2011 amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure ([4]),

— having regard to Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances ([5]),

— having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ([6]),

— having regard to Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area ([7]),

— having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability ([8]),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Regional Development (A8-0310/2017),

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([1]) OJ L 306, 23.11.2011, p. 12.
([2]) OJ L 306, 23.11.2011, p. 41.
([3]) OJ L 306, 23.11.2011, p. 8.
([4]) OJ L 306, 23.11.2011, p. 33.
([5]) OJ L 306, 23.11.2011, p. 25.
([6]) OJ L 306, 23.11.2011, p. 1.
([7]) OJ L 140, 27.5.2013, p. 11.
([8]) OJ L 140, 27.5.2013, p. 1.

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A. whereas according to the Commission's forecasts, the GDP growth rate for the euro area was 1,8 % in 2016 and is set to remain steady at 1,7 % in 2017 and at 1,9 % in the EU overall, surpassing pre-crisis levels while still being insufficient with significant differences in growth rates across the EU; whereas private consumption has been the main growth driver over the past few years, while possibly moderating this year due to the temporary rise in consumer inflation, yet domestic demand is expected to drive the growth outlook over the medium term; whereas the growth in EU remains too low to create new jobs in Member States and much lower than the projected growth for the whole world;

B. whereas the euro area and EU-28 unemployment rates were 9,3 % and 7,8 % respectively in April 2017, their lowest rates since March 2009 and December 2008; but still above the pre-crisis levels; whereas significant differences in unemployment rates remain across the EU ranging between 3,2 % and 23,2 %; whereas the euro area and EU-28 youth unemployment rates were still at high levels in April 2017, specifically 18,7 % and 16,7 %;

C. whereas the general government deficit in the euro area is projected to stand at 1,4 % in 2017 and 1,3 % in 2018, while the performance of individual Member States is expected to be heterogeneous; whereas the general government debt-to-GDP ratio in the euro area is forecast to stand at 90,3 % in 2017 and 89,0 % in 2018;

D. whereas global economic growth is still fragile and the euro area economy is facing increased uncertainty and important internal and external political challenges;

E. whereas the EU's excessively low productivity and global competitiveness calls for socially-balanced structural reforms, continued fiscal efforts and investment in Member States in order to bring about sustainable and inclusive growth and employment and achieve upward convergence with other global economies and within the EU;

F. whereas the employment rate in the euro area grew by 1,4 % in 2016; whereas in March 2017 the unemployment rate stood at 9,5 %, down from 10,2 % in March 2016; whereas despite recent improvements, unemployment rates have not yet returned to pre-crisis levels;

G. whereas the employment rate grew by 1,2 % in 2016 in the EU-28, and 234,2 million people were in employment in the first quarter of 2017, the highest number ever recorded ([1]); whereas, however, the considerable number of jobs created in relation to economic growth hides challenges, such as the incomplete recovery in hours worked and modest productivity growth; whereas if lasting, these factors may put additional pressure on long-run economic growth aspects and social cohesion in the EU ([2]);

H. whereas employment rates are generally lower among women: in 2015, the employment rate for men aged 20-64 stood at 75,9 % in the EU-28, as compared with 64,3 % for women;

I. whereas in March 2017 the youth unemployment rate in the euro area was 19,4 %, compared with 21,3 % in March 2016; whereas youth unemployment remains unacceptably high; whereas in 2015 the share of NEETs remained high and represented 14,8 % of 15-29 year olds, namely 14 million people; whereas NEETs are estimated to cost the Union EUR 153 billion (1,21 % of GDP) a year — in benefits and foregone earnings and taxes ([3]), while the total estimated cost

([1]) Employment and Social Developments in Europe, Annual Review 2017, p. 11.
([2]) Ibid., p. 46.
([3]) Eurofound report on youth unemployment.

of establishing Youth Guarantee schemes in the euro area is EUR 21 billion a year, or 0,22 % of GDP; whereas EUR 1 billion is currently allocated to the Youth Employment Initiative, a sum which is to be matched by EUR 1 billion from the European Social Fund for the period 2017-2020;

J. whereas although long-term unemployment in the EU-28 decreased from 5 % in 2014 to 4 % in 2016, it remains a concern, accounting for almost half of total unemployment; notes with concern that the very long-term unemployment rate of 2,5 % in 2016 is still 1 % more than the 2008 figure; whereas wide disparities remain among the Member States;

K. whereas in many Member States, the size of the working-age population and the labour force is continuing to shrink, notably as a result of low birth rates; whereas the employability of women, together with the ongoing arrival of migrants, refugees and asylum seekers, are opportunities for Member States to deal with this issue and reinforce the workforce in the EU;

L. whereas one of the five Europe 2020 targets aims to reduce by at least 20 million the number of people in or at risk of poverty and social exclusion; whereas poverty is decreasing, with 4,8 million fewer people at risk of poverty and social exclusion in 2015 than in 2012; whereas this 2015 figure still exceeds the 2008 figure by 1,6 million; whereas 32,2 million persons with disabilities were at risk of poverty and social exclusion in the EU in 2012; whereas in 2013, 26,5 million children in the EU-28 were at risk of falling into poverty or social exclusion; whereas the at-risk-of-poverty or -exclusion rate is still unacceptably high at 23,7 %, with figures remaining very high in some Member States; whereas, moreover, energy poverty remains so high that for the 11 % of the EU population concerned, it leads to a cycle of economic disadvantage;

M. whereas labour market conditions and performances show substantial differences across Member States, though these disparities are decreasing;

N. whereas new forms of employment and labour are becoming more widespread with the digital revolution of the labour market;

1. Welcomes the improved performance of the European economy, which is increasingly broadly based, supported by moderate GDP growth, surpassing the pre-crisis level, and decreasing, yet still high, unemployment rates; considers that the positive trend is due to the policies in the last few years; notes that the modest recovery, however, remains fragile and uneven across society and regions, while the development of GDP per capita is close to stagnation; regrets that economic developments remain burdened by the legacies of the crisis; notes that despite substantial progress debt levels in many Member States remain above the threshold as specified in the Stability and Growth Pact;

2. Notes with concern that GDP and productivity growth rates remain below full potential and underlines that therefore there should be no complacency, and that this moderate recovery requires relentless efforts if it is to achieve greater resilience and medium to long-term sustainability through higher growth and employment;

3. Notes that Europe harbours untapped economic potential as growth and employment are advancing unevenly; underlines that this is the result of the heterogeneous performance of the Member States' economies; emphasises that the implementation of socially-balanced structural reforms and increased private and public investment both in the Member States and at the EU level could facilitate at least 1 % higher growth; recalls that economic and fiscal policy coordination in order to contribute to ensuring convergence and stability in the EU should remain a top priority of the European Semester;

4. Takes the view that a greater degree of upward convergence and overall competitiveness would also be needed to sustain the recovery in the EU and the euro area in the longer term; considers that the existing economic and employment indicators are crucial to ensure sustainable and inclusive growth;

5. Considers that for this to materialise the structural conditions for growth need to be improved; takes the view that the potential growth of all Member States should increase in the long term to at least 3 %; for this to happen, a stronger focus must be put on economic convergence, where establishing clear benchmarks on how to improve the potential growth of Member States could provide the necessary guidance for policy actions; points out that such a regular benchmarking exercise would have to take due account of individual structural strengths and weaknesses of Member States and pursue inclusive and sustainable growth; it should include areas such as the digital economy, the services sector, the energy market, but also the quality of public services, conditions for investment, the inclusiveness and preparedness of education systems;

6. Emphasises that this would complement ongoing efforts on improving the quality and management of national budgets by addressing the triggers for growth in line with Union fiscal rules and with full respect of its existing flexibility clauses;

Structural policies

7. Considers that the uneven growth and employment situation in the euro area requires better coordination of economic policies, in particular through improved and consistent national ownership and sound implementation of the country-specific recommendations (CSR), also with a view to promoting upward convergence, including through the better implementation and fulfilment of EU law; highlights that reforms need to take due account of the specific situation and challenges in each Member State; calls on the Commission to ensure the consistency between structural reforms and EU spending; recalls in this perspective also the importance of technical assistance in order to help Member States build capacity and converge a partnership-based approach could ensure greater accountability and ownership for the outcome of the implementation of CSRs;

8. Notes that youth unemployment remains too high across the countries of the euro area and points out that an elevated, persistent youth unemployment represents a long-term structural risk; agrees that addressing the legacy of the crisis, from long-term unemployment, employment not making full use of skills and abilities, and ageing societies to high levels of private and public debt, remains an urgent priority, which calls for the implementation of sustainable and inclusive reforms;

9. Is of the opinion that legacies from the crisis such as a high level of indebtedness and unemployment in some sectors of the economy still act as a drag on sustainable growth and pose potential downward risks; calls on Member States to reduce excessive levels of indebtedness; is concerned in this regard that the persistently high level of non-performing loans (NPLs) in some Member States could have significant spill-over effects from one Member State to another, and between banks and sovereigns presenting a risk to financial stability in Europe; notes that capital buffers in the financial sector have been strengthened, but challenges arise from low profitability, coupled with high levels of NPLs; is convinced that an EU strategy to tackle NPLs could provide for a more comprehensive solution combining a mix of complementing policy actions at national level and at European level where appropriate;

10. Takes the view that reforms and initiatives to improve the business climate are needed to help boost productivity, price and non-price competitiveness, investment and employment in the euro area; believes additional efforts are required to boost access of SMEs to finance, which is a crucial factor for businesses to innovate and expand; underlines in this context the importance of future-oriented reforms that are adapted to the supply- and demand-sides;

11. Considers that well-functioning and productive labour markets, combined with an adequate level of social protection and dialogue, help to increase employment and ensure sustainable growth; underlines the importance of maintaining the high employment rates where they have already been achieved; notes that skills shortage, ageing societies as well as a number of other challenges also put a strain on further employment growth and reduction of unemployment levels across the Member States;

12. Stresses the importance of responsible and growth-friendly wage developments, providing a good standard of living, in line with productivity taking account of competitiveness; takes note of the fact that wage growth is forecast to be relatively moderate; considers that productivity growth ought to be a priority objective of structural reforms; agrees with the Commission that there is room for wage increases that could have related positive effects on aggregate consumption;

13. Stresses that taxation levels should also support competitiveness, investments and job creation; calls for reforms in taxation with a view to improving tax collection, preventing tax avoidance, tax evasion and aggressive tax planning, as well as tackling the high tax burden on labour in Europe while ensuring the sustainability of social protection systems; believes that lowering the tax burden on labour would increase employment and foster growth; underlines that fiscal stimulus, where possible, including through lower taxes, can support domestic demand, social security, and supply of investments and labour;

Investment

14. Agrees that the economic upswing needs to be supported by public and private investment, particularly in innovation, and notes that there is still an investment gap in the euro area; welcomes the fact that in some Member States investments already exceed the pre-crisis level, and regrets that in others Member States investment is still lagging behind or not picking up at the necessary speed; underlines that also further measures are needed to address the 'investment gap' accumulated since the outbreak of the crisis;

15. Considers that reforms removing bottlenecks to private and public investment would allow for immediate support for economic activity and at the same time help to set the conditions for long-term sustainable growth; points out that investments in education, innovation, and R&D would allow to better adapt to the knowledge economy; stresses further that the completion of the Capital Markets Union is a crucial factor to attract and to increase investment, and improve the financing of growth and jobs;

16. Considers research, technology and education to be of vital importance to the long-term economic development of the euro area; stresses the disparities between Member States in investment in these areas and points out that investment would contribute to the development of innovation and allow to better adapt to the knowledge economy, in line with the Europe 2020;

17. Welcomes that the timely agreement on the revised European Fund for Strategic Investments (EFSI) will help to improve the effectiveness of this instrument and to address shortcomings experienced in its implementation so far by facilitating the financing of more projects with strong potential, ensuring a strict enforcement of additionality, and to enhance geographical coverage and take-up, supporting investments that otherwise would not have been realized;

18. Notes the different objectives of the European Structural and Investment Funds (ESIFs) compared to EFSI and therefore likewise the continued importance of ESIFs, including to support sustainable structural reforms;

19. Stresses that a fully functioning Capital Markets Union can, in a longer perspective, provide new financing to SMEs, complementing that of the banking sector; Stresses that SMEs are the backbone of the European economy, and considers therefore that increasing their access to finance and by fighting the business uncertainty connected to their activities should be one of the key priorities, in order to improve competitiveness in the euro area; emphasises the need to reduce red tape, streamline government services and make them more efficient;

Fiscal policies

20. Considers that prudent and foresighted fiscal policies play a fundamental role for the stability of the euro area and the Union as a whole; underlines that strong coordination of fiscal policies, the proper implementation and compliance with the Union rules, including the full respect of its existing flexibility clauses, in this area are a legal requirement and key to the proper functioning of Economic and Monetary Union (EMU);

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21. Welcomes in this regard the fact that public finances appear to be improving as government deficits in the euro area are projected to decline; however, efforts to reduce the debt burden need to continue while promoting economic growth in order to prevent Member States from being vulnerable to external shocks;

22. Agrees with the Commission that the government debt remains high in some Member States and that there is a need to make public finances sustainable, while promoting economic growth and jobs; points out in this context that low interest rate payments, accommodative monetary policies, one-off measures and other factors alleviating the current debt burden are only temporary and highlights therefore that there is the need to make public finances sustainable, also take into account future liabilities and aim at long-term growth; points out that there is the possibility of rising costs of debt service; underlines importance of bringing down overall debt levels;

23. Underlines that the fiscal stances at national and euro-area level must balance the long-term sustainability of public finances in full compliance with the Stability and Growth Pact, respecting its provisions made for flexibility, with short-term macroeconomic stabilisation;

24. Points out that the current aggregate fiscal stance for the euro remained broadly neutral in 2016 and is set to remain so in 2017; reminds that the Commission called in its 2016 communication for a positive fiscal stance, while the Eurogroup after concluding that the broadly neutral fiscal stance in 2017 striked an appropriate balance agreed to underline the importance to strike an appropriate balance between the need to ensure sustainability and the need to support investment to strengthen the recovery thereby contributing to a more balanced policy mix; in this context, takes note of the first assessment of the prospective fiscal stance appropriate for the euro area by the independent European Fiscal Board (EFB) of 20 June 2017; calls on the Commission and Member States to envisage a fiscal stance appropriate to the respective circumstances;

25. Emphasises, however, that the aggregate view should take into account the heterogeneous situation across Member States and the need to differentiate the fiscal policies required by each Member State; emphasises that the concept of an aggregate fiscal stance does not imply that surpluses and deficits in different Member States off-set each other;

Country-specific recommendations

26. Notes that over time Member States have made at least 'some progress' with two thirds of the 2016 recommendations; takes however the view that the implementation of the CSRs is still lagging behind and thereby hindering the convergence process in the euro area; takes the view that the Member States bear the responsibility for the consequences of non-implementation of CSRs and expects therefore a greater commitment by Member States to take the necessary policy actions based on the agreed CSRs;

27. Recognises that Member States have made progress in the implementation of CSRs in the area of fiscal policy and active labour market policies, while not enough progress was made in areas such as competition in services and the business environment; expects a greater commitment on the part of Member States to take the necessary policy actions based on the CSRs, whose implementation is crucial to addressing imbalances in the euro area;

28. Welcomes the Commission's recommendation to close the Excessive Deficit Procedures for several Member States; welcomes past and ongoing fiscal and reform efforts that have led those Member States to exiting the EDP, yet insists that these efforts will need to continue to ensure sustainable public finances also in the long term, while promoting growth and job creation; calls on the Commission to ensure the proper implementation the Stability and Growth Pact by applying its rules in a consistent manner;

29. Notes that 12 Member States are experiencing macroeconomic imbalances of varying nature and severity, while excessive imbalances exist in six Member States; takes note of the Commission's conclusion that there are currently no grounds for stepping up the macroeconomic imbalance procedure for any Member State;

30. Highlights that the macroeconomic imbalance procedure (MIP) is aimed at preventing imbalances within Member States with a view to avoiding negative spill-over effects to other Member States;

31. Considers it of essential therefore that all Member States take the necessary policy action to address macro-economic imbalances, in particular high levels of indebtedness, current account surpluses and competitiveness imbalances, and commit to socially-balanced and inclusive structural reforms ensuring the economic sustainability of each individual Member State, thereby ensuring the overall competitiveness and resilience of the European economy;

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Employment and Social Policies

32. Takes the view that continuous efforts are needed to achieve a balance between the economic and social dimensions of the European Semester process and to promote socially and economically balanced structural reforms that reduce inequalities and promote decent jobs leading to quality employment, sustainable growth and social investment; supports using the Social Scoreboard within the framework of the European Semester; calls for a greater focus on structural imbalances on the labour market in the country-specific recommendations (CSRs);

33. Reiterates the call for the three new headline employment indicators to be placed on an equal footing with existing economic indicators, thereby guaranteeing that internal imbalances are better assessed and making structural reforms more effective; proposes introducing a non-punitive social imbalances procedure in the design of the CSRs so as to prevent a race to the bottom in terms of social standards, building on an effective use of the social and employment indicators in macroeconomic surveillance; notes that inequality has intensified in around ten Member States and is one of the main socio-economic challenges in the EU ([1]);

34. Highlights the fact that socially and economically responsible reforms must be based on solidarity, integration and social justice; stresses that reforms should also take into account sustained support for social and economic recovery, create quality employment, boost social and territorial cohesion, protect vulnerable groups and improve living standards for all citizens;

35. Believes that the European Semester process should help to address not only existing but also emerging societal challenges in order to ensure greater economic efficiency coupled with a more socially cohesive European Union; acknowledges, in this respect, the need for an assessment of the social impact of EU policies;

36. Calls on the Commission to secure adequate funding for fighting youth unemployment, which remains unacceptably high in the EU, and to continue the Youth Employment Initiative (YEI) beyond the end of the current multiannual financial framework (MFF), while at the same time improving its functioning and implementation and taking into account the latest findings of the European Court of Auditors' special report on youth employment and the use of the YEI; calls on the Member States to implement the recommendations of the European Court of Auditors and to ensure that the Youth Guarantee is fully accessible; regrets budget shifts out of the European Social Fund (ESF), including the YEI, towards the European Solidarity Corps, which should instead be financed by all financial means available under the existing MFF Regulation; stresses the need for a qualitative and quantitative assessment of the jobs created; stresses that EU funding should not be used to replace national social welfare payments;

([1]) Employment and Social Developments in Europe, Annual Review 2017, p. 47.

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37. Underlines the fact that the implementation of the Youth Guarantee should be strengthened at national, regional and local level, and stresses its importance for school-to-work transitions; points out that special attention has to be paid to young women and girls, who could face gender-related barriers to obtaining a good-quality offer of employment, continued education, an apprenticeship or a traineeship; emphasises the need to ensure that the Youth Guarantee reaches young people facing multiple exclusions and extreme poverty;

38. Calls on the Member States to implement the proposals contained in the Council Recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market ([1]);

39. Considers that the scope, efficiency and effectiveness of active and sustainable labour market policies should be increased with proper and adequate funding with a focus on environmental, employer, worker, health and consumer protection; takes the view that the phenomenon of in-work poverty must be addressed;

40. Regrets the fact that the social economy has been overlooked by the Commission in its package of assessments/recommendations; points out that this sector encompasses 2 million businesses which employ more than 14 million people and contribute to the achievement of the 2020 targets; calls on the Commission and the Member States to give social economy enterprises greater recognition and a higher profile, through a European Action Plan for the social economy; considers that this lack of recognition makes it harder for them to access funding; calls on the Commission to come forward with a proposal for a European statute for associations, foundations and mutual societies;

41. Recalls the need to support and enhance social dialogue, collective bargaining and the position of workers in wage-setting systems, which play a critical role in achieving high-level working conditions; emphasises that labour law and high social standards have a crucial role to play in the social market economy, supporting incomes and encouraging investment in capacity; stresses that EU law must respect trade union rights and freedoms, comply with collective agreements in line with Member States' practices and uphold equal treatment in employment and occupation;

42. Calls on the Commission to build on Parliament's resolution by putting forward ambitious proposals for a strong European Pillar of Social Rights and by fully pursuing the social objectives of the Treaties in order to improve everyone's living and working conditions and provide good opportunities for all;

43. Warns of the declining wage share in the EU, the widening wage and income inequalities and the increase of in-work poverty; recalls that both the UN's 1948 Universal Declaration of Human Rights and the ILO's 1919 Constitution recognise the need for workers to earn a living wage, and that all human rights declarations agree that remuneration should be sufficient to support a family;

44. Stresses that wages must enable workers to meet their needs and those of their families and that every worker in the European Union should receive a living wage that not only provides for the mere necessities of basic food, shelter and clothing, but that is also sufficient to cover healthcare, education, transportation, recreation and some savings to help provide for unforeseen events, such as illnesses and accidents; emphasises that this is the decent living standard that living wages should provide for workers and their families in the EU;

45. Asks the Commission to study how to identify what a living wage could encompass and how it should be measured, with a view to establishing a reference tool for social partners and to help exchange best practices in this regard;

46. Recalls that decent wages are important not only for social cohesion, but also for maintaining a strong economy and a productive labour force; calls on the Commission and the Member States to implement measures to improve job quality and reduce wage dispersion;

([1]) OJ C 67, 20.2.2016, p. 1.

47. Points to the continuous need for better coordination at European level of social security systems, for which the Member States are responsible; stresses the absolute priority of ensuring the sustainability and fairness of social security systems, these being central pillars of a European social model; highlights that adequate, sustainable pensions are a universal right; calls on the Member States to ensure adequate and sustainable pensions in the light of continued demographic change; underlines the fact that pension systems should ensure an adequate retirement income above the poverty threshold and allow pensioners to maintain a proper standard of living; believes that the best way to ensure sustainable, safe and adequate pensions for women and men is to increase the overall employment rate and the number of decent jobs available across all age groups, and to improve working and employment conditions; points out that gender pension gaps remain significant and have negative social and economic consequences; highlights, in this regard, the importance of women's integration into the labour market and other adequate measures to combat the gender-pay gap and old-age poverty; believes that reforms of pension systems and the retirement age in particular should also reflect labour market trends, birth rates, health and wealth circumstances, working conditions and the economic dependency ratio;

48. Considers that these reforms must also take account of the situation of millions of workers in Europe, particularly women, youngsters and the self-employed, suffering insecure employment, periods of involuntary unemployment and working-time reduction;

49. Calls on the Commission to continue to pay particular attention to the improvement of childcare services and to flexible working time arrangements, to the needs of aging men and women and other dependent persons as regards long-term care;

50. Highlights the fact that insufficient and inadequately focused investment in skills development and lifelong learning, particularly digital skills and programming and other skills needed in growing sectors, such as the green economy, may undermine the Union's competitive position; calls on the Member States to ensure a better exchange of knowledge, best practices and cooperation at EU level, so as to help foster skills development through the updating of qualifications and corresponding education, training programmes and curricula; notes the importance of skills and competences acquired in non-formal and informal learning environments; stresses, therefore, the importance of creating a validation system for non-formal and informal forms of knowledge, especially those acquired via voluntary activities;

51. Takes the view that better skills matching and improved mutual recognition of qualifications is necessary to address skills shortages and mismatches; highlights the role that vocational education and training (VET) and apprenticeships can play in this regard; calls on the Commission to develop a pan-European skills needs forecasting tool, including the skills needed in growing sectors; believes that in order to anticipate future skills needs, all labour market stakeholders must be strongly involved at all levels;

52. Urges the Commission to put in place all suitable mechanisms for greater mobility among young people, apprenticeships included; calls on the Member States to support apprenticeships and to fully use the Erasmus+ funds available for apprentices in order to guarantee the quality and attractiveness of this kind of training; calls for better implementation of the EURES regulation; highlights that better collaboration of public administrations and stakeholders at local level and better synergies among levels of governments would increase the outreach and impact of the programmes;

53. Takes the view that access to and quality of education should be improved; recalls that the role of the Member States is to ensure affordable access to quality education and training, notwithstanding the labour market needs across the EU; notes that increased efforts are required in many Member States to educate the workforce, including adult education and vocational training opportunities; places particular emphasis on life-long learning, including for women, as it provides the opportunity to re-skill in an ever-changing labour market; calls for further targeted promotion of science, technology, engineering and mathematics (STEM) subjects towards girls, in order to address existing education stereotypes and combat long-term gender employment, pay and pensions gaps;

54. Stresses the need to invest in people as early as possible in the life cycle in order to reduce inequality and foster social inclusion at a young age; calls, therefore, for access to quality, inclusive and affordable early childhood education and care services for all children in all Member States; stresses, moreover, the need to fight against stereotypes from the youngest age at school by promoting gender equality at all levels of education; encourages the Commission and the Member States to fully implement the Recommendation on Investing in Children and to monitor its progress closely; calls on the Commission and the Member States to develop and introduce initiatives such as a Child Guarantee, placing children at the centre of existing poverty alleviation policies;

55. Underlines the profound changes ushering in the labour market of the future following the emergence of artificial intelligence; calls on the Member States and the Commission to develop instruments and cooperative initiatives, involving the social partners, to enhance skills in this sector by means of preliminary, initial and ongoing training;

56. Calls, to this end and as a means of achieving a work-life balance, for consideration to be given to flexicurity arrangements, including teleworking and flexitime, in consultation with the social partners;

57. Highlights the importance of investment in human capital — a driving force behind development, competitiveness and growth;

58. Emphasises that a better work-life balance and strengthened gender equality are essential for supporting the participation of women in the labour market; underlines the fact that the key to women's economic empowerment is the transformation and adaptation of the labour market and welfare systems in order to take into account women's life cycles;

59. Welcomes the proposal for a directive on a work-life balance and regards it as a positive first step forward in ensuring reconciliation of work and private life for those men and women caring for their children and other dependents, as well as in increasing the participation of women in the labour market; insists that securing appropriate remuneration and strong social security and protection are key to achieving these goals;

60. Calls on the Commission and the Member States to develop transformative policies and invest in awareness-raising campaigns to overcome gender stereotypes and promote a more equal sharing of care and domestic work, and to focus, moreover, on the right of and need for men to take up care responsibilities without being stigmatised or penalised;

61. Calls on the Member States to put in place proactive policies and appropriate investment tailored and designed to support women and men entering, returning to, and staying in the labour market, after periods of family and care-related types of leave, with sustainable and quality employment, in line with Article 27 of the European Social Charter;

62. Calls on the Member States to step up protection against discrimination and unlawful dismissal relating to work-life balance; calls on the Commission and the Member States, in this context, to propose policies to improve the enforcement of anti-discrimination measures in the workplace, including by raising awareness of legal rights regarding equal treatment by conducting information campaigns, reversing the burden of proof and empowering national equality bodies to conduct, on their own initiative, formal investigations into equality issues and to help the potential victims of discrimination;

63. Underlines the fact that the integration of long-term unemployed individuals through individually tailored measures is a key factor for fighting poverty and social exclusion and will ultimately contribute towards the sustainability of national social security systems; deems such integration necessary, in view of the social circumstances of these citizens and their needs in terms of sufficient incomes, adequate housing, public transport, health and childcare; stresses the need for better monitoring at European level of the policies implemented at the national level;

64. Stresses the importance of understanding new forms of employment and work, and of collecting comparable data on this issue, in order to render labour market legislation more efficient and to ultimately increase employment and sustainable growth;

65. Calls for an integrated anti-poverty strategy in order to achieve the Europe 2020 poverty target; underlines the role of Member States' minimum income schemes in seeking to reduce poverty, especially when combined with social inclusion measures that involve the beneficiaries; requests that the Member States work towards the progressive establishment of minimum income schemes which are not only adequate but ensure sufficient coverage and take-up; considers adequate minimum income to mean an income that is indispensable for living a life in dignity and for fully participating in society throughout the entire lifespan; points out that in order for a minimum income to be adequate, it must be above the poverty line, so as to meet people's fundamental needs, including non-monetary aspects, such as access to education and lifelong learning, decent housing, quality healthcare services, social activities and civic participation;

66. Calls for more efficient, targeted and more carefully monitored use of the European Structural and Investment Funds (ESI Funds) by national, regional and local authorities in order to promote investment in quality social, health, education and employment services, and to tackle energy poverty, increasing living costs, social exclusion, housing deprivation, and the insufficient quality of housing stock;

67. Calls on the Commission to support Member States in establishing specific investment programmes for their regions whose unemployment, youth unemployment and long-term unemployment rates exceed 30 %;

68. Calls on the Commission to devote the next Spring Council to social investment in the sectors where there is strong evidence to suggest that it promotes social and economic returns (e.g. early childhood education and care, primary and secondary education, training and active labour market policies, affordable and social housing, and healthcare);

69. Calls for an agenda that gives greater prominence to Parliament's position and that takes it into account before a decision is reached; calls for the role of the EPSCO Council to be strengthened within the European Semester;

70. Calls for additional joint efforts to improve the integration of migrants and people with a migrant background into the labour market;

Regional policies

71. Welcomes the fact that cohesion policy funding represents EUR 454 billion at current prices for the 2014-2020 period; stresses, however, that EU cohesion policy is not merely an instrument, but a long-term structural policy that is aimed at reducing regional development disparities and promoting investment, employment, competitiveness, sustainable development and growth, and that it is the most important and comprehensive policy for strengthening economic, social and territorial cohesion in all Member States, without any distinction between those inside and outside the euro area; recalls that the EU budget is 50 times smaller than total EU-28 government expenditure, amounting to approximately 1 % of EU-28 GDP; stresses, therefore, that synergies should be established between EU and Member State budgets, policy priorities, and actions and projects aimed at fulfilling EU targets, while keeping the economic and social dimensions of the EU policy framework balanced; points out that co-financing requirements under the ESI Funds are an important mechanism for establishing synergies; is of the opinion that the unity of the EU budget should be preserved; welcomes the measures introduced in the current programming period to better align cohesion policy with the Europe 2020 strategy for smart, sustainable and inclusive growth;

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

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Negotiating mandate for trade negotiations with Australia

European Parliament resolution of 26 October 2017 containing the Parliament's recommendation to the Council on the proposed negotiating mandate for trade negotiations with Australia (2017/2192(INI))

(2018/C 346/27)

The European Parliament,

— having regard to the Commission Communication of 14 October 2015 entitled 'Trade for All — Towards a more responsible trade and investment policy' (COM(2015)0497),

— having regard to the joint statement of 15 November 2015 by the President of the Commission, Jean-Claude Juncker, the President of the European Council, Donald Tusk, and the Prime Minister of Australia, Malcolm Turnbull,

— having regard to the EU-Australia Partnership Framework of 29 October 2008 as well as to the EU-Australia Framework Agreement concluded on 5 March 2015,

— having regard to other EU-Australia bilateral agreements, in particular the Agreement on mutual recognition in relation to conformity assessment, certificates and markings and the Agreement on trade in wine,

— having regard to the Commission's Trade Package published on 14 September 2017 in which the Commission committed to making all future trade negotiating mandates public,

— having regard to its earlier resolutions, in particular that of 25 February 2016 on the opening of free trade agreement (FTA) negotiations with Australia and New Zealand ([1]), and its legislative resolution of 12 September 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and Australia amending the Agreement on mutual recognition ([2]),

— having regard to the communiqué issued following the G20 meeting of Heads of State or Government held in Brisbane on 15-16 November 2014,

— having regard to the joint declaration of 22 April 2015 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Australian Foreign Minister entitled 'Towards a closer EU-Australia Partnership',

— having regard to Opinion 2/15 of the Court of Justice of the European Union (CJEU) of 16 May 2017 on the Union competence to sign and conclude the Free Trade Agreement with Singapore ([3]),

— having regard to the Commission's study of 15 November 2016 on the cumulative effects of future trade agreements on EU agriculture,

— having regard to Articles 207(3) and 218 of the Treaty on the Functioning of the European Union (TFEU),

([1]) Texts adopted P8_TA(2016)0064.
([2]) OJ C 353 E, 3.12.2013, p. 210.
([3]) ECLI:EU:C:2017:376.

— having regard to Rule 108(3) of its Rules of Procedure,

— having regard to the report of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A8-0311/2017),

A. whereas the EU and Australia work together in tackling common challenges across a broad spectrum of issues and cooperate in a number of international fora, including on trade policy issues in the multilateral arena;

B. whereas the EU is Australia's third largest trading partner, with annual bilateral trade amounting to more than EUR 45,5 billion in 2015, with a positive trade balance of more than EUR 19 billion on the EU side;

C. whereas in 2015 EU foreign direct investment stock in Australia amounted to EUR 145,8 billion;

D. whereas Australia is in the process of acceding to the Agreement on Government Procurement;

E. whereas the EU concluded negotiations on the EU-Australia Framework Agreement (FA) on 22 April 2015;

F. whereas the European agricultural sector and certain agricultural products, such as beef, lamb, dairy products, cereals and sugar — including special sugars — are particularly sensitive issues in these negotiations;

G. whereas Australia is the world's third largest exporter of both beef and sugar, and is a major player in the global export market for dairy products and cereals;

H. whereas the EU and Australia are engaged in plurilateral negotiations to liberalise further trade in green goods (Environmental Goods Agreement) and trade in services (Trade in Services Agreement);

I. whereas Australia is a party to the concluded negotiations for a Trans-Pacific Partnership (TPP), the future of which remains uncertain, and the ongoing negotiations on a Regional Comprehensive Economic Partnership (RCEP) in the Asia-Pacific region, uniting Australia's most important trading partners; whereas Australia has had a free trade agreement in place with China since 2015;

J. whereas Australia made significant commitments in TPP to promote the long-term conservation of certain species and to tackle illegal wildlife trafficking through enhanced conservation measures, and whereas it also laid down requirements for the effective enforcement of environmental protection and to engage in enhanced regional cooperation; whereas such commitments should serve as a benchmark for the EU-Australia FTA provisions;

K. whereas Australia is among the EU's oldest and closest partners, sharing common values and a commitment to promoting prosperity and security within a global rules-based system;

L. whereas Australia has ratified and implemented the main international covenants on human, social and labour rights and on environmental protection and fully respects the rule of law;

M. whereas Australia is one of only six WTO members which has no preferential access as yet to the EU market or negotiations in progress to that end;

N. whereas, following the joint statement of 15 November 2015, a scoping exercise was launched to investigate the feasibility of and shared ambition towards launching negotiations for a free trade agreement between the EU and Australia; whereas the scoping exercise has been concluded;

O. whereas Parliament will be required to decide whether to give its consent to the potential EU-Australia FTA;

The strategic, political and economic context

1. Underlines the importance of deepening relations between the EU and the Asia-Pacific region, among other things, in order to foster economic growth within Europe and stresses that this is reflected in the EU's trade policy; recognises that Australia is a key part of this strategy and that widening and deepening trade relations can help to meet this goal;

2. Commends Australia for its strong and consistent commitment to the multilateral trade agenda;

3. Considers that the full potential of the Union's bilateral and regional cooperation strategies can only be realised by adhering to rules- and values-based trade and that concluding a high-quality, ambitious, balanced and fair FTA with Australia in a spirit of reciprocity and mutual benefit, while under no circumstances undermining the ambition to achieve progress multilaterally or the implementation of already concluded multilateral and bilateral agreements, is a crucial part of those strategies; believes that deeper bilateral cooperation can be a stepping stone for further multilateral and plurilateral cooperation;

4. Believes that the negotiation of a modern, deep, ambitious, balanced, fair and comprehensive FTA is a suitable way of deepening the bilateral partnership and further reinforcing the existing, already mature bilateral trade and investment relationships; takes the view that these negotiations could serve as an example for a new generation of free trade agreements, stressing the importance of raising ambitions further, pushing the boundaries for what a modern FTA entails, considering Australia's highly developed economy and regulatory environment;

The scoping exercise

5. Notes the conclusion of the EU-Australia scoping exercise on 6 April 2017 to the mutual satisfaction of the Commission and the Government of Australia;

6. Welcomes the Commission's timely conclusion and publication of the impact assessment, with a view to being able to provide a comprehensive evaluation of possible gains and losses resulting from enhanced EU-Australia trade and investment relationships for the benefit of the population and businesses on both sides, including the outermost regions and the overseas countries and territories, while paying special attention to social and environmental impacts, including on the EU labour market and to anticipate and take into account the impact that Brexit might have on the trade and investment flows from Australia to the EU, in particular when preparing the exchange of offers and calculating quotas;

A mandate for negotiations

7. Calls on the Council to authorise the Commission to start negotiations for a trade and investment agreement with Australia on the basis of the outcome of the scoping exercise, the recommendations set out in this resolution, the impact assessment and clear targets;

8. Welcomes the Commission decision to emphasise that green box payments are not trade distortive and should not be targeted by anti-dumping or anti-subsidy measures;

9. Calls on the Council to fully respect the distribution of competences between the EU and its Member States, as can be deduced from CJEU Opinion 2/15 of 16 May 2017, in its decision on the adoption of the negotiating directives;

10. Calls on the Commission and the Council to put forward a proposal as soon as possible about the general future architecture of trade agreements taking into account CJEU Opinion 2/15 on the EU-Singapore FTA, and to clearly distinguish between a trade and liberalisation of foreign direct investment (FDI) agreement, containing only issues that fall within the EU's exclusive competence, and a potential second agreement which covers subjects whose competences are shared with Member States; stresses that such a distinction would have implications for the parliamentary ratification process and that it is not intended to circumvent national democratic processes, but is a matter of democratic delegation of responsibilities based on the European treaties; calls for Parliament to be closely involved in all ongoing and future FTA negotiations at all stages of the process;

11. Calls on the Commission, when presenting the finalised agreements for signature and conclusion, and on the Council, when deciding on signature and conclusion, to fully respect the distribution of competences between the EU and its Member States;

12. Calls on the Commission to conduct negotiations as transparently as possible while not undermining the Union's negotiating position, guaranteeing at least the level of transparency and public consultation implemented for the Transatlantic Trade and Investment Partnership (TTIP) negotiations with the USA through constant dialogue with social partners and civil society, and to fully respect best practice as established in other negotiations; welcomes the Commission's initiative to publish all its recommendations for negotiating directives for trade agreements and considers this a positive precedent; urges the Council to follow suit and publish the negotiating directives immediately after their adoption;

13. Stresses that an FTA must lead to improved market access and trade facilitation on the ground, create decent jobs, ensure gender equality for the benefit of the citizens on both sides, encourage sustainable development, uphold EU standards, safeguard services of general interest, and respect democratic procedures while boosting EU export opportunities;

14. Emphasises that an ambitious agreement must address, in a meaningful way, investment, trade in goods and services (drawing on recent European Parliament recommendations as regards policy space reservations and sensitive sectors), customs and trade facilitation, digitalisation, e-commerce and data protection, technology research and support for innovation, public procurement, energy, state-owned enterprises, competition, sustainable development, regulatory issues, such as high-quality sanitary and phytosanitary standards and other norms in agricultural and food products without weakening the EU's high standards, robust and enforceable commitments on labour and environmental standards, and the fight against tax avoidance and corruption while remaining within the scope of the Union's exclusive competence, all while giving special consideration to the needs of micro-enterprises and SMEs;

15. Calls on the Council to explicitly recognise the other party's obligations towards indigenous peoples in the negotiating directives and to allow for reservations for domestic preference schemes in this regard; emphasises that the Agreement should reaffirm both parties' commitment to ILO Convention 169 on the Rights of Indigenous Peoples;

16. Stresses that inadequate fisheries management and illegal, unreported and unregulated (IUU) fishing can have significant negative impacts on trade, development and the environment, and that the parties must undertake meaningful commitments to protect sharks, rays, turtles, and marine mammals and to prevent overfishing, overcapacity, and IUU fishing;

17. Underlines that the principle of the Three Rs (3R), to replace, reduce and refine the use of animals for scientific purposes, is firmly anchored in EU legislation; stresses that it is vital that existing EU measures on animal testing and research are not dismantled or diminished, that future regulations on animal use are not restricted and that EU research establishments are not put at a competitive disadvantage; contends that the parties must seek the regulatory alignment of 3R best practice in order to increase testing efficiency, reduce costs and reduce the need for animal use;

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18. Insists on the need to include measures designed to eliminate the counterfeiting of agro-food products;

19. Stresses that, for an FTA to be truly advantageous to the EU's economy, the following aspects should be included in the negotiating directives:

(a) liberalisation of trade in goods and services and real market access opportunities for both sides in each other's goods and services market through the elimination of unnecessary regulatory barriers, while ensuring that nothing in the agreement prevents either side from regulating, in a proportionate manner, with a view to achieving legitimate policy objectives; this agreement must (i) not prevent the parties from defining, regulating, providing and supporting services in the general interest and must include explicit provisions thereon; (ii) neither require governments to privatise any service nor preclude governments from expanding the range of services they supply to the public; (iii) not prevent governments from bringing back under public control services that governments have previously chosen to privatise such as water, education, health and social services, or decrease the high health, food, consumer, environmental, labour and safety standards in the EU or limit public funding of the arts and culture, education, health and social services as has been the case with previous trade agreements; commitments should be made on the basis of the General Agreement on Trade in Services (GATS); highlights in this respect that the standards required of European producers must be preserved;

(b) as far as the agreement may include a domestic regulation chapter, the negotiators must not include necessity tests;

(c) commitments on anti-dumping and countervailing measures that go beyond WTO rules in this area, possibly excluding their application where sufficient common competition standards and cooperation are in place;

(d) reducing unnecessary non-tariff barriers and strengthening and extending regulatory cooperation dialogues on a voluntary basis wherever practicable and mutually beneficial, while not limiting the ability of each party to carry out its regulatory, legislative and policy activities, given that regulatory cooperation must aim to benefit the governance of the global economy through intensified convergence and cooperation on international standards and regulatory harmonisation, for example, through the adoption and implementation of the standards set by the UN Economic Commission for Europe (UNECE), while guaranteeing the highest level of consumer (e.g. food safety), environmental (e. g. animal health and welfare, plant health), social and labour protection;

(e) significant concessions on public procurement at all levels of government, including state-owned enterprises and undertakings with special or exclusive rights guaranteeing market access for European companies in strategic sectors and the same degree of openness as that of the EU's public procurement markets, given that simplified procedures and transparency for bidders, including those from other countries, can also be effective tools for preventing corruption and fostering integrity in public administration while providing value for money to taxpayers, in terms of the quality of delivery, efficiency, effectiveness and accountability; guarantees that ecological and social criteria are applied in awarding public procurement contracts;

(f) a separate chapter taking into account the needs and interests of micro-enterprises and SMEs with regard to market access facilitation issues including, but not limited to, increased compatibility of technical standards, and streamlined customs procedures with the aim of generating concrete business opportunities and fostering their internationalisation;

(g) in view of CJEU Opinion 2/15 on the EU-Singapore FTA that trade and sustainable development fall within the EU's exclusive competence and that sustainable development forms an integral part of the EU's common commercial policy, a robust and ambitious sustainable development chapter is an indispensable part of any potential agreement; provisions for effective tools for dialogue, monitoring and cooperation, including binding and enforceable provisions which are subject to suitable and effective dispute settlement mechanisms, and consider, among various enforcement methods, a sanctions-based mechanism, while enabling social partners and civil society to participate appropriately, as

well as close cooperation with experts from relevant multilateral organisations; provisions in the chapter covering the labour and environmental aspects of trade and the relevance of sustainable development in a trade and investment context, encompassing provisions that promote adherence to, and effective implementation of, relevant internationally agreed principles and rules, such as core labour standards, the four ILO priority governance conventions and multilateral environmental agreements, including those related to climate change;

(h) the requirement that the parties must promote corporate social responsibility (CSR), including with regard to internationally recognised instruments, and the uptake of sectoral OECD guidelines and the UN Guiding Principles on Business and Human Rights;

(i) comprehensive provisions on investment liberalisation within the Union's competence taking into account recent policy developments, for example, CJEU Opinion 2/15 on the EU-Singapore FTA of 16 May 2017;

(j) strong and enforceable measures covering the recognition and protection of intellectual property rights, including geographical indications (GIs) for wines and spirits and other agricultural and foodstuff products, taking as a benchmark the EU-Australia agreement's provisions on the wine sector, while striving to improve the existing legal framework and to ensure a high level of protection for all geographical indications; simplified customs procedures and simple and flexible rules of origin that are suitable for a complex world of global value chains (GVCs), including in terms of enhancing transparency and accountability within them, and applying wherever possible multilateral rules of origin or in other cases non-burdensome rules of origin such as a 'change of tariff subheading';

(k) a balanced and ambitious outcome in the agriculture and fisheries chapters which can only boost competitiveness and be beneficial to both consumers and producers, if it gives due consideration to the interests of all European producers and consumers, respecting the fact that there are a number of sensitive agricultural products which should be given appropriate treatment, for example, through tariff-rate quotas or allocated adequate transition periods, taking into proper consideration the cumulative impact of trade agreements on agriculture and potentially excluding from the scope of the negotiations the most sensitive sectors; the inclusion of a usable, effective, suitable and quick bilateral safeguard clause enabling the temporary suspension of preferences, if, as a result of the entry into force of the trade agreement, a rise in imports causes or threatens to cause serious injuries to sensitive sectors;

(l) ambitious provisions allowing for the full functioning of the digital ecosystem, and promoting cross-border data flows, including principles such as fair competition and ambitious rules for cross-border data transfers, in full compliance with, and without prejudice to, the EU's current and future data protection and privacy rules, given that data flows are crucial drivers of the services economy and are an essential element of the GVC of traditional manufacturing companies, and therefore unjustified localisation requirements should be curbed as much as possible; data protection and privacy are not a trade barrier but fundamental rights, enshrined in Article 39 TEU and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union;

(m) specific, unambiguous provisions on the treatment accorded to overseas countries and territories (OCTs) and the outermost regions (ORs) so as to ensure that due account is paid to their particular interests in the negotiations;

The role of Parliament

20. Stresses that following CJEU Opinion 2/15 on the EU-Singapore FTA, Parliament should see its role strengthened at every stage of the EU-FTA negotiations from the adoption of the mandate to the final conclusion of the agreement; looks forward to the launch of negotiations with Australia and to following them closely and contributing to their successful outcome; reminds the Commission of its obligation to inform Parliament immediately and fully at all stages of the negotiations (before and after the negotiating rounds); is committed to examining the legislative and regulatory issues that may arise in the context of the negotiations and the future agreement without prejudice to its prerogatives as a co-legislator; reiterates its fundamental responsibility to represent the citizens of the EU, and looks forward to facilitating inclusive and open discussions during the negotiating process;

21. Recalls that Parliament will be asked to give its consent to the future agreement, as stipulated by the TFEU, and that its positions should therefore be duly taken into account at all stages; calls on the Commission and the Council to request the consent of the Parliament before its application, while also integrating this practice into the interinstitutional agreement;

22. Recalls that Parliament will monitor the implementation of the future agreement;

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23. Instructs its President to forward this resolution to the Council and, for information, to the Commission and to the governments and parliaments of the Member States and the government and parliament of Australia.

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P8_TA(2017)0420

Negotiating mandate for trade negotiations with New Zealand

European Parliament resolution of 26 October 2017 containing Parliament's recommendation to the Council on the proposed negotiating mandate for trade negotiations with New Zealand (2017/2193(INI))

(2018/C 346/28)

The European Parliament,

— having regard to the Commission Communication of 14 October 2015 entitled 'Trade for All — Towards a more responsible trade and investment policy' (COM(2015)0497),

— having regard to the joint statement of 29 October 2015 by the President of the Commission, Jean-Claude Juncker, the President of the European Council, Donald Tusk, and the Prime Minister of New Zealand, John Key,

— having regard to the EU-New Zealand Joint Declaration on Relations and Cooperation of 21 September 2007 and to the EU-New Zealand Partnership Agreement on Relations and Cooperation (PARC) signed on 5 October 2016,

— having regard to the Commission's Trade Package published on 14 September 2017 in which the Commission committed to making all future trade negotiating mandates public,

— having regard to the EU-New Zealand Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters signed on 3 July 2017,

— having regard to other EU-New Zealand bilateral agreements, in particular the Agreement on sanitary measures applicable to trade in live animals and animal products and the Agreement on mutual recognition in relation to conformity assessment,

— having regard to its previous resolutions, in particular that of 25 February 2016 on the opening of free trade agreement (FTA) negotiations with Australia and New Zealand ([1]), and its legislative resolution of 12 September 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and New Zealand amending the Agreement on mutual recognition ([2]),

— having regard to the communiqué issued following the G20 meeting of Heads of State or Government held in Brisbane on 15-16 November 2014,

— having regard to the joint declaration of 25 March 2014 by President Van Rompuy, President Barroso and Prime Minister Key on deepening the partnership between New Zealand and the European Union,

— having regard to Opinion 2/15 of the Court of Justice of the European Union (CJEU) of 16 May 2017 on the Union competence to sign and conclude the Free Trade Agreement with Singapore ([3]),

— having regard to the Commission's study of 15 November 2016 on the cumulative effects of future trade agreements on EU agriculture published by the Commission,

([1]) Texts adopted, P8_TA(2016)0064.
([2]) OJ C 353 E, 3.12.2013, p. 210.
([3]) ECLI:EU:C:2017:376.

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— having regard to the draft report of its Committee on International Trade on a digital trade strategy (2017/2065(INI)),

— having regard to Articles 207(3) and 218 of the Treaty on the Functioning of the European Union,

— having regard to Rule 108(3) of its Rules of Procedure,

— having regard to the report of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A8-0312/2017),

A. whereas the EU and New Zealand work together in tackling common challenges across a broad spectrum of issues and cooperate in a number of international fora, including on trade policy issues in the multilateral arena;

B. whereas in 2015, the EU was New Zealand's second largest trading partner in goods after Australia, with trade in goods between the EU and New Zealand amounting to EUR 8,1 billion, and trade in services amounting to EUR 4,3 billion;

C. whereas in 2015 EU foreign direct investment stock in New Zealand amounted to nearly EUR 10 billion;

D. whereas New Zealand is a party to the Agreement on Government Procurement;

E. whereas the EU concluded negotiations on the EU-New Zealand Partnership Agreement on Relations and Cooperation (PARC) on 30 July 2014;

F. whereas the European agricultural sector and certain agricultural products, such as beef, veal, sheep meat, dairy products, cereals and sugar — including special sugars — are particularly sensitive issues in these negotiations;

G. whereas New Zealand is the world's leading exporter of butter, the second largest exporter of powdered milk and is also a major player in the global export market for other dairy products as well as beef, veal and sheep meat;

H. whereas the EU and New Zealand are engaged in plurilateral negotiations to liberalise trade further in green goods (Environmental Goods Agreement) and trade in services (Trade in Services Agreement);

I. whereas the EU recognises the adequacy of personal data protection in New Zealand;

J. whereas New Zealand is a party to the concluded negotiations for a Trans-Pacific Partnership (TPP), the future of which remains uncertain, and the ongoing negotiations on a Regional Comprehensive Economic Partnership (RCEP) in East Asia, uniting its most important trading partners; whereas New Zealand has had a free trade agreement in place with China since 2008;

K. whereas New Zealand made significant commitments in the TPP to promote the long-term conservation of certain species and to tackle illegal wildlife trafficking through enhanced conservation measures, and whereas it also laid down requirements for the effective enforcement of environmental protections and to engage in enhanced regional cooperation; whereas such commitments should serve as a benchmark for the EU-New Zealand FTA;

L. whereas New Zealand is among the EU's oldest and closest partners, sharing common values and a commitment to promoting prosperity and security within a global rules-based system;

M. whereas New Zealand has ratified and implemented the main international covenants on human, social and labour rights and on environmental protection, and fully respects the rule of law;

N. whereas New Zealand is one of only six WTO members which has no preferential access as yet to the EU market or negotiations in progress to that end;

O. whereas, following the joint statement of 29 October 2015, scoping exercises were launched to investigate the feasibility of and shared ambition towards launching negotiations for a free trade agreement between the EU and New Zealand; whereas this scoping exercise has been concluded;

P. whereas Parliament will be required to decide whether to give its consent to the potential EU-New Zealand FTA;

The strategic, political and economic context

1. Underlines the importance of deepening relations between the EU and the Asia-Pacific region, among other things, in order to foster economic growth within Europe, and stresses that this is reflected in the EU's trade policy; recognises that New Zealand is a key part of this strategy and that widening and deepening trade relations can help to meet this goal;

2. Commends New Zealand for its strong and consistent commitment to the multilateral trade agenda;

3. Considers that the full potential of the Union's bilateral and regional cooperation strategies can only be realised by adhering to rules- and values-based trade and that concluding a high-quality, ambitious, balanced and fair FTA with New Zealand in a spirit of reciprocity and mutual benefit, while under no circumstances undermining the ambition to achieve progress multilaterally or the implementation of already concluded multilateral and bilateral agreements, is a crucial part of those strategies; believes that deeper bilateral cooperation can be a stepping stone for further multilateral and plurilateral cooperation;

4. Believes that the negotiation of a modern, deep, ambitious, balanced, fair and comprehensive FTA is a suitable way of deepening the bilateral partnership and further reinforcing the existing, already mature bilateral trade and investment relationships; takes the view that these negotiations could serve as an example for a new generation of free trade agreements, stressing the importance of raising ambitions further, pushing the boundaries for what a modern FTA entails, considering New Zealand's highly developed economy and regulatory environment;

5. Stresses that the EU and New Zealand are among the world's front-runners in the field of sustainable environmental policies, and that in this respect they have the opportunity to negotiate and implement a highly ambitious sustainable development chapter;

6. Warns against the danger of a serious imbalance in the agricultural provisions of the agreement to the detriment of the EU, and against the temptation to use agriculture as a bargaining chip to secure increased access to the New Zealand market for industrial products and services;

The scoping exercise

7. Notes the conclusion of the EU-New Zealand scoping exercise on 7 March 2017 to the mutual satisfaction of the Commission and the Government of New Zealand;

8. Welcomes the Commission's timely conclusion and publication of the impact assessment, with a view to being able to provide a comprehensive evaluation of possible gains and losses resulting from enhanced EU-New Zealand trade and investment relationships for the benefit of the population and businesses on both sides, including the outermost regions and the overseas countries and territories, while paying special attention to social and environmental impacts, including on the EU labour market and to anticipate and take into account the impact Brexit might have on the trade and investment flows from New Zealand to the EU, in particular when preparing the exchange of offers and calculating quotas;

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A mandate for negotiations

9. Calls on the Council to authorise the Commission to start negotiations for a trade and investment agreement with New Zealand on the basis of the outcome of the scoping exercise, the recommendations set out in this resolution, the impact assessment and clear targets;

10. Calls on the Council to fully respect the distribution of competences between the EU and its Member States, as can be deduced from CJEU Opinion 2/15 of 16 May 2017, in its decision on the adoption of the negotiating directives;

11. Calls on the Commission and the Council to put forward a proposal as soon as possible about the general future architecture of trade agreements taking into account CJEU Opinion 2/15 on the EU-Singapore FTA, and to clearly distinguish between a trade and liberalisation of foreign direct investment (FDI) agreement containing only issues that fall within the EU's exclusive competence, and a potential second agreement which covers subjects whose competences are shared with Member States; stresses that such a distinction would have implications for the parliamentary ratification process and that it is not intended to circumvent national democratic processes, but is a matter of democratic delegation of responsibilities based on the European treaties; calls for Parliament to be closely involved in all ongoing and future FTA negotiations at all stages of the process;

12. Calls on the Commission, when presenting the finalised agreements for signature and conclusion, and on the Council, when deciding on signature and conclusion, to fully respect the distribution of competences between the EU and its Member States;

13. Calls on the Commission to conduct negotiations as transparently as possible while not undermining the Union's negotiating position, guaranteeing at least the level of transparency and public consultation implemented for the Transatlantic Trade and Investment Partnership negotiations with the USA through constant dialogue with social partners and civil society, and to fully respect best practice as established in other negotiations; welcomes the Commission's initiative to publish all its recommendations for negotiating directives for trade agreements and considers this a positive precedent; urges the Council to follow suit and publish the negotiating directives immediately after their adoption;

14. Stresses that an FTA must lead to improved market access and trade facilitation on the ground, create decent jobs, ensure gender equality for the benefit of the citizens on both sides, encourage sustainable development, uphold EU standards, safeguard services of general interest, and respect democratic procedures while boosting EU export opportunities;

15. Emphasises that an ambitious agreement must address, in a meaningful way, investment, trade in goods and services (drawing on recent European Parliament recommendations as regards policy space reservations and sensitive sectors), customs and trade facilitation, digitalisation, e-commerce and data protection, technology research and support for innovation, public procurement, energy, state-owned enterprises, competition, sustainable development, regulatory issues such as high-quality sanitary and phytosanitary standards and other norms in agricultural and food products without weakening the EU's high standards, robust and enforceable commitments on labour and environmental standards, and the fight against tax avoidance and corruption while remaining within the scope of the Union's exclusive competence, all while giving special consideration to the needs of micro-enterprises and SMEs;

16. Calls on the Council to explicitly recognise the other party's obligations towards indigenous peoples;

17. Underscores that the EU is a world leader in advancing animal welfare policy and given that the EU-New Zealand FTA will impact millions of farm animals, the Commission must ensure that the parties undertake robust commitments to improve the welfare and protection of farm animals;

18. Emphasises that illicit wildlife trade has significant environmental, economic and social impacts, and that an ambitious agreement must promote the conservation of all wildlife species and their habitats, and strongly combat the illegal taking of, trade in, and transhipment of wildlife;

19. Stresses that inadequate fisheries management and illegal, unreported and unregulated (IUU) fishing can have significant negative impacts on trade, development and the environment, and that the parties must undertake meaningful commitments to protect sharks, rays, turtles and marine mammals and to prevent overfishing, overcapacity, and IUU fishing;

20. Stresses that, for an FTA to be truly advantageous to the EU's economy, the following aspects should be included in the negotiating directives:

(a) liberalisation of trade in goods and services and real market access opportunities for both sides in each other's goods and services market through the elimination of unnecessary regulatory barriers, while ensuring that nothing in the agreement prevents either side from regulating, in a proportionate manner, with a view to achieving legitimate policy objectives; this agreement must (i) not prevent the parties from defining, regulating, providing and supporting services in the general interest and must include explicit provisions thereon; (ii) neither require governments to privatise any service nor preclude governments from expanding the range of services they supply to the public; (iii) not prevent governments from bringing back under public control services that governments have previously chosen to privatise such as water, education, health and social services, or decrease the high health, food, consumer, environmental, labour and safety standards in the EU or limit public funding of the arts and culture, education, health and social services as has been the case with previous trade agreements; commitments should be made on the basis of the General Agreement on Trade in Services (GATS); highlights in this respect that the standards required of European producers must be preserved;

(b) as far as the agreement may include a domestic regulation chapter, the negotiators must not include necessity tests;

(c) commitments on anti-dumping and countervailing measures that go beyond WTO rules in this area, possibly excluding their application where sufficient common competition standards and cooperation are in place;

(d) reducing unnecessary non-tariff barriers and strengthening and extending regulatory cooperation dialogues on a voluntary basis, wherever practicable and mutually beneficial, while not limiting the ability of each party to carry out its regulatory, legislative and policy activities, given that regulatory cooperation must aim to benefit the governance of the global economy through intensified convergence and cooperation on international standards and regulatory harmonisation, for example, through the adoption and implementation of the standards set by the UN Economic Commission for Europe (UNECE), while guaranteeing the highest level of consumer (e.g. food safety), environmental (e. g. animal health and welfare, plant health), social and labour protection;

(e) significant concessions on public procurement at all levels of government, including state-owned enterprises and undertakings with special or exclusive rights guaranteeing market access for European companies in strategic sectors and the same degree of openness as that of the EU's public procurement markets, given that simplified procedures and transparency for bidders, including those from other countries, can also be effective tools for preventing corruption and fostering integrity in public administration while providing value for money to taxpayers, in terms of the quality of delivery, efficiency, effectiveness and accountability; guarantees that ecological and social criteria are applied in awarding public procurement contracts;

(f) a separate chapter taking into account the needs and interests of micro-enterprises and SMEs with regard to market access facilitation issues including, but not limited to, increased compatibility of technical standards, and streamlined customs procedures with the aim of generating concrete business opportunities and fostering their internationalisation;

(g) in view of CJEU Opinion 2/15 on the EU-Singapore FTA that trade and sustainable development fall within the EU's exclusive competence and that sustainable development forms an integral part of the EU's common commercial policy, a robust and ambitious sustainable development chapter is an indispensable part of any potential agreement; provisions for effective tools for dialogue, monitoring and cooperation, including binding and enforceable provisions which are subject to suitable and effective dispute settlement mechanisms, and consider, among various enforcement

methods, a sanctions-based mechanism, while enabling social partners and civil society to participate appropriately, as well as close cooperation with experts from relevant multilateral organisations; provisions in the chapter covering the labour and environmental aspects of trade and the relevance of sustainable development in a trade and investment context, encompassing provisions that promote adherence to, and effective implementation of, relevant internationally agreed principles and rules, such as core labour standards, the four ILO priority governance conventions and multilateral environmental agreements, including those related to climate change;

(h) the requirement that the parties must promote corporate social responsibility (CSR), including with regard to internationally recognised instruments, and the uptake of sectoral OECD guidelines and the UN Guiding Principles on Business and Human Rights;

(i) comprehensive provisions on investment liberalisation within the Union's competence taking into account recent policy developments, for example, CJEU Opinion 2/15 on the EU-Singapore FTA of 16 May 2017;

(j) strong and enforceable measures covering the recognition and protection of intellectual property rights, including geographical indications (GIs) for wines and spirits and other agricultural and foodstuff products; simplified customs procedures and simple and flexible rules of origin that are suitable for a complex world of global value chains (GVCs), including in terms of enhancing transparency and accountability within them, and applying wherever possible multilateral rules of origin or in other cases non-burdensome rules of origin such as a 'change of tariff subheading';

(k) a balanced and ambitious outcome in the agriculture and fisheries chapters which can only boost competitiveness and be beneficial to both consumers and producers, if it gives due consideration to the interests of all European producers and consumers, respecting the fact that there are a number of sensitive agricultural products which should be given appropriate treatment, for example, through tariff-rate quotas or allocated adequate transition periods, taking into proper consideration the cumulative impact of trade agreements on agriculture and potentially excluding from the scope of the negotiations the most sensitive sectors; the inclusion of a usable, effective, suitable and quick bilateral safeguard clause enabling the temporary suspension of preferences, if, as a result of the entry into force of the trade agreement, a rise in imports causes or threatens to cause serious injuries to sensitive sectors;

(l) ambitious provisions allowing for the full functioning of the digital ecosystem, and promoting cross-border data flows, including principles such as fair competition and ambitious rules for cross-border data transfers, in full compliance with, and without prejudice to, the EU's current and future data protection and privacy rules, given that data flows are crucial drivers of the services economy and are an essential element of the GVC of traditional manufacturing companies, and therefore unjustified localisation requirements should be curbed as much as possible; data protection and privacy are not a trade barrier but fundamental rights, enshrined in Article 39 TEU and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union;

(m) specific, unambiguous provisions on the treatment accorded to overseas countries and territories (OCTs) and the outermost regions (ORs) so as to ensure that due account is paid to their particular interests in the negotiations;

21. Calls on the Commission to secure, as an essential element of a balanced agreement, protection regarding the labelling, traceability and genuine origin of agricultural products, in order to avoid giving consumers a false or misleading impression;

22. Highlights the difference in size between the European single market and the New Zealand market, which must be taken into account in a potential free trade agreement between the two countries;

The role of Parliament

23. Stresses that following CJEU Opinion 2/15 on the EU-Singapore FTA, Parliament should see its role strengthened at every stage of the EU-FTA negotiations from the adoption of the mandate to the final conclusion of the agreement; looks forward to the launch of negotiations with New Zealand and to following them closely and contributing to their successful outcome; reminds the Commission of its obligation to inform Parliament immediately and fully at all stages of the negotiations (both before and after the negotiating rounds); is committed to examining the legislative and regulatory issues that may arise in the context of the negotiations and the future agreement without prejudice to its prerogatives as a co-legislator; reiterates its fundamental responsibility to represent the citizens of the EU, and looks forward to facilitating inclusive and open discussions during the negotiating process;

24. Recalls that Parliament will be asked to give its consent to the future agreement, as stipulated by the TFEU, and that its positions should therefore be duly taken into account at all stages; calls on the Commission and the Council to request the consent of Parliament before its application, while also integrating this practice into the interinstitutional agreement;

25. Recalls that Parliament will monitor the implementation of the future agreement;

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26. Instructs its President to forward this resolution to the Council and, for information, to the Commission, the governments and parliaments of the Member States and the government and parliament of New Zealand.

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P8_TA(2017)0421

Monitoring the application of EU law 2015

European Parliament resolution of 26 October 2017 on monitoring the application of EU law 2015 (2017/2011(INI))

(2018/C 346/29)

The European Parliament,

— having regard to the 32nd Annual Report on monitoring the application of EU law (2014) (COM(2015)0329),

— having regard to the 33rd Annual Report on monitoring the application of EU law (2015) (COM(2016)0463),

— having regard to the report by the Commission entitled 'EU Pilot Evaluation Report' (COM(2010)0070),

— having regard to its resolution of 6 October 2016 on 'Monitoring the application of Union law: 2014 Annual Report' ([1]),

— having regard to the report by the Commission entitled 'Second Evaluation Report on EU Pilot' (COM(2011)0930),

— having regard to the Commission communication of 20 March 2002 on relations with the complainant in respect of infringements of Community law (COM(2002)0141),

— having regard to the Commission communication of 2 April 2012 entitled 'Updating the handling of relations with the complainant in respect of the application of Union law' (COM(2012)0154),

— having regard to the Commission communication of 11 March 2014 entitled 'A new EU Framework to strengthen the Rule of Law' (COM(2014)0158),

— having regard to the Commission communication of 19 May 2015 entitled 'Better regulation for better results — An EU agenda' (COM(2015)0215),

— having regard to the Commission communication of 13 December 2016 entitled 'EU law: Better results through better application' ([2]),

— having regard to the Framework Agreement on Relations between the European Parliament and the European Commission ([3]),

— having regard to Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters ([4]),

— having regard to the Interinstitutional Agreement of 13 April 2016 between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making ([5]),

([1]) Texts adopted, P8_TA(2016)0385.
([2]) OJ C 18, 19.1.2017, p. 10.
([3]) OJ L 304, 20.11.2010, p. 47.
([4]) OJ L 174, 27.6.2001, p. 25.
([5]) OJ L 123, 12.5.2016, p. 1.

— having regard to its resolution of 10 September 2015 on the 30th and 31st annual reports on monitoring the application of EU law (2012-2013) ([1]),

— having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ([2]),

— having regard to its resolution of 9 June 2016 for an open, efficient and independent European Union administration ([3]),

— having regard to Articles 267 and 288 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Rules 52 and 132(2) of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Constitutional Affairs and the Committee on Petitions (A8-0265/2017),

A. whereas Article 17 of the Treaty on European Union (TEU) defines the fundamental role of the Commission as 'guardian of the Treaties';

B. whereas pursuant to Article 4(3) TEU and Articles 288(3) and 291(1) TFEU the Member States have the primary responsibility for transposing, applying and implementing EU law correctly and within the time limits set, and for providing sufficient remedies to ensure effective legal protection in the fields covered by EU law;

C. whereas, according to settled case law of the Court of Justice of the European Union (CJEU), the Member States must supply the Commission with clear and precise information on the way in which they transpose EU directives into national law ([4]);

D. whereas, in accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ([5]) and the Joint Political Declaration of 27 October 2011 of the European Parliament, the Council and the Commission on explanatory documents ([6]), Member States may, when notifying the Commission of national transposition measures, have an obligation, in justified cases, also to provide supporting information in the form of 'explanatory documents' setting out the way in which they have transposed the directives into their national legislation ([7]);

E. whereas, according to Article 6(1) TEU, the Charter of Fundamental Rights of the European Union (CFREU) has the same legal value as the Treaties, and is addressed to the institutions, bodies, offices and agencies of the Union and the Member States when they are implementing Union law (Article 51(1) CFREU);

F. whereas the Union has a number of instruments and processes to ensure the full and correct application of the principles and values enshrined in the Treaties but in practice these instruments appear to be of limited scope, inadequate or ineffective;

G. whereas it is therefore necessary to establish a new mechanism, providing a single and coherent framework, building on existing instruments and mechanisms, which should be applied in a uniform manner to all EU institutions and all Member States;

([1]) OJ C 316, 22.9.2017, p. 246.
([2]) Texts adopted, P8_TA(2016)0409.
([3]) Texts adopted, P8_TA(2016)0279.
([4]) Case C-427/07, *Commission* v *Ireland*, paragraph 107.
([5]) OJ C 369, 17.12.2011, p. 14.
([6]) OJ C 369, 17.12.2011, p. 15.
([7]) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.

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H. whereas, according to Article 258(1) and (2) TFEU, the Commission shall deliver a reasoned opinion to a Member State when it considers that the latter has failed to fulfil an obligation under the Treaties, and may bring the matter before the CJEU if the Member State in question does not comply with the opinion within a deadline set by the Commission;

I. whereas the Framework Agreement on relations between the European Parliament and the European Commission provides for sharing of information concerning all infringement procedures based on letters of formal notice, but does not cover the informal EU Pilot procedure which precedes the opening of formal infringement proceedings;

J. whereas EU Pilot procedures are intended to make for closer and more coherent cooperation between the Commission and Member States so as to remedy breaches of EU law at an early stage through bilateral dialogue in order, wherever possible, to avert the need to resort to formal infringement proceedings;

K. whereas in 2015, the Commission received 3 450 complaints reporting potential breaches of EU law, with Italy (637), Spain (342) and Germany (274) being the Member States against which the most complaints were filed;

L. whereas Article 41 CFREU defines the right to good administration as the right of every person to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, and whereas Article 298 TFEU stipulates that, in carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration;

1. Welcomes the Commission's 2015 annual report on the application of EU law, which focuses on the enforcement of the EU acquis, and notes that according to this report the three fields in which Member States were mostly subject to transposition infringement proceedings in 2015 were mobility and transport, energy and the environment; points out that these areas were also the subject of most of the investigations opened under the EU Pilot system in 2015, with the main Member States concerned being Italy, Portugal and Germany; calls on the Commission to outline the specific reasons for this in greater detail;

2. Notes, in particular, that the Commission has tackled the problem of poor air quality in Europe by launching a number of infringement proceedings for breach of Directive 2008/50/EC, on account of continuous exceedances of the NO2 limit values; regrets, however, that in 2015 the Commission did not exercise the same powers of control to prevent the placing on the single market of pollutant, diesel-powered cars that contribute significantly to the release of NO2 into the atmosphere over these limits and that do not comply with EU rules on the type-approval and emissions of passenger and light commercial vehicles;

3. Considers that the large number of infringement procedures in 2015 shows that ensuring the timely and correct application of EU legislation in the Member States remains a serious challenge and priority in the EU; maintains that EU citizens feel more confident about EU law when it is implemented in the Member States in an effective manner; calls on the Member States to increase their efforts for the effective and timely transposition and implementation of EU law;

4. Notes that, at the end of 2015, 1 368 infringement cases remained open, which represents a slight increase from the previous year but is still below the 2011 level;

5. Recognises that the primary responsibility for the correct implementation and application of EU law lies with the Member States, but points out that this does not absolve the EU institutions of their duty to respect primary EU law when they produce secondary EU law; emphasises, however, that the Commission makes available to the Member States a series of instruments designed to help them find joint solutions, such as handbooks, groups of experts and special internet sites, from dialogue concerning transposition plans to documents explaining how to recognise transposition problems early and address them; calls on the Member States to take all necessary measures to respect their commitments, as agreed in the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, including by providing correlation tables containing clear and precise information on the national measures transposing directives in their domestic legal order;

6. Calls on the Commission once again to bring together all the various portals, access points and information websites in a single gateway that will provide citizens with easy access to online complaint forms and user-friendly information on infringement procedures;

7. Notes that the Commission insists that the Member States notify it should they decide, when transposing directives into national law, to add elements which make it clear to the public which provisions are the EU's responsibility and which the Member State's; points out, at the same time, that this is without prejudice to the right of Member States to lay down, for example, higher social and environmental standards at national level;

8. Highlights the necessity for Parliament to be able to also monitor the Commission's enforcement of regulations in the same way it does with directives; requests that the Commission ensure that the data on the implementation of regulations is provided in its future annual reports on the monitoring of the application of EU law; calls on the Member States to submit national legislation transposing or implementing regulations to the Commission with a view to ensuring its correct compliance and to specify which parts stem from EU legislation and which parts are national additions;

9. Stresses that time limits for transposition must be enforced; urges the EU institutions to set realistic time limits for enforcement;

10. Emphasises that the EU has been set up as a Union based on the rule of law and respect for human rights (Article 2 TEU); stresses that the values enshrined in Article 2 TEU are the cornerstone of the Union's foundations and that the observance of these values by Member States should therefore be the subject of constant evaluation; reiterates that careful monitoring of Member States' and EU institutions' acts and omissions is of utmost importance, and expresses its concern at the number of petitions to Parliament and complaints to the Commission;

11. Points out that whistle-blowers can usefully inform EU as well as national institutions about cases of misapplication of Union law; reiterates that they should be encouraged to do so, rather than obstructed;

12. Acknowledges that petitions are an important source of first-hand information, not just about violations and deficiencies in the application of EU law in the Member States, but also about potential loopholes in EU legislation as well as citizens' suggestions about new legislation that could be adopted, or possible improvements to the legislative texts in force; confirms that the effective treatment of petitions challenges and ultimately enhances the capacity of the Commission and Parliament to react to and resolve problems relating to transposition and misapplication; notes that the Commission considers the implementation of EU law a priority, so that citizens can benefit from it in their everyday lives; highlights the need to ensure that decision-making processes and administration are transparent, impartial and independent;

13. Regrets the fact that no precise statistics concerning the number of petitions that led to the initiation of an EU Pilot or infringement procedure are provided; calls on the Commission, therefore, to send regular reports on cases relating to proceedings and/or procedures under way, in order to facilitate structured dialogue and reduce the time frame for settling disputes; calls on the Commission to discuss those reports with the Committee on Petitions, proactively involving the Vice-President responsible for the application of law and simplification; asks the Commission to involve petitioners in EU Pilot procedures initiated in relation to their petitions, with a view, inter alia, to facilitating dialogue between the petitioners and the national authorities concerned;

14. Regrets the increasing delays in the implementation of the EU Strategy for the Protection and Welfare of Animals 2012-2015, which are effectively preventing the launch of a new EU-wide strategy that is needed to ensure full and effective protection of animal welfare through an updated, exhaustive and clear legislative framework that fully complies with the requirements of Article 13 TFEU;

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15. Notes that the Committee on Petitions has received many petitions about child welfare cases, and hopes that the current review of the Brussels IIA Regulation will help to make good the regulation's shortcomings and address failures to implement it;

16. Points out that shortcomings have been identified in the application of measures to counter fraud and money laundering in recent years; asks the Commission to redouble its efforts to ensure that the relevant EU rules are applied rigorously;

17. Notes that timely and correct transposition and implementation of EU law into national legislation, as well as a clear domestic legislative framework with full respect for the fundamental values, principles and rights enshrined in the Treaties and the Charter of Fundamental Rights of the EU, should be a priority for the Member States, with a view to avoiding breaches of EU law, while delivering all the intended benefits made possible by the efficient and effective application of EU law; highlights in this context that acts or omissions of all EU institutions are bound by the EU Treaties and the CFREU ([1]);

18. Calls on the Commission to urge the Member States to ensure the strict enforcement of EU rules on the free movement of persons, in particular by ensuring full protection of the related economic, social and cultural rights; recalls that, in addition to constituting one of the fundamental freedoms of the EU and forming an integral part of EU citizenship, the free movement of persons, in a context in which fundamental rights are fully safeguarded, is of great importance for EU citizens and their families, especially in terms of access to social security, and for their perceptions of the EU, and appears as a frequent subject of petitions;

19. Recalls its resolution of 25 October 2016 and calls on the Commission to act on the recommendations in this resolution;

20. Acknowledges that Parliament also has a crucial role to play by exercising political oversight of the Commission's enforcement actions, scrutinising the annual reports on monitoring the implementation of EU law and adopting relevant parliamentary resolutions; suggests that Parliament could contribute further to the timely and accurate transposition of EU legislation by sharing its expertise in the legislative decision-making process through pre-established links with national parliaments;

21. Underlines the important role of the social partners, civil society organisations, the European Economic and Social Committee, the Committee of the Regions and other stakeholders in creating legislation and in monitoring and reporting shortcomings in the transposition and application of EU law by the Member States; emphasises in this respect the principle of transparency as enshrined in the EU Treaties as well as the right of EU citizens to justice and good administration, as stipulated in Articles 41 and 47 of the EU Charter of Fundamental Rights; recalls that those rights and principles, among others, should also be of paramount importance to the Member States when proposing draft acts implementing EU law;

22. Welcomes the decrease of around 30 % from 2014 in the number of new EU Pilot files opened in 2015 (881 as against 1 208 in 2014); notes, however, that the average resolution rate remains stable in 2015, being exactly the same as in 2014 (75 %);

23. Welcomes the fact that for the first time since 2011, the number of new complaints has decreased by around 9 % compared to 2014, with a total of 3 450 new complaints; notes with great concern, however, that the area of employment, social affairs and inclusion has the highest number of new complaints; notes that the areas of employment, social affairs and

([1]) See inter alia: CJEU judgment of 20 September 2016 — *Ledra Advertising Ltd* (C-8/15 P), *Andreas Eleftheriou* (C-9/15 P), *Eleni Eleftheriou* (C-9/15 P), *Lilia Papachristofi* (C-9/15 P), *Christos Theophilou* (C-10/15 P), *Eleni Theophilou* (C-10/15 P) v *European Commission and European Central Bank* (Joined Cases C-8/15 P to C-10/15 P), ECLI:EU:C:2016:701, paragraphs 67 ff.

inclusion, the internal market, industry, entrepreneurship and SMEs, justice and consumers, taxation and customs union, and the environment together account for 72 % of all complaints submitted against the Member States in 2015;

24. Regrets that, in 2015, Member States did not deliver in all cases on their commitment to provide explanatory documents together with the national measures transposing the directives into their legal order; takes the view that the Commission should offer the Member States more support in the process of drawing up these explanatory documents and correlation tables; encourages the Commission to continue to report to Parliament and the Council on explanatory documents in the annual reports on the application of EU law;

25. Is of the opinion that financial penalties for non-compliance with EU law should be effective, proportionate and dissuasive, taking into account repeated failures in the same field, and that Member States' legal rights must be respected;

26. Highlights that all EU institutions are bound by the EU Treaties and the CFREU ([1]);

27. Reiterates that the tasks allocated to the Commission or other EU institutions by the ESM Treaty (or other relevant treaties) oblige them, as provided in Article 13(3) and (4) thereof, to ensure that the Memoranda of Understanding concluded under the aforementioned treaties are consistent with EU law; stresses that as a result, EU institutions should refrain from signing a memorandum of understanding whose consistency with EU law they doubt ([2]);

28. Stresses the importance of domestic transposition and practical implementation of EU-level asylum standards (for example regarding the implementation by Member States of the reception conditions directive (Directive 2013/33/EU ([3]))) ([4]); deplores the deficient implementation and use of the relocation mechanism proposed by the Commission to deal with the refugee crisis by Member States; calls, therefore, on the Commission to pay particular attention to the implementation of measures adopted in the area of asylum and migration so as to ensure that they comply with the principles enshrined in the CFREU, and to launch the necessary infringement proceedings if relevant;

29. Notes with concern that certain Member States are disregarding their obligations in relation to asylum and migration; welcomes the firm stance taken by the Commission towards the Member States on the application of EU law in the area of asylum and migration; recalls that, on account of the migratory flows towards Europe, the EU is faced with an unparalleled legal, political and humanitarian challenge; calls on the Member States to take into account also international conventions on human rights when accepting and allocating refugees; expresses the hope that the Commission will systematically monitor the application of the European Agenda on Migration by the Member States; recalls that an effective EU migration policy needs to be based on a balance between responsibility and solidarity among the Member States;

30. Regrets the fact that significant shortcomings in the implementation and enforcement of EU environmental legislation persist in some Member States; notes that this is particularly the case in waste management, wastewater treatment infrastructure and compliance with air quality limit values; considers, in this context, that the Commission should seek to identify the causes of this situation in the Member States;

31. Encourages the EU institutions to assume at all times their duty to respect primary EU law when they create rules of secondary EU law, decide policies or sign agreements or treaties with institutions outside the EU, and also to assume their duty to assist EU Member States by all means available in their efforts to transpose EU legislation in all areas and to respect the values and principles of the Union, especially with respect to recent development in Member States;

([1]) CJEU judgment of 20 September 2016, Joined Cases C-8/15 P to C-10/15 P, paragraphs 67 ff..

([2]) Ibid., paragraphs 58 ff.; see, to that effect, judgment of 27 November 2012, *Pringle*, C-370/12, paragraph 164.

([3]) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

([4]) See inter alia: S. Carrera, S. Blockmans, D. Gros, E. Guild, 'The EU's Response to the Refugee Crisis — Taking Stock and Setting Policy Priorities', Centre for European Policy Studies (CEPS), essay No 20, 16 December 2015 — https://www.ceps.eu/system/files/EU%20Response%20to%20the%202015%20Refugee%20Crisis_0.pdf

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32. Regrets the fact that it does not yet receive transparent and timely information on the implementation of EU laws; recalls that, in the revised Framework Agreement on relations between the European Parliament and the Commission, the Commission undertakes to 'make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, included, if so requested, […] on the issues to which the infringement procedure relates', and expects this clause to be applied in good faith in practice;

33. Calls on the Commission to make compliance with EU law a real political priority, to be pursued in close collaboration with Parliament, which has a duty to keep the Commission accountable and, as co-legislator, to make sure that it is itself fully informed, with a view to constantly improving its legislative work; requests that the Commission therefore provide a follow-up to every European Parliament resolution on monitoring the implementation of EU law;

34. Recalls that, in its resolutions of 15 January 2013 ([1]) and 9 June 2016, Parliament called for the adoption of a regulation on an open, efficient and independent European Union administration under Article 298 TFEU, and asks the Commission to further consider the proposal for a regulation annexed to the latter resolution;

35. Stresses that the lack of a coherent and comprehensive set of codified rules of good administration across the Union makes it difficult for citizens to easily and fully understand their administrative rights under Union law, and also contributes to a deterioration of their legal protection; emphasises, therefore, that codifying rules of good administration in the form of a regulation setting out the various aspects of the administrative procedure — including notifications, binding time limits, the right to be heard, and the right for every person to have access to his or her file — is tantamount to reinforcing citizens' rights and transparency; clarifies that these rules would be supplementary to existing Union law, when legal gaps or interpretation problems arise, and would bring more accessibility; reiterates its call on the Commission, therefore, to come forward with a comprehensive legislative proposal on a European law of administrative procedure, taking into account all the steps already taken by Parliament in this field, as well as the contemporary developments in the Union and its Member States;

36. Recalls that preliminary rulings help to clarify the manner in which the law of the European Union is to be applied; considers that recourse to this procedure allows a uniform interpretation and implementation of European legislation; encourages, therefore, national courts to refer questions to the CJEU in the event of doubt and thus prevent infringement proceedings;

37. Believes that the key to delivering the benefit of EU policies to both individuals and businesses is the proper application of the EU's acquis; calls, therefore, on the Commission to strengthen enforcement of EU law based on structured and systematic transposition and conformity checks of national legislation, in full compliance with the EU Treaties and the CFREU; points out that EU legislation is the result of a free and democratic process; welcomes the practice by the Commission of taking due account of the principles of better law-making when monitoring the application of EU law in the Member States;

38. Stresses the importance of transparency in the drafting and application of law by the EU institutions and the Member States; points out that in the interest of both facilitating the implementation of EU law by the Member States and making it accessible to EU citizens, EU legislation needs to be clear, understandable, consistent and precise, while also taking into consideration the jurisprudence of the CJEU, which insists on the need for foreseeability and predictability in EU norms ([2]);

39. Believes that the inclusion of national parliaments in dialogue on the content of legislative proposals, when relevant, will foster effective application of EU law; points out that closer scrutiny of national parliaments of their respective governments when the latter are involved in the law-making process will foster a more effective application of EU law as provided for in the Treaties; stresses, for that reason, the need for national parliaments to have a say at the early stages of the European legislative procedures, and urges the European institutions and the Member States to initiate a debate on Protocol

([1]) Resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union (OJ C 440, 30.12.2015, p. 17).

([2]) Judgment of the Court of Justice of 10 September 2009, *Plantanol GmbH & Co. KG* v *Hauptzollamt Darmstadt*, C-201/08, ECLI:EU:C:2009:539, paragraph 46.

No 1 on the role of national parliaments in the European Union and Protocol No 2 on subsidiarity and proportionality, possibly by looking into a revision of the so-called early warning system and thereby ensuring a better application of the yellow card procedure;

40. Encourages closer cooperation and strengthening of the links between the European Parliament and national parliaments; recalls the scrutiny function of national parliaments regarding their governments' involvement in the decision-making process in the Council of the European Union, and stresses the need for consultations and regular exchange of views between the European Parliament and national parliaments, especially in the initial stages of the law-making process;

41. Recalls that national parliaments have an essential role to play in scrutiny of correct implementation of EU law by the Member States; calls on them to pursue that role proactively; points out the role of national parliaments in avoiding the practice of 'gold-plating' EU legislation at national level, thereby preventing over-regulation and unnecessary administrative burdens; expects Member States to clearly indicate and document national obligations where they are added to EU legislation in the implementation process; is worried that excessive national measures added to EU legislation unnecessarily increase euroscepticism;

42. Notes that the system of exchange of information and cooperation between committees of national parliaments working with the EU can help in achieving efficient legislation and should also be used to support a more effective application of EU law by the Member States; promotes the use of the IPEX platform as a tool for mutual exchange of information between national parliaments and the European Parliament; encourages national parliaments to take an active part in regular Interparliamentary Committee Meetings organised by the European Parliament;

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

Tuesday 3 October 2017

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2017)0362

Restriction of the use of certain hazardous substances in electrical and electronic equipment ***I

European Parliament legislative resolution of 3 October 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (COM(2017)0038 — C8-0021/2017 — 2017/0013(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/30)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0038),

— 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 (C8-0021/2017),

— 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 5 July 2017 ([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 28 June 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety (A8-0205/2017),

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.

([1]) Not yet published in the Official Journal.

Tuesday 3 October 2017

P8_TC1-COD(2017)0013

Position of the European Parliament adopted at first reading on 3 October 2017 with a view to the adoption of Directive (EU) 2017/… of the European Parliament and of the Council amending Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/2102.)

Tuesday 3 October 2017

P8_TA(2017)0363

Management, conservation and control measures applicable in the ICCAT Convention area ***I

European Parliament legislative resolution of 3 October 2017 on the proposal for a regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (COM(2016)0401 — C8-0224/2016 — 2016/0187(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/31)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0401),

— having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0224/2016),

— 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 19 October 2016 ([1]),

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 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 Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0173/2017).

1. Adopts its position at first reading hereinafter set out;

2. Approves its 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.

P8_TC1-COD(2016)0187

Position of the European Parliament adopted at first reading on 3 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2107.)

([1]) OJ C 34, 2.2.2017, p. 142.

Tuesday 3 October 2017

ANNEX TO THE LEGISLATIVE RESOLUTION

STATEMENT BY THE EUROPEAN PARLIAMENT

The European Parliament expresses its deepest concern about the fact that the Commission is proposing to implement, in 2017, ICCAT Recommendations that date back to 2008. This means that for almost 10 years the Union has not been complying with its international obligations.

Apart from the fact that this is challengeable before the Court of Justice and damages the reputation of the Union as a leader in sustainability in international fora, there is an additional issue that leads to legal uncertainty for operators and to legitimate criticism by stakeholders: the fact that the institutions are about to adopt ICCAT Recommendations — and particularly the one on Mediterranean swordfish, an iconic species for which last year ICCAT has adopted a multi-annual recovery plan — that are obsolete and outdated.

This would lead to the paradox that the Union will adopt, by means of this Regulation, measures on swordfish that have in the meantime been replaced by a new recovery plan, which is already applicable to operators from April 2017. This situation is legally and — most importantly — politically unacceptable.

The situation is all the more unacceptable as the Commission, almost six months after the adoption, by ICCAT, of Recommendation 16-05 on Mediterranean swordfish, has not adopted any proposal for transposing that Recommendation, even though it is generally recognised that the state of the stocks is critical and that, in any event, the recovery plan is already applicable to operators. It is to be noted that this transposition exercise is not a complicated one, as the provisions are already adopted and only minor adaptations have to be made to the text.

The European Parliament urges the Commission to send any future proposal for transposition of Recommendations from regional fisheries management organisations within a maximum of six months from the date of their adoption.

On the content of the recovery plan:

The European Parliament welcomes ICCAT Recommendation 16-05 establishing a multi-annual recovery plan for Mediterranean swordfish.

The European Parliament acknowledges the socio-economic dimension of the small-scale Mediterranean fisheries and the need for a gradual approach and flexibility in managing those fisheries.

It highlights that, for the recovery plan to be successful, particular efforts have to be made also by neighbouring third countries to efficiently manage this species.

Finally, it stresses that quotas have to be distributed fairly among operators, taking into account production values and turnover. Quotas illegally fished by driftnets should not count towards the calculation of historic catches and rights.’

Wednesday 4 October 2017

P8_TA(2017)0368

Agreement establishing the EU-LAC International Foundation ***

European Parliament legislative resolution of 4 October 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement establishing the EU-LAC International Foundation (11342/2016 — C8-0458/2016 — 2016/0217(NLE))

(Consent)

(2018/C 346/32)

The European Parliament,

— having regard to the draft Council decision (11342/2016),

— having regard to the draft Agreement establishing the EU-LAC International Foundation (11356/2016),

— having regard to the request for consent submitted by the Council in accordance with Article 209(2), Article 212(1), Article 218(6), second subparagraph, point (a), and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (C8-0458/2016),

— having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Foreign Affairs (A8-0279/2017),

1. Gives its consent to the conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the member countries of the Community of Latin American and Caribbean States (CELAC).

Wednesday 4 October 2017

P8_TA(2017)0369

Schengen acquis provisions relating to the Visa Information System in Bulgaria and Romania *

European Parliament legislative resolution of 4 October 2017 on the draft Council decision on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania (10161/2017 — C8-0224/2017 — 2017/0808(CNS))

(Consultation)

(2018/C 346/33)

The European Parliament,

— having regard to the Council draft (10161/2017),

— having regard to Article 4(2) of the Act of Accession of the Republic of Bulgaria and Romania, pursuant to which the Council consulted Parliament (C8-0224/2017),

— 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 (A8-0286/2017),

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.

Wednesday 4 October 2017

P8_TA(2017)0370

Automated data exchange with regard to vehicle registration data in the Czech Republic *

European Parliament legislative resolution of 4 October 2017 on the draft Council implementing decision on the launch of automated data exchange with regard to vehicle registration data in the Czech Republic (09893/2017 — C8-0197/2017 — 2017/0806(CNS))

(Consultation)

(2018/C 346/34)

The European Parliament,

— having regard to the Council draft (09893/2017),

— 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 (C8-0197/2017),

— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([1]), and in particular Article 33 thereof,

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0288/2017),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council and the Commission.

([1]) OJ L 210, 6.8.2008, p. 1.

Wednesday 4 October 2017

P8_TA(2017)0371

Automated data exchange with regard to dactyloscopic data in Portugal *

European Parliament legislative resolution of 4 October 2017 on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in Portugal (09898/2017 — C8-0213/2017 — 2017/0807(CNS))

(Consultation)

(2018/C 346/35)

The European Parliament,

— having regard to the Council draft (09898/2017),

— 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 (C8-0213/2017),

— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([1]), and in particular Article 33 thereof,

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0289/2017),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council and the Commission.

([1]) OJ L 210, 6.8.2008, p. 1.

Wednesday 4 October 2017

P8_TA(2017)0372

Automated data exchange with regard to dactyloscopic data in Greece *

European Parliament legislative resolution of 4 October 2017 on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in Greece (10476/2017 — C8-0230/2017 — 2017/0809(CNS))

(Consultation)

(2018/C 346/36)

The European Parliament,

— having regard to the Council draft (10476/2017),

— 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 (C8-0230/2017),

— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([1]), and in particular Article 33 thereof,

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0287/2017),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council and the Commission.

([1]) OJ L 210, 6.8.2008, p. 1.

Wednesday 4 October 2017

P8_TA(2017)0373

Safety rules and standards for passenger ships ***I

European Parliament legislative resolution of 4 October 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships (COM(2016)0369 — C8-0208/2016 — 2016/0170(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/37)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0369),

— having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0208/2016),

— 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 19 October 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 21 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 Transport and Tourism and the opinion of the Committee on Legal Affairs (A8-0167/2017),

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)0170

Position of the European Parliament adopted at first reading on 4 October 2017 with a view to the adoption of Directive (EU) 2017/… of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/2108.)

([1]) OJ C 34, 2.2.2017, p. 167.

Wednesday 4 October 2017

P8_TA(2017)0374

Registration of persons sailing on board passenger ships operating to or from ports of the Member States ***I

European Parliament legislative resolution of 4 October 2017 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States (COM(2016)0370 — C8-0209/2016 — 2016/0171(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/38)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0370),

— having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0209/2016),

— 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 19 October 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 21 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 Transport and Tourism and the opinion of the Committee of Civil Liberties, Justice and Home Affairs (A8-0168/2017),

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)0171

Position of the European Parliament adopted at first reading on 4 October 2017 with a view to the adoption of Directive (EU) 2017/… of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/2109.)

([1]) OJ C 34, 2.2.2017, p. 172.

Wednesday 4 October 2017

P8_TA(2017)0375

System of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service***I

European Parliament legislative resolution of 4 October 2017 on the proposal for a directive of the European Parliament and of the Council on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC (COM(2016)0371 — C8-0210/2016 — 2016/0172(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/39)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0371),

— having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0210/2016),

— 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 19 October 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 21 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 Transport and Tourism (A8-0165/2017),

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)0172

Position of the European Parliament adopted at first reading on 4 October 2017 with a view to the adoption of Directive (EU) 2017/… of the European Parliament and of the Council on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/2110.)

([1]) OJ C 34, 2.2.2017, p. 176.

Thursday 5 October 2017

P8_TA(2017)0384

Enhanced cooperation: European Public Prosecutor's Office ***

European Parliament legislative resolution of 5 October 2017 on the draft Council regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (09941/2017 — C8-0229/2017 — 2013/0255(APP))

(Special legislative procedure — consent)

(2018/C 346/40)

The European Parliament,

— having regard to the draft Council regulation (09941/2017),

— having regard to the request for consent submitted by the Council in accordance with Article 86 of the Treaty on the Functioning of the European Union (C8-0229/2017),

— having regard to Rule 99(1) and (4) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0290/2017),

1. Gives its consent to the draft Council regulation;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Tuesday 24 October 2017

P8_TA(2017)0386

EU-Morocco Euro-Mediterranean Aviation Agreement ***

European Parliament legislative resolution of 24 October 2017 on the draft Council Decision on the conclusion, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part (15653/2016 — C8-0094/2017 — 2006/0048(NLE))

(Consent)

(2018/C 346/41)

The European Parliament,

— having regard to the draft Council Decision (15653/2016),

— having regard to the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, on the one hand, and the Kingdom of Morocco, on the other hand ([1])

— 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 (C8-0094/2017),

— 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 (A8-0303/2017),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and of the Kingdom of Morocco.

([1]) OJ L 386, 29.12.2006, p. 57.

Tuesday 24 October 2017

P8_TA(2017)0387

Authorising France to apply a reduced rate of certain indirect taxes on 'traditional' rum produced in Guadeloupe, French Guiana, Martinique and Réunion *

European Parliament legislative resolution of 24 October 2017 on the proposal for a Council decision amending Council Decision No 189/2014/EU authorising France to apply a reduced rate of certain indirect taxes on 'traditional' rum produced in Guadeloupe, French Guiana, Martinique and Réunion and repealing Decision No 2007/659/EC (COM(2017)0297 — C8-0212/2017 — 2017/0127(CNS))

(Special legislative procedure — consultation)

(2018/C 346/42)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2017)0297),

— having regard to Article 349 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0212/2017),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Regional Development (A8-0304/2017),

1. Approves the Commission proposal;

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, the Commission and the national parliaments.

Tuesday 24 October 2017

P8_TA(2017)0388

Bio-based Industries Joint Undertaking: financial contributions *

European Parliament legislative resolution of 24 October 2017 on the proposal for a Council regulation amending the Council Regulation (EU) No 560/2014 of 6 May 2014 establishing the Bio-based Industries Joint Undertaking (COM(2017)0068 — C8-0118/2017 — 2017/0024(NLE))

(Consultation)

(2018/C 346/43)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2017)0068),

— having regard to Article 187 and the first paragraph of 188 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0118/2017),

— having regard to Rule 78c 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 Budgetary Control and the Committee on Regional Development (A8-0293/2017),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Amendment*
(1) Council Regulation (EU) No 560/2014 ([37]) established the Bio-based Industries Joint Undertaking ('BBI Joint Undertaking').	(1) Council Regulation (EU) No 560/2014 ([37]) established the Bio-based Industries Joint Undertaking ('BBI Joint Undertaking') ***with the aim of contributing to the implementation of the Framework Programme for Research and Innovation (2014-2020) ('Horizon 2020') through increased investment in the development of a sustainable bio-based industry sector in the Union***.

([37]) Council Regulation (EU) No 560/2014 of 6 May 2014 establishing the Bio-based Industries Joint Undertaking (OJ L 169, 7.6.2014, p. 130).

Tuesday 24 October 2017

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(2) Article 12(4) of the Statutes of the BBI Joint Undertaking, set out in the Annex to Regulation (EU) No 560/2014 ('the Statutes'), states that the financial contribution by the members of the BBI Joint Undertaking other than the Union to operational costs is to be at least EUR 182 500 000 over the period set out in Article 1 of Regulation (EU) No 560/2014, that is to say from the establishment of the BBI Joint Undertaking until 31 December 2024.	(2) Article 12(4) of the Statutes of the BBI Joint Undertaking, set out in the Annex to Regulation (EU) No 560/2014 ('the Statutes'), states that the financial contribution by the members of the BBI Joint Undertaking other than the Union to operational costs is to be at least EUR 182 500 000 over the ***ten-year*** period set out in Article 1 of Regulation (EU) No 560/2014, that is to say from the establishment of the BBI Joint Undertaking until 31 December 2024.

Amendment 3

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2a) This Regulation responds to a proposal made by the Bio-based Industries Consortium Aisbl (BIC) and mirrors best practice in other joint undertakings. Effective programme delivery by the BBI Joint Undertaking and better regulation overall should continue to be achieved through improved cooperation, collaboration and engagement with all stakeholders, in particular small and medium-sized enterprises (SMEs) within the bio-based chain.

Amendment 4

Proposal for a regulation

Recital 3

Text proposed by the Commission	*Amendment*
(3) The Bio-based Industries Consortium Aisbl ('BIC'), which is a member of the BBI Joint Undertaking other than the Union, continues to be ready to support the operational costs of the BBI Joint Undertaking for the amount set out in Article 12(4) of the Statutes. It has however proposed an alternative mode of financing through financial contributions made by its constituent entities at the indirect actions' level.	(3) The Bio-based Industries Consortium Aisbl ('BIC'), which is a member of the BBI Joint Undertaking other than the Union, ***remains obliged, and*** continues to be ready, to support the operational costs of the BBI Joint Undertaking for the amount set out in Article 12(4) of the Statutes. It has however proposed an alternative mode of financing through financial contributions made by its constituent entities at the indirect actions' level.

Tuesday 24 October 2017

Amendment 5

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) The alternative mode of financing proposed by the BIC has informed this Regulation, while recognising the unique features of the BBI Joint Undertaking. The Commission will examine how that alternative mode of financing could apply to other joint undertakings, and, in particular, to the Innovative Medicines Initiative Joint Undertaking.

Amendment 6

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) The objective of the BBI Initiative to carry out activities through collaboration of stakeholders along the entire bio-based value chains, including SMEs, research and technology centres and universities can be achieved only by enabling BIC and its constituent entities to deliver the financial contribution not only as payments to the BBI Joint Undertaking ***but also as*** financial contributions ***to indirect actions funded by the BBI Joint Undertaking***.	(4) The objective of the BBI Initiative to carry out***, in line with the priorities of Horizon 2020,*** activities through collaboration of stakeholders along the entire bio-based value chains, including SMEs, research and technology centres and universities***, and to make the Union a champion of research, demonstration, and deployment in the bio-based products and biofuels marketplace,*** can be achieved only by enabling BIC and its constituent entities to deliver the financial contribution not only as payments to the BBI Joint Undertaking. ***That new delivery mode is to ensure that the*** financial contributions ***become more commercially viable for BIC and its constituent entities, which in turn should facilitate the fulfilment of their financial obligations within the set deadline***.

Tuesday 24 October 2017

Amendment 7

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) In its joint undertaking process, the Commission set out the impact and effectiveness of, and lessons learnt from, the proposed amendments. The Commission should submit a report to the European Parliament and to the Council assessing the effectiveness of this Regulation, in light of the BIC's obligation to deliver its financial contribution by 31 December 2024.

Amendment 8

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) In future cases the Commission should always carry out a public consultation in order to ensure that any proposed changes are accepted by all interested parties, and are developed in the most transparent and open manner possible. Similarly, the Commission should conduct impact assessments of the measures proposed unless the Better Regulation Guidelines clearly state otherwise.

Tuesday 24 October 2017

P8_TA(2017)0389

Subjecting furanylfentanyl to control measures *

European Parliament legislative resolution of 24 October 2017 on the draft Council implementing decision on subjecting *N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (furanylfentanyl) to control measures (11212/2017 — C8-0242/2017 — 2017/0152(NLE))

(Consultation)

(2018/C 346/44)

The European Parliament,

— having regard to the Council draft (11212/2017),

— 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 (C8-0242/2017),

— 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 (A8-0309/2017),

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.

Tuesday 24 October 2017

P8_TA(2017)0391

Criminal acts and penalties in the field of illicit drug trafficking ***II

European Parliament legislative resolution of 24 October 2017 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of 'drug' and repealing Council Decision 2005/387/JHA (10537/1/2017 — C8-0325/2017 — 2013/0304(COD))

(Ordinary legislative procedure: second reading)

(2018/C 346/45)

The European Parliament,

— having regard to the Council position at first reading (10537/1/2017 — C8-0325/2017),

— 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 United Kingdom House of Commons and the United Kingdom House of Lords, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 21 January 2014 ([1]),

— having regard to its position at first reading ([2]) on the Commission proposal to Parliament and the Council (COM(2013)0618),

— having regard to Article 294(7) 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,

— having regard to Rule 67a of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A8-0317/2017),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 177, 11.6.2014, p. 52.
([2]) Text adopted of 17.4.2014, P7_TA(2014)0454.

Tuesday 24 October 2017

P8_TA(2017)0392

CE marked fertilising products ***I

Amendments adopted by the European Parliament on 24 October 2017 on the proposal for a regulation of the European Parliament and of the Council laying down rules on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 (COM(2016)0157 — C8-0123/2016 — 2016/0084(COD)) [1]

(Ordinary legislative procedure: first reading)

(2018/C 346/46)

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission	*Amendment*
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of CE marked ***fertilising*** products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of CE marked ***plant nutrition*** products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 *(This amendment from 'fertilising products' to 'plant nutrition products' applies throughout the text. If agreed by the co-legislators, corresponding changes will apply throughout the text, including those parts reflected in the amendments below.)*

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0270/2017).

Tuesday 24 October 2017

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Amendment*
(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council ([15]), which almost exclusively covers fertilisers from mined or chemically produced, ***inorganic*** materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.	(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council ([15]), which almost exclusively covers fertilisers from mined or chemically produced, ***mineral*** materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use. ***Promoting increased use of recycled nutrients would further aid the development of the circular economy and allow a more resource-efficient general use of nutrients, while reducing Union dependency on nutrients from third countries***. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.
([15]) Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).	([15]) Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).
	(This amendment also covers a horizontal technical amendment on the term 'inorganic' being changed to 'mineral'. If agreed by the co-legislators, corresponding changes will apply throughout the text, including those parts reflected in the amendments below.)

Amendment 3

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2a) Nutrients in food originate from the soil; healthy and nutritious soil results in healthy and nutritious crops and food. Farmers need a wide range of fertilisers, organic and synthetic to be available, in order to enhance their soil. When soil nutrients are missing, or depleted, plants will be nutrient deficient and may either stop growing or not contain nutritional value for human consumption.

Tuesday 24 October 2017

Amendment 4

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) To ensure effective use of animal manure and on-farm compost, farmers should use those products which follow the spirit of 'responsible agriculture', favouring local distribution channels, good agronomic and environmental practice and in compliance with the Union environmental law, such as the Nitrates Directive or the Water Framework Directive. The preferential use of fertilisers produced on-site and in neighbouring agricultural undertakings should be encouraged.

Amendment 5

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission	*Amendment*
	(6a) A CE marked fertilising product might have more than one of the functions described in the product function categories of this Regulation. Where a claim is made in respect of only one of those functions, it should be sufficient for the product to comply with the requirements of the product function category describing that claimed function. By contrast, where a claim is made in respect of more than one of those functions, the CE marked fertilising product in question should be regarded as a combination of two or more component fertilising products, and compliance should be required for each of the component fertilising products with respect to its function. Therefore, there should be a specific product function category to cover such combinations.

Tuesday 24 October 2017

Amendment 6

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission	*Amendment*
	(6b) A manufacturer using one or more CE marked fertilising products that have already been subject to a conformity assessment, carried out by that manufacturer or another manufacturer, might wish to rely on that conformity assessment. For the purpose of reducing the administrative burden to a minimum, the resulting CE marked fertilising product should also be regarded as a combination of two or more component fertilising products, and the additional conformity requirements for the combination should be reduced to the aspects warranted by the mixing.

Amendment 7

Proposal for a regulation

Recital 8

Text proposed by the Commission	*Amendment*
(8) Contaminants in CE marked fertilising products, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.	(8) Contaminants in CE marked fertilising products, ***if the latter are not used correctly,*** such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment 8

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) Member States which already have more stringent national limit values for cadmium in fertilisers should be allowed to maintain those limit values until the rest of the Union reaches an equivalent level of ambition.

Tuesday 24 October 2017

Amendment 9

Proposal for a regulation

Recital 8 b (new)

Text proposed by the Commission	*Amendment*
	(8b) In order to facilitate the compliance of the phosphate fertilising products with the requirements of this Regulation and to boost innovation, it is necessary to provide sufficient incentives for the development of relevant technologies, particularly decadmiation technology, and for the management of cadmium-rich hazardous waste by means of the financial resources available under Horizon 2020, LIFE programmes, the Circular Economy Finance Support Platform, through the European Investment Bank (EIB) and other financial instruments where relevant. The Commission should report annually to the European Parliament and the Council on the incentives and the Union funding provided for decadmiation.

Amendment 395

Proposal for a regulation

Recital 8 c (new)

Text proposed by the Commission	*Amendment*
	(8c) As from [date of application of this Regulation] the Commission should establish a mechanism further facilitating access to finance for research and innovation into decadmiation technologies and their implementation in the production process in the Union for all phosphate fertilisers, and into possible cadmium removal solutions that are economically viable on an industrial scale and allow the treatment of the waste generated.

Tuesday 24 October 2017

Amendment 10

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Amendment*
(9) Products complying with all the requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials ***in a CE marked fertilising*** product ***falls*** within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council ([18]), but ***reaches*** a point in the manufacturing chain beyond which it no longer poses ***any significant*** risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.	(9) ***CE marked fertilising*** products complying with all the requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials ***is a derived*** product within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council ([18]), but ***has reached*** a point in the manufacturing chain beyond which it no longer poses a risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.
([18]) Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).	([18]) Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

Tuesday 24 October 2017

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation ***(EC) No 1069/2009***. Where ***a*** manufacturing process regulated under this Regulation ***starts already before that end point has been reached***, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.	(10) ***For each component material category which includes derived products within the meaning of Regulation (EC) No 1069/2009,*** the end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in ***that*** Regulation. ***To take advantage of technical developments, create more opportunities for producers and businesses, and unlock the potential to make more use of nutrients from animal by-products such as animal manure, the setting of processing methods and recovery rules for animal by-products for which an end-point in the manufacturing chain has been determined should start immediately after the entry into force of this Regulation. When it concerns fertilising products containing or consisting of processed animal manure end-of-livestock-manure criteria should be defined. In order to expand or add component material categories to include more animal by-products, 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.*** Where ***such an end point is reached before the CE marked fertilising product is placed on the market but after the*** manufacturing process regulated under this Regulation ***has started***, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Amendment 12

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission	*Amendment*
	(10a) For animal by-products already widely used in Member States for the production of fertilisers the end point should be determined without undue delay, and at the latest one year after the date of entry into force of this Regulation.

Tuesday 24 October 2017

Amendment 13

Proposal for a regulation

Recital 12

Text proposed by the Commission	*Amendment*
(12) ***Where one or more of the component materials for a CE marked fertilising product fall within the scope of Regulation (EC) No 1069/2009 and*** has not reached ***the end point in the manufacturing chain***, it would be misleading to provide for the product's CE marking under this Regulation***, since the making available on the market*** of such ***a product is subject to the requirements of Regulation (EC) No 1069/2009.*** Therefore***, such products should*** be excluded from the scope of this Regulation.	(12) ***The making available on the market of an animal by-product or a derived product for which no end point in the manufacturing chain has been defined, or for which the defined end point*** has not ***been*** reached ***at the time of making available on the market, is subject to the requirements of Regulation (EC) No 1069/2009. Therefore***, it would be misleading to provide for the product's CE marking under this Regulation***. Any product containing or consisting*** of such ***an animal by-product or derived products should*** therefore be excluded from the scope of this Regulation.

Tuesday 24 October 2017

Amendment 14

Proposal for a regulation

Recital 13

Text proposed by the Commission	*Amendment*
(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council ([20]), a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.	(13) For certain recovered wastes***, such as struvite, biochar, and ash-based products,*** within the meaning of Directive 2008/98/EC of the European Parliament and of the Council ([20]) a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC***, and accordingly it should be possible for products containing or consisting of such recovered waste materials to access the internal market. To ensure legal clarity, take advantage of technical developments, and further stimulate the incentive among producers to make more use of valuable waste streams, the scientific analyses and the setting of recovery requirements at Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, 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 defining, without unnecessary delay, larger or additional categories of component materials eligible for use in the production of CE marked fertilising products***.
([20]) Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	([20]) Directive 2008/98/EC of the European Parliament and of the Council ***of 19 November 2008*** on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

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Amendment 15

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) Certain industry by-products, co-products or recycled products coming from specific industrial processes are currently used by manufacturers as a component of a CE marked fertilising product. For components of CE marked fertilising products, requirements related to component material categories should be laid down in this Regulation. If applicable, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Amendment 16

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Amendment*
(14) Certain substances and mixtures, ***commonly*** referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy ***and*** safety criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.	(14) Certain substances and mixtures, referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy***, safety and environmental*** criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy, safety ***and environmental*** criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

Tuesday 24 October 2017

Amendment 17

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) As products made up of substances and mixtures in addition to the fertilising elements are intended to be added to soil and released in to the environment, conformity criteria should apply to all materials in the product, in particular where they are small or break down into small fragments that can be dispersed throughout soil and into water systems and carried to the wider environment. Therefore biodegradability criteria and conformity testing should also be under realistic in-vivo conditions that take into consideration differential rates of decomposition under anaerobic conditions, in aquatic habitats or under water, in waterlogged conditions or in frozen soil.

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) Certain substances, mixtures and micro-organisms, ***commonly*** referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council ([21]). Regulation (EC) No 1107/2009 should therefore be amended accordingly.	(15) Certain substances, mixtures and micro-organisms, referred to as plant biostimulants, are not as such ***inputs of*** nutrients, but nevertheless stimulate plants' ***natural*** nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, ***degradation of soil organic compounds, or increasing the availability of nutrients in the rhizosphere***, they are by nature more similar to fertilising products than to most categories of plant protection products. ***Therefore, they act in addition to fertilisers, with the aim of optimising their efficiency and reducing the nutrient application rates***. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council ([21]). Regulation (EC) No 1107/2009 should therefore be amended accordingly.

([21]) 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 and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

([21]) 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 and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

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Amendment 19

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15a) For micro-organisms, component material categories should be expanded or added in order to guarantee and enhance the innovative potential concerning the development and discovery of new microbial plant biostimulant products. In order to stimulate innovation and to create legal certainty for producers concerning the requirements which have to be fulfilled for the use of micro-organisms as component materials for CE marked fertilising products, harmonized methods for the safety evaluation of micro-organisms have to be clearly identified. The preparatory work for defining these safety evaluation methods should start immediately after the entry into force of this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to define, without any unnecessary delay, the requirements which producers have to comply with when demonstrating the safety of micro-organisms in order to be used in CE marked fertilising products.

Amendment 20

Proposal for a regulation

Recital 16

Text proposed by the Commission	*Amendment*
(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.	(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, ***are plant protection products covered by the scope of that Regulation. Those products*** should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function ***or the action*** of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.

Tuesday 24 October 2017

Amendment 21

Proposal for a regulation

Recital 17

Text proposed by the Commission	*Amendment*
(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC ([22]), Council Directive 89/391/EEC ([23]), Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([24]), Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([25]), Commission Regulation (EC) No 1881/2006 ([26]), Council Directive 2000/29/EC ([27]), Regulation (EU) No 98/2013 of the European Parliament and of the Council ([28]), and Regulation (EU) No 1143/2014 of the European Parliament ***and*** of the Council ([29]).	(17) ***Regardless the type of the CE marked plant nutrition product,*** this Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC ([22]), Council Directive 89/391/EEC ([23]), Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([24]), Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([25]), Commission Regulation (EC) No 1881/2006 ([26]), Council Directive 2000/29/EC ([27]), Regulation (EU) No 98/2013 of the European Parliament and of the Council ([28]), Regulation (EU) No 1143/2014 of the European Parliament and of the Council ([29]), ***Council Directive 91/676/EEC*** ([29a])***, and Directive 2000/60/EC*** ([29b])

([22]) Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

([23]) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

([24]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

([25]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

([26]) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

([27]) Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

([28]) Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

([29]) Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

([22]) Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

([23]) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

([24]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

([25]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

([26]) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

([27]) Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

([28]) Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

Tuesday 24 October 2017

Text proposed by the Commission	*Amendment*
	([29]) Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).
	([29a]) ***Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).***
	([29b]) ***Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)***

Amendment 22

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) The traceability of products which are vulnerable to organic pollution from certain potentially problematic sources (or perceived as such) back to the source of the organic material should be ensured. This is necessary in order to secure consumer confidence and to limit damage if local contamination occurs. As a result, businesses which use fertilising products containing organic material from these sources may be identified. This should be compulsory for products containing material from waste or from by-products which have not undergone any processing that destroys organic pollutants, pathogens and genetic material. The aim is not only to reduce risks to health and the environment but also to reassure public opinion and cater for the concerns of farmers regarding pathogens, organic pollutants and genetic material. In order to protect land owners against pollution for which they themselves are not to blame, Member States are called upon to establish appropriate liability rules.

Amendment 23

Proposal for a regulation

Recital 17 b (new)

Text proposed by the Commission	*Amendment*
	(17b) Untreated by-products of animal production should not be subject to this Regulation.

Tuesday 24 October 2017

Amendment 24

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19a) In line with the circular economy, certain industry by-products or co-products from specific industrial processes are already used by manufacturers as components of CE marked fertilising products. Requirements related to such component material categories should be laid down in Annex II.

Amendment 25

Proposal for a regulation

Recital 20

Text proposed by the Commission	*Amendment*
(20) A ***blend of different CE marked fertilising products***, each of which has been subject to a successful assessment of conformity with the applicable requirements for that material, can itself be expected to be suitable for use as a CE marked fertilising product, subject only to certain additional requirements warranted by the ***blending***. Therefore, in order to avoid an unnecessary administrative burden, such ***blends*** should belong to a separate category, for which the conformity assessment should be limited to the additional requirements warranted by the ***blending***.	(20) A ***combination of products from different product function categories***, each of which has been subject to a successful assessment of conformity with the applicable requirements for that material, can itself be expected to be suitable for use as a CE marked fertilising product, subject only to certain additional requirements warranted by the ***mixing***. Therefore, in order to avoid an unnecessary administrative burden, such ***combinations*** should belong to a separate category, for which the conformity assessment should be limited to the additional requirements warranted by the ***mixing***.

(This amendment also covers a horizontal amendment on the term 'blend' (in plural or singular) being changed to 'combination' (in plural or singular). If agreed by the co-legislators, corresponding changes will apply throughout the text, including those parts reflected in the amendments below.)

Tuesday 24 October 2017

Amendment 26

Proposal for a regulation

Recital 25

Text proposed by the Commission	*Amendment*
(25) When placing a CE marked ***fertilising*** product on the market, the importer should indicate on the packaging of the ***fertilising*** product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, in order to enable market surveillance.	(25) When placing a CE marked product on the market, the importer should indicate on the packaging of the product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, ***as well as the third-country manufacturer,*** in order to enable market surveillance.

Amendment 27

Proposal for a regulation

Recital 31

Text proposed by the Commission	*Amendment*
(31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and safety requirements laid down in this Regulation, ***uniform conditions for implementing*** those requirements may be needed. The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.	(31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and safety requirements laid down in this Regulation, ***and where there are undue delays in the process of adopting or updating standards to reflect*** those requirements***, interim measures*** may be needed ***to lay down uniform conditions for implementing those requirements***. The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.

Tuesday 24 October 2017

Amendment 28

Proposal for a regulation

Recital 47

Text proposed by the Commission	*Amendment*
(47) CE-marked fertilising products should be placed on the market only if they are sufficiently effective and do not present ***unacceptable risks*** to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established. Furthermore, the intended use of CE marked fertilising products should not lead to food or feed becoming unsafe.	(47) CE-marked fertilising products should be placed on the market only if they are sufficiently effective and do not present ***a risk*** to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established. Furthermore, the intended use of CE marked fertilising products should not lead to food or feed becoming unsafe.

Amendment 29

Proposal for a regulation

Recital 49

Text proposed by the Commission	*Amendment*
(49) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to CE marked fertilising products presenting ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.	(49) The existing system should be supplemented by a procedure under which ***all*** interested parties***, including health and consumers stakeholders,*** are informed of measures intended to be taken with regard to CE marked fertilising products presenting ***a*** risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.

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Amendment 30

Proposal for a regulation

Recital 55

Text proposed by the Commission	*Amendment*
(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, ***and*** fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, 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 ***defining larger or additional categories of CE marked fertilising products or component*** materials ***eligible*** for use in ***the*** production ***of such*** products. ***For*** animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009***, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation***.	(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, ***such as struvite,*** fertilising product production from animal by-products, such as biochar***, and phosphorus recovery after incineration, such as ash-based products***. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, 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 eligibility of such*** materials for use in production. ***For*** products ***derived from*** animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009.

Amendment 31

Proposal for a regulation

Recital 55 a (new)

Text proposed by the Commission	*Amendment*
	(55a) A CE marked fertilising product may contain other polymers than nutrient polymers, however this should be limited to the cases where the purpose of the polymer is that of controlling the release of nutrients or increasing the water retention capacity of the CE marked fertilising product. It should be possible for innovative products containing such polymers to access the internal market. In order to minimise risks to human health, to safety or to the environment that may be posed by other polymers than nutrient polymers, the criteria for their biodegradation so that they are capable of undergoing physical and biological decomposition should be established. For that purpose, 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 defining the criteria of the conversion of polymeric carbon to be converted into carbon dioxide (CO_2) and a respective testing method for biodegradation.

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Amendment 32

Proposal for a regulation

Recital 56

Text proposed by the Commission	*Amendment*
(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.	(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment***, taking into account assessments made by or in cooperation with authorities in the Member States***. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

Amendment 33

Proposal for a regulation

Recital 57

Text proposed by the Commission	*Amendment*
(57) ***In exercising those powers,*** it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level***. The Commission, when preparing and drawing up delegated acts, should*** ensure ***a simultaneous, timely and appropriate transmission of relevant*** documents ***to the European Parliament and to the Council***.	(57) ***When adopting delegated acts provided for in this Regulation,*** it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level***, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to*** ensure ***equal participation in the preparation of delegated acts, the European Parliament and the Council receive all*** documents ***at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts***.

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Amendment 34

Proposal for a regulation

Recital 59 a (new)

Text proposed by the Commission	*Amendment*
	(59a) Due to the high level of dependency on phosphate rock imports in the Union, the Commission has classified that material as a critical raw material. It is therefore necessary to monitor the impact of this Regulation on access to raw material supplies in general, on the availability of phosphate rock in particular, and, in both cases, on prices. After such evaluation, and in the case of negative impact, the Commission should take any measures that it deems to be appropriate in order to remedy those disturbances to trade.

Amendment 35

Proposal for a regulation

Article 1 — paragraph 1 — subparagraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) animal by-products which are subject to the requirements of Regulation (EC) No 1069/2009,	(a) animal by-products ***or derived products*** which are ***made available on the market*** subject to the requirements of Regulation (EC) No 1069/2009,

Amendment 36

Proposal for a regulation

Article 1 — paragraph 2 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) Directive 91/676/EEC;

Amendment 37

Proposal for a regulation

Article 1 — paragraph 2 — point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) Directive 2000/60/EC;

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Amendment 38

Proposal for a regulation

Article 2 — paragraph 1 — point 1

Text proposed by the Commission	*Amendment*
(1) '***fertilising*** product' means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or ***their*** rhizosphere for the purpose of providing plants with nutrient or improving their ***nutrition efficiency***;	(1) '***plant nutrition*** product' means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, ***on fungi or their mycosphere or*** on plants ***at any growth stage, including seeds, and***/or ***rhizosphere,*** for the purpose of providing plants ***or fungi*** with nutrient***s*** or ***of*** improving their ***physical or biological growth conditions or their general vigour, yields and quality, including by increasing the ability of the plant to take up nutrients (with the exception of plant protection products covered by Regulation (EC) No 1107/2009)***;

Amendment 39

Proposal for a regulation

Article 2 — paragraph 1 — point 3

Text proposed by the Commission	*Amendment*
(3) 'substance' means a ***substance within the meaning of Article 3(1) of Regulation (EC) No 1907/2006***;	(3) 'substance' means a ***chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition***;

Amendment 40

Proposal for a regulation

Article 2 — paragraph 1 — point 13

Text proposed by the Commission	*Amendment*
(13) 'technical specification' means a document that prescribes technical requirements to be fulfilled by a CE marked fertilising product;	(13) 'technical specification' means a document that prescribes technical requirements to be fulfilled by a CE marked fertilising product ***or by its production process***;

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Amendment 41

Proposal for a regulation

Article 3 — paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation.	Member States shall not impede***, for the aspects and risks covered by this Regulation,*** the making available on the market of CE marked fertilising products which comply with this Regulation.

Amendment 42

Proposal for a regulation

Article 3 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	This Regulation does not prevent Member States from maintaining or adopting provisions which are in compliance with the Treaties, concerning the use of CE marked fertilising products for the purpose of protecting human health and the environment, provided that those provisions do not require modification of CE marked fertilising products which are in compliance with this Regulation and provided that they do not influence the conditions for making them available on the market.

Amendment 44

Proposal for a regulation

Article 4 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Commission shall simultaneously with the publication of this Regulation in the Official Journal of the European Union publish a guidance document giving clear information and examples to manufacturers and market surveillance authorities about how the label should look like. This guidance document shall also specify other relevant information as referred to in point (d) of paragraph 2 of Part 1 of Annex III.

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Amendment 45

Proposal for a regulation

Article 6 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for ***10*** years after the CE marked fertilising product covered by those documents has been placed on the market.	3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for ***five*** years after the CE marked fertilising product covered by those documents has been placed on the market.
	(This is a horizontal amendment on the term for keeping all the technical documentation. If agreed by the co-legislators, corresponding changes will apply throughout the text, including those parts reflected in the amendments below.)

Amendment 46

Proposal for a regulation

Article 6 — paragraph 4 — subparagraph 1

Text proposed by the Commission	*Amendment*
Manufacturers shall ensure that procedures are in place for CE marked fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in ***production method or*** characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked fertilising product is declared shall be adequately taken into account.	Manufacturers shall ensure that procedures are in place for CE marked fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in ***the*** characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked fertilising product is declared shall be adequately taken into account.

Amendment 47

Proposal for a regulation

Article 6 — paragraph 4 — subparagraph 2

Text proposed by the Commission	*Amendment*
When deemed appropriate with regard to the performance of, or the risks presented by, a CE marked fertilising product, manufacturers shall carry out sample testing of such fertilising products made available on the market, investigate, and***, if necessary,*** keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	When deemed appropriate with regard to the performance of, or the risks presented by, a CE marked fertilising product, manufacturers shall***, to protect the health and safety of consumers and the environment,*** carry out sample testing of such fertilising products made available on the market, investigate, and keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors ***and market surveillance authorities*** informed of any such monitoring.

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Amendment 48

Proposal for a regulation

Article 6 — paragraph 6

Text proposed by the Commission	*Amendment*
6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. ***The contact details*** shall be in a language easily understood by end-users and market surveillance authorities.	6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. ***Such information*** shall be in a language easily understood by end-users and market surveillance authorities ***as determined by the Member State concerned, and shall be clear, understandable and legible***.

Amendment 49

Proposal for a regulation

Article 6 — paragraph 7

Text proposed by the Commission	*Amendment*
7. Manufacturers shall ensure that CE marked fertilising product***s are*** labelled in accordance with Annex III, or where the fertilising product is supplied ***without packaging, that the labelling statements are*** provided in a ***document*** accompanying the ***fertilising product and accessible for inspection purposes when the*** product is ***placed on the market. The labelling statement*** shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.	7. Manufacturers shall ensure that CE marked fertilising product ***is*** labelled in accordance with Annex III, or where ***the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, that the required information is provided in a document accompanying the CE marked fertilising product. The information required in accordance with Annex III*** shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.

Amendment 50

Proposal for a regulation

Article 6 — paragraph 10 — introductory part

Text proposed by the Commission	*Amendment*
10. The manufacturer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV ***for*** the following CE marked fertilising products:	10. The manufacturer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV***, and guarantee that*** the following CE marked fertilising products ***are capable of passing that test***:

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Amendment 51

Proposal for a regulation

Article 6 — paragraph 10 — subparagraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) ***fertilising*** product ***blends***, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).	(b) ***combinations from different*** product ***function categories***, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

Amendment 52

Proposal for a regulation

Article 6 — paragraph 10 — subparagraph 2

Text proposed by the Commission	*Amendment*
The report shall be submitted at least five days in advance of placing those products on the market.	The report shall be submitted at least five ***working*** days in advance of placing those products on the market. ***The list of the competent authorities of Member States shall be provided by the Commission on its website.***

Amendment 53

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission	*Amendment*
1. ***Importers shall place*** only compliant CE marked fertilising products on the market.	1. Only compliant CE marked fertilising products ***can be imported into the Union and placed*** on the ***Union*** market.

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Amendment 54

Proposal for a regulation

Article 8 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Before placing a CE marked fertilising product on the market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements ***set out in Annex I, Annex II or Annex III***, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.	2. Before placing a CE marked fertilising product on the market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements ***of this Regulation***, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 55

Proposal for a regulation

Article 8 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the CE marked fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted ***as well as the third-country manufacturers,*** on the packaging of the CE marked fertilising product or, where the CE marked fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

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Amendment 56

Proposal for a regulation

Article 8 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Importers shall ensure that the CE marked fertilising product is labelled in accordance with Annex III in a language which can be easily understood by end-users, as determined by the Member State concerned.	4. Importers shall ensure that the CE-marked fertilising product is labelled in accordance with Annex III, ***or where the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, that the required information is provided in a document accompanying the CE marked fertilising product. The information required in accordance with Annex III shall be*** in a language which can be easily understood by end-users, as determined by the Member State concerned.

Amendment 57

Proposal for a regulation

Article 8 — paragraph 6

Text proposed by the Commission	*Amendment*
6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked fertilising product, importers shall carry out sample testing of such fertilising products made available on the market, investigate, and***, if necessary,*** keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked fertilising product, importers shall***, to protect the health and safety of consumers and the environment,*** carry out sample testing of such fertilising products made available on the market, investigate, and keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.

Amendment 58

Proposal for a regulation

Article 8 — paragraph 8

Text proposed by the Commission	*Amendment*
8. Importers shall, for ***10*** years after the CE marked fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.	8. Importers shall, for ***five*** years after the CE marked fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. ***On request, importers shall make a copy of the EU declaration of conformity available to other economic operators concerned.***

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Amendment 59

Proposal for a regulation

Article 9 — paragraph 2 — subparagraph 1

Text proposed by the Commission	*Amendment*
Before making a CE marked fertilising product available on the market distributors shall verify that it is accompanied by the ***EU declaration of conformity and by the*** required documents, that it is labelled in accordance with Annex III in a language which can be easily understood by end-users in the Member State in which the CE marked fertilising 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 6(5) and (6) and Article 8(3) respectively.	Before making a CE marked fertilising product available on the market distributors shall verify that it is accompanied by the required documents, that it is labelled in accordance with Annex III in a language which can be easily understood by end-users in the Member State in which the CE marked fertilising 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 6(5) and (6) and Article 8(3) respectively. ***Where the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, market distributors shall verify that the required information is provided in a document accompanying the CE marked fertilising product.***

Amendment 60

Proposal for a regulation

Article 9 — paragraph 2 — subparagraph 2

Text proposed by the Commission	*Amendment*
Where a distributor considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements ***set out in Annex I, Annex II or Annex III***, he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.	Where a distributor considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements ***of this Regulation***, he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

Amendment 61

Proposal for a regulation

Article 12 — paragraph 1

Text proposed by the Commission	*Amendment*
Without prejudice to the common specifications referred to in Article 13, CE marked fertilising products 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 requirements set out in Annexes I, II and III covered by those standards or parts thereof.	CE marked fertilising products which are ***in conformity with, or have been tested*** 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 ***respective*** requirements set out in Annexes I, II and III covered by those standards or parts thereof.

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Amendment 62

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission	*Amendment*
The Commission may adopt implementing acts laying down common specifications, the compliance with which ***shall ensure conformity with the requirements set out in Annexes I, II and III covered by those*** specifications ***or parts thereof***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).	***Where a requirement set out in Annexes I, II or III is not covered by harmonised standards or parts thereof, the references of*** which ***have been published in the Official Journal of the European Union, and where following a request to one or several European standardisation organisations to draft harmonised standards for that requirement the Commission observes undue delays in the adoption of that standard, the Commission may adopt implementing acts laying down common*** specifications ***for that requirement***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).

Amendment 63

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The CE marking shall be affixed visibly, legibly and indelibly to the ***accompanying documents and***, where the CE marked fertilising product is supplied ***in a packaged form***, to the ***packaging***.	1. The CE marking shall be affixed visibly, legibly and indelibly to the ***packaging of the CE marked fertilising product or***, where the CE marked fertilising product is supplied ***without packaging***, to the ***documents accompanying the CE marked fertilising product***.

Amendment 64

Proposal for a regulation

Article 17 — paragraph 3 — subparagraph 1

Text proposed by the Commission	*Amendment*
The CE marking shall be followed by the identification number of the notified body ***involved in the conformity assessment referred to in*** Annex IV***, Module D1***.	The CE marking shall be followed by the identification number of the notified body***, where required by*** Annex IV.

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Amendment 65

Proposal for a regulation

Article 18 — paragraph 1

Text proposed by the Commission	*Amendment*
A CE marked fertilising product that has undergone a recovery operation and ***complies with the requirements laid down in this Regulation*** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.	***Where a material that was waste*** has undergone a recovery operation and ***a CE marked fertilising product compliant with this Regulation contains or consists of that material, the material*** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste ***from the moment the EU declaration of conformity is drawn up.***

Amendment 66

Proposal for a regulation

Article 30 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The notifying ***Member State*** shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	2. The notifying ***authorities*** shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.

Amendment 67

Proposal for a regulation

Article 31 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, common specifications referred to in Article 13 ***or other technical specifications***, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate.	3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, ***or*** common specifications referred to in Article 13, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a ***conformity*** certificate ***or approval decision***.

Amendment 68

Proposal for a regulation

Article 31 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Where, in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a CE marked fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.	4. Where, in the course of the monitoring of conformity following the issue of a certificate ***or approval decision***, a notified body finds that a CE marked fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate ***or approval decision*** if necessary.

Amendment 69

Proposal for a regulation

Article 31 — paragraph 5

Text proposed by the Commission	*Amendment*
5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.	5. Where corrective measures are not taken or do not have the required effect ***and a CE marked fertilising product thus remains non-compliant with the requirements of this Regulation***, the notified body shall restrict, suspend or withdraw any certificates ***or approval decisions***, as appropriate.

Amendment 70

Proposal for a regulation

Article 33 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) any refusal, restriction, suspension or withdrawal of a certificate;	(a) any refusal, restriction, suspension or withdrawal of a certificate ***or approval decision***;

Amendment 71

Proposal for a regulation

Article 37 — title

Text proposed by the Commission	*Amendment*
Procedure for dealing with CE marked fertilising products presenting a risk ***at national level***	Procedure ***at national level*** for dealing with CE marked fertilising products presenting a risk

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Amendment 72

Proposal for a regulation

Article 37 — paragraph 1 — subparagraph 1

Text proposed by the Commission	*Amendment*
Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked fertilising product presents ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment, they shall carry out an evaluation in relation to the fertilising product concerned covering the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.	Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked fertilising product presents ***a*** risk to human, animal or plant health, to safety or to the environment ***or to other aspects of public interest protection covered by this Regulation***, they shall carry out an evaluation in relation to the fertilising product concerned covering ***all*** the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.
	(This amendment also covers a horizontal amendment on the term 'unacceptable risk' (in plural or singular) being changed to 'risk' (in singular). If agreed by the co-legislators, corresponding changes will apply throughout the text, including those parts reflected in the amendments below.)

Amendment 73

Proposal for a regulation

Article 37 — paragraph 1 — subparagraph 2

Text proposed by the Commission	*Amendment*
Where, in the course of the evaluation, the market surveillance authorities find that the CE market fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions ***within a reasonable period*** to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market, to recall it***, or*** to remove the CE marking.	Where, in the course of the evaluation, the market surveillance authorities find that the CE market fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market ***or*** to recall it ***within a reasonable period, commensurate with the nature of the risk, as they may prescribe, and*** to remove the CE marking.

Amendment 74

Proposal for a regulation

Article 37 — paragraph 4 — subparagraph 1

Text proposed by the Commission	*Amendment*
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 the CE marked fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it.	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 the CE marked fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it. ***Market surveillance authorities' obligations in this respect shall be without prejudice to Member States' possibility to regulate fertilising products which are not CE marked when made available on the market.***

Amendment 75

Proposal for a regulation

Article 37 — paragraph 5 — point b

Text proposed by the Commission	*Amendment*
(b) shortcomings in the harmonised standards referred to in Article 12 ***conferring a presumption of conformity.***	(b) shortcomings in the harmonised standards referred to in Article 12;

Amendment 76

Proposal for a regulation

Article 37 — paragraph 5 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) shortcomings in the common specifications referred to in Article 13.

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Amendment 77

Proposal for a regulation

Article 38 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the national measure is considered to be justified and the non-compliance of the CE marked fertilising product is attributed to shortcomings in the common specifications referred to in point (ba) of Article 37(5), the Commission shall, without delay, adopt implementing acts amending or repealing the common specification concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).

Amendment 78

Proposal for a regulation

Article 39 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Where, having carried out an evaluation under Article 37 (1), a Member State finds that although a CE marked fertilising product is in compliance with this Regulation it presents ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment, it shall require the relevant economic operator to take all appropriate measures ***within a reasonable period*** to ensure that the fertilising product concerned, when ***placed*** on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.	1. Where, having carried out an evaluation under Article 37 (1), a Member State finds that although a CE marked fertilising product is in compliance with this Regulation it presents ***a*** risk to human, animal or plant health, to safety or to the environment ***or to other aspects of public interest protection covered by this Regulation***, it shall ***without delay*** require the relevant economic operator to take all appropriate measures, ***within a reasonable period prescribed by the market surveillance authority and commensurate with the nature of the risk,*** to ensure that the fertilising product concerned, when ***made available*** on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.

Amendment 79

Proposal for a regulation

Article 40 — paragraph 1 — point c

Text proposed by the Commission	*Amendment*
(c) the EU declaration of conformity ***does not accompany the CE marked fertilising product***;	(c) the EU declaration of conformity ***has not been drawn up***;

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Amendment 80

Proposal for a regulation

Article 42 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress and facilitating internal market access and free movement for CE marked fertilising products.	1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress***, taking into account products and materials already authorised in Member States, and in particular in the fields of fertilising product production from animal by-products and waste recovery, and for the purpose of*** facilitating internal market access and free movement for CE marked fertilising products:
(a) which ***are likely*** to be subject of significant trade on the internal market, and	(a) which ***have the potential*** to be subject of significant trade on the internal market, and
(b) for which there is scientific evidence that the they do not present ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective.	(b) for which there is scientific evidence that the they do not present ***a*** risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective.

Amendment 81

Proposal for a regulation

Article 42 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Without undue delay after … [date of the entry into force of this Regulation], the Commission shall adopt delegated acts, in accordance with paragraph 1, to amend the component material categories set out in Annex II to add in particular animal by-products for which the end-point has been determined, struvite, biochar and ash-based products to those component material categories, as well as to lay down the requirements for the inclusion of those products in those categories. When adopting those delegated acts, the Commission shall specifically take into account technological progress in the recovery of nutrients.

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Amendment 345

Proposal for a regulation

Article 42 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to extend the date of entry into force of the 20 mg/kg limit referred to in Annex I, part II, PFC1(B), point 3, point (a), point 2 and Annex I, part II, PFC1 (C)I, point 2, point (a), point 2, if, based on a thorough impact assessment, it has evidence to consider that the introduction of a stricter limit would seriously jeopardise the supply of fertilising products to the Union.

Amendment 82

Proposal for a regulation

Article 42 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. Where the Commission amends Annex II in order to add new micro-organisms to the component material category for such organisms ***pursuant to paragraph 1***, it shall do so on the basis of the following data:	2. Where the Commission amends Annex II in order to add new ***strains of*** micro-organisms to the component material category for such organisms, it shall do so***, after verifying that all concerned strains of the additional microorganism comply with the requirements in point (b) of paragraph 1 of this Article,*** on the basis of the following data:

Amendment 83

Proposal for a regulation

Article 42 — paragraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) name of the micro-organism;	(a) name of the micro-organism ***at strain level***;

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Amendment 84

Proposal for a regulation

Article 42 — paragraph 2 — point c

Text proposed by the Commission	*Amendment*
(c) ***historical data of*** safe production and use of the micro-organism	(c) ***scientific literature reporting about*** safe production and use of the micro-organism

Amendment 85

Proposal for a regulation

Article 42 — paragraph 2 — point d

Text proposed by the Commission	*Amendment*
(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety ***Agency***;	(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety ***Authority, or reference of declared conformity to the relevant harmonised standards on safety of micro-organisms used which have been published in the Official Journal of the European Union, or conformity with the requirements for the safety evaluation of micro-organisms as adopted by the Commission if such harmonised standards are not in place***;

Amendment 86

Proposal for a regulation

Article 42 — paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	To reflect the rapid technological progress in that field, the Commission shall, by … [one year after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 43 to define criteria for the evaluation of micro-organisms that may be used in plant nutrition products without being inscribed nominally in a positive list.

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Amendment 87

Proposal for a regulation

Article 42 — paragraph 3 — subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	By … [six months after the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 43 to amend Annex II in order to insert the end-points in the manufacturing chain that have been determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009, with regard to the animal by-products listed in CMC 11 of Annex II.

Amendment 88

Proposal for a regulation

Article 42 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. When adopting delegated acts referred to in paragraph 1, the Commission shall amend the component material category setting the requirement for polymers other than nutrient polymers in Annex II in order to reflect the latest scientific evidence and technological development, and by … [three years after the date of application of this Regulation] shall define the criteria of the conversion of polymeric carbon to be converted into carbon dioxide (CO_2) and a respective testing method for biodegradation.

Amendment 89

Proposal for a regulation

Article 42 — paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. When adopting delegated acts referred to in paragraph 1, the Commission shall amend the component material category setting the criteria for other industry by-products in Annex II in order to reflect the present product manufacturing practices, technological development and the latest scientific evidence, and by … [one year after the date of entry into force of this Regulation] shall define the criteria for industrial by-products for their inclusion to the component material category.

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Amendment 91

Proposal for a regulation

Article 43 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 92

Proposal for a regulation

Article 44 — paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. ***Member States shall take all measures necessary to ensure that their rules on penalties are enforced.***

Amendment 93

Proposal for a regulation

Article 45 — paragraph 1 — point 1 a (new)

Regulation (EC) No 1069/2009

Article 5 — paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) in paragraph 2, the following subparagraph is inserted after the first subparagraph:
	'For derived products falling under the scope of Article 32 that are already widely used in Member States for the production of fertilisers, the Commission shall determine such an end-point by … [six months after the date of entry into force of the Fertilisers Regulation]'.

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Amendment 94

Proposal for a regulation

Article 46 — paragraph 1 — point 2

Regulation (EC) No 1107/2009

Article 3 — point 34 — introductory part

Text proposed by the Commission	*Amendment*
(3) "34. 'plant biostimulant' means a product stimulating plant nutrition processes independently of ***the product's*** nutrient content with the sole aim of improving one or more of the following characteristics of the plant:	"34. 'plant biostimulant' means a product ***containing any substance or micro-organism*** stimulating plant nutrition processes independently of ***its*** nutrient content***, or any combination of such substances and/or micro-organisms,*** with the sole aim of improving one or more of the following characteristics of the plant ***or the plant rhizosphere***:

Amendment 95

Proposal for a regulation

Article 46 — paragraph 1 — point 2

Regulation (EC) No 1107/2009

Article 3 — point 34 — point c

Text proposed by the Commission	*Amendment*
(c) crop quality ***traits***.	(c) crop quality.

Amendment 96

Proposal for a regulation

Article 46 — paragraph 1 — point 2

Regulation (EC) No 1107/2009

Article 3 — point 34 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) availability of confined nutrients in soil or rhizosphere;

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Amendment 97

Proposal for a regulation

Article 46 — paragraph 1 — point 2

Regulation (EC) No 1107/2009

Article 3 — point 34 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) degradation of organic compounds in the soil;

Amendment 98

Proposal for a regulation

Article 46 — paragraph 1 — point 2

Regulation (EC) No 1107/2009

Article 3 — point 34 — point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) humification;

Amendment 99

Proposal for a regulation

Article 48 — title

Text proposed by the Commission	*Amendment*
Transitional provisions	Transitional provisions***, reporting and review***

Amendment 100

Proposal for a regulation

Article 48 — paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated 'EC fertiliser' in conformity with Regulation (EC) No 2003/2003 before [***Publications office, please insert*** the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.	Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated 'EC fertiliser' in conformity with Regulation (EC) No 2003/2003 before … [***twelve months after*** the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.

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Amendment 101

Proposal for a regulation

Article 48 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Member States which have already implemented a lower limit for cadmium (Cd) content in organo-mineral fertilisers and inorganic fertilisers, set out in PFC 1 (B)(3)(a) and PFC 1 (C)(I)(2)(a) of Part II of Annex I may maintain that stricter limit until the limit established according to this Regulation is equal or lower. Member States shall notify such existing national measures to the Commission by … [six months after the date of entry into force of this Regulation].

Amendment 102

Proposal for a regulation

Article 48 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. By … [42 months after the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report assessing the application of this Regulation and its overall impact as to the attainment of its objectives, including the impact on SMEs. That report shall in particular include:
	(a) an assessment of the functioning of the internal market for fertilising products, including the conformity assessment and market surveillance effectiveness, an analysis of the effects of partial harmonization on production, use patterns and trade flows of CE marked fertilising products and fertilising products placed on the market under national rules;
	(b) an assessment of application of restrictions on levels of contaminants as laid out in Annex I of this Regulation, any new relevant scientific information as regards the toxicity and carcinogenicity of contaminants if it becomes available, including the risks from uranium contamination in fertilising products;
	(c) an assessment of the developments in decadmiation technologies and their impact, scale and costs across the value chain, as well as related cadmium waste management; and
	(d) an assessment of the impacts on trade in raw material sourcing, including the availability of phosphate rock.

Text proposed by the Commission	*Amendment*
	The report shall take due account of technological progress and innovation as well as standardisation processes affecting production and use of fertilising products. It shall be accompanied, if necessary, by a legislative proposal by … [five years after the date of application of this Regulation].
	By …[12 months after the entry into force of this Regulation] the Commission shall submit an evaluation of the scientific data to set the agronomic and environmental criteria to define end-of-livestock-manure criteria in order to qualify the performance of products that contain or consist of processed livestock manure.

Amendment 103

Proposal for a regulation

Article 48 — paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. By … [five years after the date of entry into force of this Regulation], the Commission shall carry out a review of the conformity assessment procedure of micro-organisms.

Amendment 104

Proposal for a regulation

Article 49 — paragraph 2

Text proposed by the Commission	*Amendment*
It shall apply from ***1 January 2018***.	It shall apply from … ***[two years after the date of entry into force of this Regulation], with the exception of Articles 19 to 35, which shall apply from … [one year after the date of entry into force of this Regulation] and Articles 13, 41, 42, 43 and 45, which shall apply from … [the date of entry into force of this Regulation]***.

Amendment 105

Proposal for a regulation

Annex I — part I — point 1 — point C a (new)

Text proposed by the Commission	*Amendment*
	Ca. Low carbon fertiliser

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Amendment 106

Proposal for a regulation

Annex I — part I — point 5 — point A — point I a (new)

Text proposed by the Commission	*Amendment*
	Ia. Denitrification inhibitor

Amendment 107

Proposal for a regulation

Annex I — part II — point 4

Text proposed by the Commission	*Amendment*
4. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with	***deleted***
(a) Council Regulation (EEC) No 315/93 ([32])***,***	
(b) Regulation (EC) No 396/2005 of the European Parliament and of the Council ([33])***,***	
(c) Regulation (EC) No 470/2009 of the European Parliament and of the Council ([34]) ***or***	
(d) Directive 2002/32/EC of the European Parliament and of the Council ([35])***,***	
the use of the CE marked fertilising product as specified in the use instructions must not lead to the exceedance of those limits in food or feed.	

([32]) ***Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L 37, 13.2.1993, p. 1).***

([33]) ***Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).***

([34]) ***Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 11).***

([35]) ***Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140, 30.5.2002, p. 10).***

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Amendment 108

Proposal for a regulation

Annex I — part II — point 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Ingredients submitted for approval or re-approval under Regulation (EC) No 1107/2009 but not included in Implementing Regulation (EU) No 540/2011 shall not be used in fertilising products when non-inclusion is justified by paragraph 4 of Article 1 of Regulation (EC) No 1107/2009.

Amendment 109

Proposal for a regulation

Annex I — part II — PFC 1(A) — point 1

Text proposed by the Commission	*Amendment*
1. An organic fertiliser shall contain	1. An organic fertiliser shall contain
— carbon ***(C)*** and	— ***organic*** carbon ***(Corg)*** and
— nutrients	— nutrients
of solely biological origin, excluding ***material*** which ***is*** fossilized or embedded in geological formations.	of solely biological origin, ***such as peat, including leonardite, lignite and substances obtained from those materials, but*** excluding ***other materials*** which ***are*** fossilized or embedded in geological formations.

Amendment 110

Proposal for a regulation

Annex I — part II — PFC 1(A) — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— Cadmium (Cd) ***1,5*** mg/kg dry matter,	— Cadmium (Cd) ***1,0*** mg/kg dry matter,

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Amendment 112

Proposal for a regulation

Annex I — part II — PFC 1(A) — point 2 — indent 6

Text proposed by the Commission	*Amendment*
— Biuret ($C_2H_5N_3O_2$) ***12 g/kg dry matter***.	— Biuret ($C_2H_5N3O_2$) ***under detection limit***.

Amendment 113

Proposal for a regulation

Annex I — part II — PFC 1(A) — point 3

Text proposed by the Commission

3. ***Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.***

Amendment

3. ***Pathogens must not be present in the organic fertiliser in a concentration of more than the respective limits outlined in the table below:***

Micro-organism to be tested	*Sampling plans*			*Limit*
	n	***c***	***m***	***M***
Salmonella spp	***5***	***0***	***0***	***Absence in 25 g or 25ml***
Escherichia coli or Enterococcaceae	***5***	***5***	***0***	***1 000 in 1 g or 1ml***

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100 g or 100ml of the organic fertiliser.

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Amendment 114

Proposal for a regulation

Annex I — part II — PFC 1(A)(I) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P_2O_5) or potassium oxide (K_2O).

Amendment 115

Proposal for a regulation

Annex I — part II — PFC 1(A)(I) — point 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the CE marked fertilising product contains more than one nutrient the product shall contain the primary declared nutrients in the minimum quantities stated below: ***2,5 % by mass of total nitrogen (N), or 2 % by mass of total phosphorus pentoxide (P_2O_5), or2 % by mass of total potassium oxide (K_2O), and*** ***6,5 % by mass of total sum of nutrients.***

Amendment 116

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P_2O_5) or potassium oxide (K_2O).

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Amendment 117

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The CE marked fertilising product shall contain at least one of the following declared nutrients in the minimum quantities stated:	2. The CE marked fertilising product shall contain at least one of the following declared ***primary*** nutrients in the minimum quantities stated:

Amendment 118

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— ***2 %*** by mass of total nitrogen (N),	— ***1 %*** by mass of total nitrogen (N), ***and/or***

Amendment 119

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— ***1 %*** by mass of total phosphorus pentoxide (P_2O_5), or	— ***2 %*** by mass of total phosphorus pentoxide (P_2O_5), or

Amendment 120

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 2 — indent 3

Text proposed by the Commission	*Amendment*
— ***2 %*** by mass of total potassium oxide (K_2O).	— ***1 %*** by mass of total potassium oxide (K_2O) ***and***

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Amendment 121

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 2 — indent 3 a (new)

Text proposed by the Commission	*Amendment*
	— ***6,5 % by mass of total sum of nutrients.***

Amendment 122

Proposal for a regulation

Annex I — part II — PFC 1(A)(II) — point 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the CE marked fertilising product contains more than one nutrient the product shall contain the primary declared nutrients in the minimum quantities stated below:
	2 % by mass of total nitrogen (N), or 1 % by mass of total phosphorus pentoxide (P_2O_5), or2 % by mass of total potassium oxide (K_2O), and
	5 % by mass of total sum of primary nutrients.

Amendment 123

Proposal for a regulation

Annex I — part II — PFC 1(B) — point 1

Text proposed by the Commission	*Amendment*
1. An organo-mineral fertiliser shall be a co-formulation of	1. An organo-mineral fertiliser shall be a co-formulation of
— one or more ***inorganic*** fertilisers, as specified in PFC 1(C) below, and	— one or more ***mineral*** fertilisers, as specified in PFC 1(C) below, and
— ***a material*** containing organic carbon ***(C)*** and	— ***one or more materials*** containing organic carbon ***(Corg)*** and
— nutrients of solely biological origin, excluding ***material*** which ***is*** fossilized or embedded in geological formations.	— nutrients of solely biological origin, ***such as peat, including leonardite, lignite and substances obtained from those materials, but*** excluding ***other materials*** which ***are*** fossilized or embedded in geological formations.

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Amendment 343

Proposal for a regulation

Annex I — part II — PFC1(B) — point 3 — point a — point 2 — indents 2 and 3

Text proposed by the Commission	*Amendment*
— As of [Publications office, please insert the date occurring ***three*** years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P_2O_5), and	— As of [Publications office, please insert the date occurring ***six*** years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P_2O_5), and
— As of [Publications office, please insert the date occurring ***twelve*** years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P_2O_5),	— As of [Publications office, please insert the date occurring ***sixteen*** years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P_2O_5),

Amendment 126

Proposal for a regulation

Annex I — part II — PFC 1(B) — point 4

Text proposed by the Commission

4. ***Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.***

Amendment

4. ***Pathogens must not be present in the organo-mineral fertiliser in a concentration of more than the respective limits outlined in the table below:***

Micro-organism to be tested	***Sampling plans***			***Limit***
	n	***c***	***m***	***M***
Salmonella spp	***5***	***0***	***0***	***Absence in 25 g or 25ml***
Escherichia coli or Enterococcaceae	***5***	***5***	***0***	***1 000 in 1 g or 1ml***

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100 g or 100ml of the organo-mineral fertiliser.

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Amendment 127

Proposal for a regulation

Annex I — part II — PFC 1(B)(I) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— ***2 %*** by mass of ***total*** phosphorus pentoxide (P2O5), or	— ***1 %*** by mass of Phosphorus pentoxide (P2O5) ***soluble in neutral ammonium citrate and water***, or

Amendment 128

Proposal for a regulation

Annex I — part II — PFC 1(B)(I) — point 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the CE marked fertilising product contains more than one nutrient the product shall contain the primary declared nutrients in the minimum quantities stated below:
	2,5 % by mass of total nitrogen (N), out of which 1 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or2 % by mass of total phosphorus pentoxide (P_2O_5), or 2 % by mass of total potassium oxide (K_2O), and
	6,5 % by mass of total sum of primary nutrients.

Amendment 129

Proposal for a regulation

Annex I — part II — PFC 1(B)(I) — point 4

Text proposed by the Commission	*Amendment*
4. In the CE marked fertilising product, each unit shall contain ***the*** organic ***matter and*** the nutrients in their declared content.	4. In the CE marked fertilising product, each unit shall contain organic ***carbon and all*** the nutrients in their declared content. ***A unit refers to one of the component pieces of product such as granules, pellets, etc.***

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Amendment 130

Proposal for a regulation

Annex I — part II — PFC 1(B)(II) — point 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the product contains more than one nutrient, the following minimum quantities shall be present:
	— 1 % by mass of total nitrogen (N), or
	— 1 % by mass of total phosphorus pentoxide (P_2O_5), or
	— 1 % by mass of total potassium oxide (K_2O),
	and where the sum of the nutrients is minimum 4 %.

Amendment 131

Proposal for a regulation

Annex I — part II — PFC 1(B)(II) — point 3

Text proposed by the Commission	*Amendment*
3. Organic carbon (C) shall be present in the CE marked fertilising product by at least ***3 %*** by mass.	3. Organic carbon (C) shall be present in the CE marked fertilising product by at least ***1 %*** by mass.

Amendment 132

Proposal for a regulation

Annex I — part II — PFC 1(C) — point 1

Text proposed by the Commission	*Amendment*
1. ***An inorganic*** fertiliser shall be a fertiliser ***other than an organic or organo-mineral fertiliser***.	1. ***A mineral*** fertiliser shall be a fertiliser ***containing nutrients in a mineral form, or processed into a mineral form from animal or plant origin. Organic carbon (Corg) in the CE marked fertilising product shall not exceed 1 % by mass. That excludes carbon which comes from coatings complying with the requirements of CMC 9 and 10 and agronomic additives complying with the requirements of PFC 5 and CMC 8.***

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Amendment 133

Proposal for a regulation

Annex I — part II — PFC 1(C) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Phosphorus fertilisers have to fulfil at least one of the following minimum solubility levels to be plant-available, otherwise they cannot be declared as phosphorus fertiliser:
	— Water solubility: minimum level 40 % of total P, or
	— Solubility in neutral ammonium citrate: minimum level 75 % of total P, or
	— Solubility in formic acid (only for soft rock phosphate): minimum level 55 % of total P.

Amendment 134

Proposal for a regulation

Annex I — part II — PFC 1(C) — point 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The total declarable nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea. The declarable phosphorus content is given by the phosphatic P form. New forms can be added after a scientific examination in accordance with Article 42(1).

Amendment 135

Proposal for a regulation

Annex I — part II — PFC 1 (C)(I) — point 1

Text proposed by the Commission	*Amendment*
1. An ***inorganic*** macronutrient fertiliser shall be aimed at providing plants with one or more of the following macronutrients: nitrogen (N), phosphorus (P), potassium (K), magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na).	1. An ***mineral*** macronutrient fertiliser shall be aimed at providing plants with one or more of the following macronutrients: ***(a) Primary:*** nitrogen (N), phosphorus (P), ***and*** potassium (K); ***(b) Secondary:*** magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na).

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Amendment 344

Proposal for a regulation

Annex I — part II — PFC 1(C)(I) — point 2 — point a — point 2 — indents 2 and 3

Text proposed by the Commission	*Amendment*
— As of [Publications office, please insert the date occurring ***three*** years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P_2O_5), and	— As of [***six*** years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P_2O_5), and
— As of [Publications office, please insert the date occurring ***twelve*** years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P_2O_5),	— As of [***sixteen*** years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P_2O_5),

Amendment 139

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i) — point 1

Text proposed by the Commission	*Amendment*
1. A straight solid ***inorganic*** macronutrient fertiliser shall have a declared content of not more than one nutrient.	1. A straight solid ***mineral*** macronutrient fertiliser shall have a declared content of: ***(a)*** not more than one ***primary*** nutrient ***(nitrogen (N), phosphorus (P), and potassium (K)), or***

Amendment 140

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i) — point 1 — point b (new)

Text proposed by the Commission	*Amendment*
	(b) not more than one secondary nutrient (Magnesium (Mg), Calcium (Ca), sulphur (S) and sodium (Na)).

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Amendment 141

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. A straight solid mineral macronutrient fertiliser with a declared content of not more than one primary nutrient, can contain one or more secondary nutrients.

Amendment 142

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i) — point 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The CE marked fertilising product shall contain ***one of the following*** declared nutrients in the minimum quantity stated:	2. The CE marked fertilising product shall contain ***primary and/or secondary*** declared nutrients in the minimum quantity stated:

Amendment 143

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— 12 % by mass of total phosphorus pentoxide (P_2O_5),	— 12 % by mass of phosphorus pentoxide (P2O5) ***soluble in neutral ammonium citrate and water***,

Amendment 144

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i) — point 2 — indent 7

Text proposed by the Commission	*Amendment*
— ***1 %*** by mass of total sodium oxide (Na_2O).	— ***3 %*** by mass of total sodium oxide (Na_2O),

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Amendment 145

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 1

Text proposed by the Commission	*Amendment*
1. A compound solid ***inorganic*** macronutrient fertiliser shall have a declared content of more than one nutrient.	1. A compound solid ***mineral*** macronutrient fertiliser shall have a declared content of more than one ***primary and/or secondary*** nutrient.

Amendment 146

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The CE marked fertilising product shall contain more than one of the ***following*** declared nutrients in the minimum quantities stated:	2. The CE marked fertilising product shall contain more than one of the ***primary and/or secondary*** declared nutrients in the minimum quantities stated:

Amendment 147

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— ***3 %*** by mass of total phosphorus pentoxide (P_2O_5),	— ***5 %*** by mass of total phosphorus pentoxide (P_2O_5) ***soluble in neutral ammonium citrate and water***,

Amendment 148

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — indent 3

Text proposed by the Commission	*Amendment*
— ***3 %*** by mass of total potassium oxide (K_2O),	— ***5 %*** by mass of total potassium oxide (K_2O),

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Amendment 149

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — indent 4

Text proposed by the Commission	*Amendment*
— ***1,5 %*** by mass of total magnesium oxide (MgO),	— ***2 %*** by mass of total magnesium oxide (MgO),

Amendment 150

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — indent 5

Text proposed by the Commission	*Amendment*
— ***1,5 %*** by mass of total calcium oxide (CaO),	— ***2 %*** by mass of total calcium oxide (CaO),

Amendment 151

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — indent 6

Text proposed by the Commission	*Amendment*
— ***1,5 %*** by mass of total sulphur trioxide (SO_3), ***or***	— ***5 %*** by mass of total sulphur trioxide (SO_3),

Amendment 152

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(ii) — point 2 — indent 7

Text proposed by the Commission	*Amendment*
— ***1 %*** by mass of total sodium oxide (Na_2O).	— ***3 %*** by mass of total sodium oxide (Na_2O).

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Amendment 153

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(a)(i-ii)(A) — point 5 — indent 1

Text proposed by the Commission	*Amendment*
— following five thermal cycles as described under Heading 4.2 in Module A1 in Annex IV,	— following five thermal cycles as described under Heading 4.2 in Module A1 in Annex IV, ***for testing before placing on the market,***

Amendment 154

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 1

Text proposed by the Commission	*Amendment*
1. A straight liquid ***inorganic*** macronutrient fertiliser shall have a declared content of not more than one nutrient.	1. A straight liquid ***mineral*** macronutrient fertiliser shall have a declared content of: ***(a)*** not more than one ***primary*** nutrient,

Amendment 155

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 1 — point b (new)

Text proposed by the Commission	*Amendment*
	(b) not more than one secondary nutrient.

Amendment 156

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. A straight liquid mineral macronutrient fertiliser with a declared content of not more than one primary nutrient, can contain one or more secondary nutrient.

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Amendment 157

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The CE marked fertilising product shall contain ***one of the following*** declared nutrients in the minimum quantity stated:	2. The CE marked fertilising product shall contain ***primary and/or secondary*** declared nutrients in the minimum quantity stated:

Amendment 158

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— 5 % by mass of total phosphorus pentoxide (P_2O_5),	— 5 % by mass of total phosphorus pentoxide (P_2O_5) ***soluble in neutral ammonium citrate and water***,

Amendment 159

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 2 — indent 6

Text proposed by the Commission	*Amendment*
— 5 % by mass of total sulphur trioxide (SO_3), ***or***	— 5 % by mass of total sulphur trioxide (SO_3),

Amendment 160

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(i) — point 2 — indent 7

Text proposed by the Commission	*Amendment*
— ***1 %*** by mass of total sodium oxide (Na_2O).	— ***from 0,5 % to 5 %*** by mass of total sodium oxide (Na_2O).

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Amendment 161

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 1

Text proposed by the Commission	*Amendment*
1. A compound liquid ***inorganic*** macronutrient fertiliser shall have a declared content of more than one nutrient.	1. A compound liquid ***mineral*** macronutrient fertiliser shall have a declared content of more than one ***primary and/or secondary*** nutrient.

Amendment 162

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The CE marked fertilising product shall contain more than one of the ***following*** declared nutrients in the minimum quantities stated:	2. The CE marked fertilising product shall contain more than one of the ***primary and/or secondary*** declared nutrients in the minimum quantities stated:

Amendment 163

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— ***1,5 %*** by mass of total nitrogen (N),	— ***3 %*** by mass of total nitrogen (N), ***or***

Amendment 164

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— 1,5 % by mass of total phosphorus pentoxide (P_2O_5),	— 1,5 % by mass of total phosphorus pentoxide (P_2O_5) ***soluble in neutral ammonium citrate and water***,

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Amendment 165

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — indent 3

Text proposed by the Commission	*Amendment*
— ***1,5 %*** by mass of total potassium oxide (K_2O),	— ***3 %*** by mass of total potassium oxide (K_2O), ***or***

Amendment 166

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — indent 4

Text proposed by the Commission	*Amendment*
— ***0,75 %*** by mass of total magnesium oxide (MgO),	— ***1,5 %*** by mass of total magnesium oxide (MgO), ***or***

Amendment 167

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — indent 5

Text proposed by the Commission	*Amendment*
— ***0,75 %*** by mass of total calcium oxide (CaO),	— ***1,5 %*** by mass of total calcium oxide (CaO), ***or***

Amendment 168

Proposal for a regulation

Annex I — part II — PFC 1(C)(I)(b)(ii) — point 2 — indent 6

Text proposed by the Commission	*Amendment*
— ***0,75 %*** by mass of total sulphur trioxide (SO_3), or	— ***1,5 %*** by mass of total sulphur trioxide (SO_3), or

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Amendment 169

Proposal for a regulation

Annex I — part II — PFC 1(C)(II) — point 1

Text proposed by the Commission	*Amendment*
1. An inorganic micronutrient fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) or zinc (Zn).	1. An inorganic micronutrient fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo)***, selenium (Se), silicon (Si)*** or zinc (Zn).

Amendment 170

Proposal for a regulation

Annex I — part II — PFC 1(C) a (new)

Text proposed by the Commission	*Amendment*
	PFC 1(C)a: LOW CARBON FERTILISER
	1. A CE marked fertilising product shall be termed low carbon fertilizer if it contains more than 1 % organic carbon (C_{org}) and up to 15 % organic carbon (C_{org}).
	2. Carbon present in calcium cyanamide and in urea and its condensation and association products will not be included in organic carbon for the purpose of that definition.
	3. The specifications of solid/liquid, straight/compound, macronutrient/micronutrient fertilisers of PFC1(C) will apply for the purpose of this category.
	4. Products sold under PFC 1(C)a shall comply with contaminant levels as specified in Annex I defined for organic or organo-mineral fertilisers in any case where PFC 1(C) does not contain any limit values for those contaminants.

Amendment 171

Proposal for a regulation

Annex I — part II — PFC 2 — point 1

Text proposed by the Commission	*Amendment*
1. A liming material shall be a CE marked fertilising product aimed at correcting soil acidity, and containing oxides, hydroxides, carbonates ***or*** silicates of the nutrients calcium (Ca) or magnesium (Mg).	1. A liming material shall be a CE marked fertilising product aimed at correcting soil acidity, and containing oxides, hydroxides, carbonates ***or/and*** silicates of the nutrients calcium (Ca) or magnesium (Mg).

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Amendment 398

Proposal for a regulation

Annex I — part II — PFC 2 — point 3

Text proposed by the Commission	*Amendment*
3. The following parameters determined on dry matter shall be met:	3. The following parameters determined on dry matter shall be met:
— Minimum neutralising value: 15 (equivalent CaO) or 9 (equivalent HO-), and	— Minimum neutralising value: 15 (equivalent CaO) or 9 (equivalent HO-), and
— Minimum reactivity: 10 % or 50 % after 6 months (incubation test).	— Minimum reactivity: 10 % or 50 % after 6 months (incubation test)***, and***
	— ***Minimum grain size: 70 % < 1 mm, except for burnt limes, granulated liming material and chalk (=70 % of the grain size shall pass through a 1 mm sieve)***

Amendment 175

Proposal for a regulation

Annex I — part II — PFC 3 — point 1

Text proposed by the Commission	*Amendment*
A soil improver shall be a ***CE marked fertilising product aimed at being*** added to ***the soil for the purpose of maintaining, improving or protecting the*** physical ***or chemical properties, the structure or the*** biological ***activity of soil***.	A soil improver shall be a ***material, including mulch,*** added to ***soil in situ primarily to maintain or improve its*** physical ***properties, and which may improve its chemical and/or*** biological ***properties or activity***.

Amendment 176

Proposal for a regulation

Annex I — part II — PFC 3 — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The CE marked fertilising product shall contain 15 % or more material of biological origin.

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Amendment 177

Proposal for a regulation

Annex I — part II — PFC 3(A) — point 1

Text proposed by the Commission	*Amendment*
1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding ***material*** which ***is*** fossilized or embedded in geological formations.	1. An organic soil improver shall consist exclusively of material of solely biological origin, ***including peat, leonardite, lignite and humic substances obtained from them, but*** excluding ***other materials*** which ***are*** fossilized or embedded in geological formations.

Amendment 179

Proposal for a regulation

Annex I — part II — PFC 3(A) — point 2 — indent 2

Text proposed by the Commission	*Amendment*
— Hexavalent chromium (Cr VI) ***2*** mg/kg dry matter,	— Hexavalent chromium (Cr VI) ***1*** mg/kg dry matter,

Amendment 181

Proposal for a regulation

Annex I — part II — PFC 3(A) — point 3 — point a

Text proposed by the Commission

(a) ***Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.***

Amendment

(a) ***Pathogens must not be present in the organic soil improver in a concentration of more than the respective limits outlined in the table below:***

Micro-organism to be tested	***Sampling plans***			***Limit***
	n	***c***	***m***	***M***
Salmonella spp	***5***	***0***	***0***	***Absence in 25 g or 25ml***
Escherichia coli or Enterococcaceae	***5***	***5***	***0***	***1 000 in 1 g or 1ml***

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100 g or 100ml of the organic soil improver.

Amendment 182

Proposal for a regulation

Annex I — part II — PFC 3(B) — point 1

Text proposed by the Commission	*Amendment*
1. An inorganic soil improver shall be a soil improver other than an organic soil improver.	1. An inorganic soil improver shall be a soil improver other than an organic soil improver***, and shall include mulch films. A biodegradable mulch film shall be a biodegradable polymer film complying in particular with the requirements of points 2a and 3 of CMC 10 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.***

Amendment 184

Proposal for a regulation

Annex I — part II — PFC 4 — point 1

Text proposed by the Commission	*Amendment*
1. A growing medium shall be a material other than soil ***intended for use as a substrate for root development***.	1. A growing medium shall be a material other than soil ***in situ in which plants and mushrooms are grown***.

Amendment 187

Proposal for a regulation

Annex I — part II — PFC 4 — point 3

Text proposed by the Commission

3. ***Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.***

Amendment

3. ***Pathogens must not be present in the growing medium in a concentration of more than the respective limits outlined in the table below:***

Micro-organism to be tested	***Sampling plans***			***Limit***
	n	***c***	***m***	***M***
Salmonella spp	***5***	***0***	***0***	***Absence in 25 g or 25ml***
Escherichia coli or Enterococcaceae	***5***	***5***	***0***	***1 000 in 1 g or 1ml***

where n = number of samples to be tested

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c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100 g or 100ml of the growing medium.

Amendment 188

Proposal for a regulation

Annex I — part II — PFC 5 — point 1

Text proposed by the Commission	*Amendment*
An agronomic additive shall be a CE marked fertilising product intended to be added to a product ***providing plants with nutrient,*** with the intention to improve that ***product's*** nutrient ***release patterns***.	An agronomic additive shall be a CE marked fertilising product, intended to be added to a product***, which has a proven effect on the transformation or plant-availability of different forms of mineral or mineralized nutrients, or both, or which is to be added to the soil*** with the intention to improve that ***nutrient uptake by plants or to reduce*** nutrient ***losses***.

Amendment 193

Proposal for a regulation

Annex I — part II — PFC 5(A)(I a) (new)

Text proposed by the Commission	*Amendment*
	PFC 5(A)(Ia): Denitrification inhibitor
	1. A denitrification inhibitor shall be an inhibitor that reduces the formation of nitrous oxide (N_2O) by slowing down or blocking the conversion of nitrate (NO_3-) to dinitrogen (N_2) without influencing the nitrification process as described in PFC 5(A)(I). It shall contribute to increase the availability of nitrate to the plant and to reduce N_2O emissions.
	2. The effectiveness of this method can be assessed by measuring nitrous oxide emissions in gas samples collected in a suitable measuring device and measuring the amount of N_2O of that sample in a gas chromatograph. The assessment shall also record the water content of the soil.

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Amendment 202

Proposal for a regulation

Annex I — part II — PFC 6 — point 1 — introductory part

Text proposed by the Commission	*Amendment*
1. A plant biostimulant shall be a CE marked fertilising product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:	1. A plant biostimulant shall be a CE marked fertilising product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant ***and the plant rhizophere or phyllosphere***:

Amendment 203

Proposal for a regulation

Annex I — part II — PFC 6 — point 1 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) availability of confined nutrients in the soil and rhizosphere,

Amendment 204

Proposal for a regulation

Annex I — part II — PFC 6 — point 1 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) humification,

Amendment 205

Proposal for a regulation

Annex I — part II — PFC 6 — point 1 — point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) degradation of organic compounds in the soil.

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Amendment 206

Proposal for a regulation

Annex I — part II — PFC 6 — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— Cadmium (Cd) **3** mg/kg dry matter,	— Cadmium (Cd) ***1,5*** mg/kg dry matter,

Amendment 208

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 1

Text proposed by the Commission	*Amendment*
1. A microbial plant biostimulant shall consist ***solely*** of a micro-organism or a consortium of micro-organisms referred to in Component Material Category 7 of Annex II.	1. A microbial plant biostimulant shall consist:
	(a) of a micro-organism or a consortium of microorganisms referred to in Component Material Category 7 of Annex II;
	(b) of microorganisms or a consortium of microorganisms different from those provided under point (a) of this point. They can be used as component material categories as long as they comply with the requirements set out in the Component Material Category 7 of Annex II.

Amendment 209

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 3

Text proposed by the Commission

3. ***Salmonella spp. shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.***

Amendment

3. ***Pathogens must not be present in the microbial plant biostimulant in a concentration of more than the respective limits outlined in the table below:***

Micro-organisms/their toxins, metabolites	***Sampling plans***		***Limit***
	n	***c***	
Salmonella spp	***5***	***0***	***Absence in 25 g or 25 ml***

Micro-organisms/their toxins, metabolites	*Sampling plans*		*Limit*
Escherichia coli	***5***	***0***	***Absence in 1 g or 1ml***
Listeria monocytogenes	***5***	***0***	***Absence in 25 g or 25 ml***
Vibrio spp	***5***	***0***	***Absence in 25 g or 25 ml***
Shigella spp	***5***	***0***	***Absence in 25 g or 25 ml***
Staphylococcus aureus	***5***	***0***	***Absence in 25 g or 25 ml***
Enterococcaceae	***5***	***2***	***10 CFU/g***
Anaerobic plate count unless the microbial biostimulant is an aerobic bacterium	***5***	***2***	***10^5 CFU/g or ml***
Yeast and mould count unless the microbial biostimulant is a fungus	***5***	***2***	***1 000 CFU/g or ml***

where n= number of units comprising the sample; c= number of sample units giving values over the defined limit.

Amendment 210

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 4

Text proposed by the Commission	*Amendment*
4. Escherichia coli shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.	***deleted***

Amendment 211

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 5

Text proposed by the Commission	*Amendment*
5. Enterococcaceae must not be present in the CE marked fertilising product by more than 10 CFU/g fresh mass.	***deleted***

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Amendment 212

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 6

Text proposed by the Commission	*Amendment*
6. Listeria monocytogenes shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.	***deleted***

Amendment 213

Proposal for a regulation

Annex I — part II — PFC 6 (A) — point 7

Text proposed by the Commission	*Amendment*
7. Vibrio spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.	***deleted***

Amendment 214

Proposal for a regulation

Annex I — part II — PFC 6 (A) — point 8

Text proposed by the Commission	*Amendment*
8. Shigella spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.	***deleted***

Amendment 215

Proposal for a regulation

Annex I — part II — PFC 6 (A) — point 9

Text proposed by the Commission	*Amendment*
9. Staphylococcus aureus shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.	***deleted***

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Amendment 216

Proposal for a regulation

Annex I — part II — PFC 6 (A) — point 10

Text proposed by the Commission	*Amendment*
10. Aerobic plate count shall not exceed 10^5 CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is an aerobic bacterium.	***deleted***

Amendment 217

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 12 — subparagraph 2

Text proposed by the Commission	*Amendment*
the plant biostimulant shall have a pH superior or equal to 4.	***deleted***

Amendment 218

Proposal for a regulation

Annex I — part II — PFC 6(A) — point 13

Text proposed by the Commission	*Amendment*
13. The shelf-life of the microbial plant biostimulant shall be at least 6 months under the storage conditions specified on the label.	***deleted***

Amendment 219

Proposal for a regulation

Annex I — part II — PFC 7 — point 3 — introductory part

Text proposed by the Commission	*Amendment*
3. The blending shall not change the ***nature*** of each component fertilising product	3. The blending shall not change the ***function*** of each component fertilising product

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Amendment 220

Proposal for a regulation

Annex II — part I — CMC 11 a (new)

Text proposed by the Commission	*Amendment*
	CMC 11a: Other industry by-products

Amendment 221

Proposal for a regulation

Annex II — part II — CMC 1 — point 1 — introductory part

Text proposed by the Commission	*Amendment*
1. A CE marked fertilising product may contain substances and mixtures, other than ([39])	1. A CE marked fertilising product may contain substances and mixtures, ***including technical additives,*** other than ([39])
([39]) The exclusion of a material from CMC 1 does not prevent it from being an eligible component material by virtue of another CMC stipulating different requirements. See, for instance, CMC 11 on animal by-products, CMCs 9 and 10 on polymers, and CMC 8 on agronomic additives.	([39]) The exclusion of a material from CMC 1 does not prevent it from being an eligible component material by virtue of another CMC stipulating different requirements. See, for instance, CMC 11 on animal by-products, CMCs 9 and 10 on polymers, and CMC 8 on agronomic additives.

Amendment 222

Proposal for a regulation

Annex II — part II — CMC 1 — point 1 — point b

Text proposed by the Commission	*Amendment*
(b) by-products within the meaning of Directive 2008/98/EC,	(b) by-products within the meaning of Directive 2008/98/EC, ***except by-products registered pursuant to Regulation (EC) No 1907/2006 other than those covered by one of the registration obligation exemptions provided for by point 5 of Annex V to that Regulation,***

Amendment 223

Proposal for a regulation

Annex II — part II — CMC 1 — point 1 — point e

Text proposed by the Commission	*Amendment*
(e) polymers, or	(e) polymers ***with the exception of those used in growing media not in contact with the soil***, or

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Amendment 228

Proposal for a regulation

Annex II — part II — CMC 2 — point 1

Text proposed by the Commission	*Amendment*
1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freezedrying ***or*** extraction with water.	1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, ***sieving, milling,*** pressing, drying, freeze-drying, ***buffering, extrusion, radiation, frost-treatment, sanitation by using heat,*** extraction with water ***or any other preparation/processing that does not render the final substance subject to registration under Regulation (EC) No 1907/2006.***

Amendment 229

Proposal for a regulation

Annex II — part II — CMC 2 — point 2

Text proposed by the Commission	*Amendment*
2. For the purpose of paragraph 1, plants are understood to include algae ***and exclude*** blue-green algae.	2. For the purpose of paragraph 1, plants are understood to include algae ***except for*** blue-green algae ***that produce cyanotoxins classified as hazardous in accordance with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.***

Amendment 230

Proposal for a regulation

Annex II — part II — CMC 3 — point 1 — introductory part

Text proposed by the Commission	*Amendment*
1. A CE marked ***fertilising*** product may contain compost obtained through aerobic composting of exclusively one or more of the following input materials:	1. A CE marked ***plant nutrition*** product may contain compost***, a liquid or non-liquid microbial or non-microbial extract made out of compost,*** obtained through aerobic composting***, and the possible ensuing multiplication of the naturally occurring microbials*** of exclusively one or more of the following input materials:

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Amendment 231

Proposal for a regulation

Annex II — part II — CMC 3 — point 1 — point b

Text proposed by the Commission	*Amendment*
(b) Animal by-products ***of categories 2 and 3 according to*** Regulation (EC) No 1069/2009;	(b) ***Products derived from*** animal by-products ***referred to in Article 32 of*** Regulation (EC) No 1069/2009 ***for which the end point in the manufacturing chain has been reached in accordance with Article 5 of that Regulation;***

Amendment 232

Proposal for a regulation

Annex II — part II — CMC 3 — point 1 — point c — introductory part

Text proposed by the Commission	*Amendment*
(c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, ***by steam distillation or by heating solely to remove water, or which are extracted from air by any means,*** except	(c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, except

Amendment 233

Proposal for a regulation

Annex II — part II — CMC 3 — point 1 — point c — indent 2

Text proposed by the Commission	*Amendment*
— sewage sludge, industrial sludge or dredging sludge, and	— sewage sludge, industrial sludge ***(apart for non-consumable food residues, fodder and plantations linked to agrofuels)*** or dredging sludge, and

Amendment 238

Proposal for a regulation

Annex II — part II — CMC 3 — point 1 — point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) Unprocessed and mechanically processed residues from food production industries, except from industries using animal by-products according to Regulation (EC) No 1069/2009.

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Amendment 239

Proposal for a regulation

Annex II — part II — CMC 3 — point 1 — point e b (new)

Text proposed by the Commission	*Amendment*
	(eb) Materials that conform to CMC 2, CMC 3, CMC 4, CMC 5, CMC 6 and CMC 11.

Amendment 240

Proposal for a regulation

Annex II — part II — CMC 3 — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— which ***only processes*** input materials referred to in ***paragraph*** 1 above, and	— ***in*** which ***production lines for the processing of*** input materials referred to in ***point*** 1 above ***are clearly separated from production lines for the processing of input materials other than referred to in point 1***, and

Amendment 241

Proposal for a regulation

Annex II — part II — CMC 3 — point 6 — point a — indent 2

Text proposed by the Commission	*Amendment*
— Criterion: maximum ***25*** mmol O2/kg organic matter/h; or	— Criterion: maximum ***50*** mmol O2/kg organic matter/h; or

Amendment 242

Proposal for a regulation

Annex II — part II — CMC 4 — title

Text proposed by the Commission	*Amendment*
CMC 4: Energy crop digestate	CMC 4: Energy crop digestate ***and plant-based bio-waste***

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Amendment 247

Proposal for a regulation

Annex II — part II — CMC 4 — point 1 — point c

Text proposed by the Commission	*Amendment*
(c) Any material referred to in points (a)-(b) that has previously been digested.	(c) Any material referred to in points (a)-(b) that has previously been digested ***without any traces of aflatoxins***.

Amendment 248

Proposal for a regulation

Annex II — part II — CMC 4 — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— which ***only processes*** input materials referred to in ***paragraph*** 1 above, and	— ***in*** which ***production lines for the processing of*** input materials referred to in ***point*** 1 above ***are clearly separated from production lines for the processing of input materials other than referred to in point 1***, and

Amendment 249

Proposal for a regulation

Annex II — part II — CMC 4 — point 3 — point b

Text proposed by the Commission	*Amendment*
(b) Thermophilic anaerobic digestion at 55 °C with a treatment process including ***a*** pasteurisation ***step (70 °C — 1h)***;	(b) Thermophilic anaerobic digestion at 55 °C with a treatment process including pasteurisation ***as described in point 1 of section 1 of Chapter I of Annex V to Commission Regulation (EU) No 142/2011*** ([1a]);

([1a]) ***Commission Regulation ((EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive ((OJ L 54, 26.2.2011, p. 1).***

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Amendment 250

Proposal for a regulation

Annex II — part II — CMC 4 — point 3 — point d

Text proposed by the Commission	*Amendment*
(d) Mesophilic anaerobic digestion at 37-40 °C with a treatment process including ***a*** pasteurisation ***step (70 °C — 1h)***; or	(d) Mesophilic anaerobic digestion at 37-40 °C with a treatment process including pasteurisation ***as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011***; or

Amendment 251

Proposal for a regulation

Annex II — part II — CMC 5 — point 1 — point c — indent 2

Text proposed by the Commission	*Amendment*
— sewage sludge, industrial sludge or dredging sludge,	— sewage sludge, industrial sludge ***other than those specified in point (ea)*** or dredging sludge, ***and***

Amendment 255

Proposal for a regulation

Annex II — part II — CMC 5 — point 1 — point e — introductory part

Text proposed by the Commission	*Amendment*
(e) Any material listed in points (a)-(d) that	(e) Any material ***without aflatoxins*** listed in points (a)-(d) that

Amendment 256

Proposal for a regulation

Annex II — part II — CMC 5 — point 1 — point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) Unprocessed and mechanically processed residues from food production industries, except from industries using animal by-products in accordance with Regulation (EC) No 1069/2009.

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Amendment 257

Proposal for a regulation

Annex II — part II — CMC 5 — point 1 — point e b (new)

Text proposed by the Commission	*Amendment*
	(eb) Materials that conform to CMC 2, CMC 3, CMC 4, CMC5 , CMC 6 and CMC 11.

Amendment 258

Proposal for a regulation

Annex II — part II — CMC 5 — point 2 — indent 1

Text proposed by the Commission	*Amendment*
— which ***only processes*** input materials referred to in ***paragraph*** 1 above, and	— ***in*** which ***production lines for the processing of*** input materials referred to in ***point*** 1 above ***are clearly separated from production lines for the processing of input materials other than referred to in point 1***, and

Amendment 259

Proposal for a regulation

Annex II — part II — CMC 5 — point 3 — point a

Text proposed by the Commission	*Amendment*
(a) Thermophilic anaerobic digestion at 55 °C during at least 24h and a hydraulic retention time of at least 20 days;	(a) Thermophilic anaerobic digestion at 55 °C during at least 24h and a hydraulic retention time of at least 20 days***, followed by an analysis to verify that the digestion process successfully destroyed the pathogens***;

Amendment 260

Proposal for a regulation

Annex II — part II — CMC 5 — point 3 — point b

Text proposed by the Commission	*Amendment*
(b) Thermophilic anaerobic digestion at 55 °C with a treatment process including ***a*** pasteurisation ***step (70 °C — 1h)***;	(b) Thermophilic anaerobic digestion at 55 °C with a treatment process including pasteurisation ***as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011***;

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Amendment 261

Proposal for a regulation

Annex II — part II — CMC 5 — point 3 — point d

Text proposed by the Commission	*Amendment*
(d) Mesophilic anaerobic digestion at 37-40 °C with a treatment process including ***a*** pasteurisation ***step (70 °C — 1h)***; or	(d) Mesophilic anaerobic digestion at 37-40 °C with a treatment process including pasteurisation ***as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011***; or

Amendment 262

Proposal for a regulation

Annex II — part II — CMC 6 — point 1 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) olive pomace, i.e. a viscous by-product of olive milling obtained by treating the wet pomace with organic solvents in two (2-phase pomace) or three phases (3-phase pomace);

Amendment 263

Proposal for a regulation

Annex II — part II — CMC 6 — point 1 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) by-products of the feed industry which are listed in the catalogue of individual feed materials in Regulation (EU) No 68/2013,

Amendment 264

Proposal for a regulation

Annex II — part II — CMC 6 — point 1 — point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) any other material or substance that has been approved for incorporation in food or animal feed.

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Amendment 269

Proposal for a regulation

Annex II — part II — CMC 6 — point 2 — subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	All substances shall contain aflatoxins under the detection limit.

Amendment 270

Proposal for a regulation

Annex II — part II — CMC 7 — point 1 — indent 1

Text proposed by the Commission	*Amendment*
— ***have undergone no other processing than drying or freeze-drying and***	***deleted***

Amendment 271

Proposal for a regulation

Annex II — part II — CMC 8 — point 1

Text proposed by the Commission	*Amendment*
1. A CE marked fertilising product may contain a substance or a mixture intended to improve the fertilising product's nutrient release patterns, only if that substance's or mixture's compliance with the requirements of this Regulation for a product in PFC 5 of Annex I has been demonstrated in accordance with the conformity assessment procedure applicable to such an agronomic additive.	1. A CE marked fertilising product may contain a substance or a mixture ***(including technological additives, for example: anti-caking agents, defoaming agents, anti-dust agents, dyes and rheological agents)*** intended to improve the fertilising product's nutrient release patterns, only if that substance's or mixture's compliance with the requirements of this Regulation for a product in PFC 5 of Annex I has been demonstrated in accordance with the conformity assessment procedure applicable to such an agronomic additive.

Amendment 272

Proposal for a regulation

Annex II — part II — CMC 8 — point 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. A CE marked fertilising product may contain a compliant denitrification inhibitor as referred to in PFC 5(A)(Ia) of Annex I, only if it contains nitrogen in some form.

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Amendment 273

Proposal for a regulation

Annex II — part II — CMC 8 — point 4

Text proposed by the Commission	*Amendment*
4. A CE marked fertilising product may contain a compliant urease inhibitor, as referred to in PFC 5(A)(II) of Annex I, only if at least 50 % of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) form urea (CH4N2O).	4. A CE marked fertilising product may contain a compliant urease inhibitor, as referred to in PFC 5(A)(II) of Annex I, only if at least 50 % of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) form ***ammonium (NH4+) or ammonium (NH4+) and*** urea (CH4N2O).

Amendment 274

Proposal for a regulation

Annex II — part II — CMC 9 — point 3

Text proposed by the Commission	*Amendment*
3. The polymers shall ***not*** contain formaldehyde.	3. The polymers shall contain ***a maximum of 600 ppm free*** formaldehyde.

Amendment 275

Proposal for a regulation

Annex II — part II — CMC 10 — point 1

Text proposed by the Commission	*Amendment*
1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of	1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of
(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or	(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or
(b) increasing the water retention capacity of the CE marked fertilising product.	(b) increasing the water retention capacity of the CE marked fertilising product***, or***
	(ba) improving the soil as a biodegradable mulch film, which complies in particular with the requirements of points 2a and 3 of CMC 10, or

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Text proposed by the Commission	*Amendment*
	(bb) binding components of the fertilising product, without any contact with the soil, or
	(bc) improving the stability of the CE marked fertilising products, or
	(bd) improving water penetration into soil.

Amendment 276

Proposal for a regulation

Annex II — part II — CMC 10 — point 2

Text proposed by the Commission	*Amendment*
2. As of [***Publications office, please insert the date occurring three*** years after the date of application of this Regulation], the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO**2**), biomass and water. It shall have at least 90 % of the organic carbon converted into CO**2** in maximum **24** months***, in a*** biodegradability ***test as specified points (a)-(c) below***.	2. As of … [***five*** years after the date of application of this Regulation], the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO_2), biomass and water. It shall have at least 90 % of the organic carbon converted into CO_2 in maximum ***48*** months ***after the end of the claimed functionality period of the fertilising product indicated on the label, and as compared to an appropriate standard in the biodegradation test. The*** biodegradability ***criteria, and the development of an appropriate testing method for biodegradation shall be evaluated in the light of the latest scientific evidence and laid down in delegated acts referred to in Article 42 of this Regulation***.
(a) The test shall be conducted at 25 °C ± 2 °C.	
(b) The test shall be conducted in accordance with a method for determining the ultimate aerobic biodegradability of plastic materials in soils by measuring oxygen demand or the amount of carbon dioxide evolved.	
(c) A micro-crystalline cellulose powder with the same dimension as the test material shall be used as a reference material in the test.	
(d) Prior to the test, the test material shall not be subject to conditions or procedures designed to accelerate the degradation of the film, such as exposure to heat or light.	

Amendment 277

Proposal for a regulation

Annex II — part II — CMC 10 — point 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The biodegradable mulch films referred to in PFC 3(B), shall comply with the following criterion:
	The polymer shall be capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO_2), biomass and water and it shall have at least 90 %, absolute or relative to the reference material, of the organic carbon converted into CO_2 in a maximum of 24 months, in a biodegradability test in accordance with Union standards for biodegradation of polymers in soil.

Amendment 278

Proposal for a regulation

Annex II — part II — CMC 10 — point 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. As the product is intended to be added to soil and released in to the environment, these criteria shall apply to all materials in the product.

Amendment 279

Proposal for a regulation

Annex II — part II — CMC 10 — point 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. A CE marked product containing polymers other than nutrient polymers shall be exempted from the requirements set out in points 1, 2 and 3 under the condition that the polymers are solely used as binding material for the fertilising product and they are not in contact with the soil.

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Amendment 280

Proposal for a regulation

Annex II — part II — CMC 11

Text proposed by the Commission

A CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein:

Amendment

Subject to the adoption by the Commission of the delegated acts pursuant to Article 42, a CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein

	Derived product	*Processing standards to reach the end point in the manufacturing chain*
1	***Meat meal***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
2	***Bone meal***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
3	***Meat-and-bone meal***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
4	***Blood of animals***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
5	***Hydrolysed proteins of Category III — according to Regulation (EC) 1069/2009***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
6	***Processed manure***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
7	***Compost*** [1]	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
8	***Biogas digestion residues*** [1]	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
9	***Feather meal***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***
10	***Hides and skins***	***Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009***

	Derived product	*Processing standards to reach the end point in the manufacturing chain*
11	*Hoofs and horns*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*
12	*Guano of bats*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*
13	*Wool and hair*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*
14	*Feather and downs*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*
15	*Pig bristles*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*
16	*Glycerine and other products of Category 2 and 3 materials derived from the biodiesel and renewable fuels production*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*
17	*Petfood and dog chews that have been refused for commercial reasons or technical failures*	*Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009*

([1]) *derived from Category 2 and 3 materials other than Meat-and-bone meal and Processed animal protein*

Amendment 281

Proposal for a regulation

Annex II — part II — CMC 11 a (new)

Text proposed by the Commission	*Amendment*
	CMC 11a: Other industry by-products
	1. A CE marked fertilising product may contain other industry by-products such as ammonium sulfate from caprolactam production, sulfuric acid from refining natural gas and oils as well as other materials coming from specific industrial processes, which are excluded from CMC 1 and are listed in the table below, under the conditions specified therein:

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Text proposed by the Commission	*Amendment*
	2. From … [one year after the date of entry into force of this Regulation], the criteria for industrial by-products that have been used in compliance with Regulation (EC) No 2003/2003 as components of CE marked fertilising products, for their inclusion to the component material category shall be established in the light of the latest scientific evidence and laid down in delegated acts referred to in Article 42 of this Regulation.

Amendment 282

Proposal for a regulation

Annex III — part 1 — point 2 — point e

Text proposed by the Commission	*Amendment*
(e) A description of all components above ***5 %*** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II.	(e) A description of all components above ***1 %*** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II ***and including the content as percentage by the dry matter;***

Amendment 283

Proposal for a regulation

Annex III — part 1 — point 2 — point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) In the case of any product containing material originating from organic wastes or by-products, which has not been through a process which has destroyed all organic materials, the label shall specify which wastes and by-products have been used and a batch number or production time series number. That number shall refer to the traceability data held by the producer and which identifies the individual sources (farms, factories, etc.) of each organic waste/by-product used in the batch/time series. The Commission shall publish, after a public consultation and by … [two years after the date of entry into force of this Regulation], specifications for the implementation of this provision, which will enter into force by … [three years after the publication of the specifications]. In order to minimise the administrative burden for operators and for market surveillance authorities, the Commission specifications shall take into account both the requirements of paragraphs 5 to 7 of Article 6 and Article 11 and existing traceability systems (e.g. for animal by-products or industry systems) as well as Union waste classification codes.

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Amendment 284

Proposal for a regulation

Annex III — part 1 — point 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Short instructions for intended use, including intended application rate and timing, intended target plants and storage shall be made available by the manufacturers.

Amendment 285

Proposal for a regulation

Annex III — part 1 — point 7 a (new)

Text proposed by the Commission	*Amendment*
	7a. No product can make claims related to another PFC without meeting the full requirements of that additional PFC, nor are any direct or implied claims of plant protection effects allowed.

Amendment 286

Proposal for a regulation

Annex III — part 2 — PFC 1 — point 2 — point b

Text proposed by the Commission	*Amendment*
(b) The nitrification inhibitor content shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH4+) and urea nitrogen (CH4N2O).	(b) The nitrification inhibitor content shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH4+) ***or ammonium nitrogen (NH4+)*** and urea nitrogen (CH4N2O).

Amendment 287

Proposal for a regulation

Annex III — part 2 — PFC 1(A) — point 1 — point a

Text proposed by the Commission	*Amendment*
(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K;	(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K; ***the declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from urea formaldehyde, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.***

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Text proposed by the Commission	*Amendment*
	Phosphorus fertilisers must fulfil the following minimum solubility levels to be plant-available, otherwise they cannot be declared as phosphorus fertilisers:
	— water solubility: minimum level 25 % of total P,
	— solubility in neutral ammonium citrate: minimum level 30 % of total P,
	— solubility in formic acid (only for soft rock phosphate): minimum level 35 % of total P.

Amendment 288

Proposal for a regulation

Annex III — part 2 — PFC1 (A) — point 1 — point b

Text proposed by the Commission	*Amendment*
(b) the declared nutrients ***magnesium (Mg)***, ***calcium (Ca)***, ***sulphur (S) or*** sodium (Na), by their chemical symbols in the order ***Mg-Ca-S-Na***;	(b) the declared nutrients ***calcium (Ca)***, ***magnesium (Mg)***, sodium (Na) ***or sulphur (S)*** by their chemical symbols in the order ***Ca- Mg — Na — S***;
	(This amendment applies throughout the text. If agreed by the co-legislators, corresponding changes will apply throughout the text, including those parts reflected in the amendments below.)

Amendment 289

Proposal for a regulation

Annex III — part 2 — PFC 1(A) — point 1 — point c

Text proposed by the Commission	*Amendment*
(c) numbers indicating the ***total*** content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na),	(c) numbers indicating the ***average*** content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na),

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Amendment 290

Proposal for a regulation

Annex III — part 2 — PFC 1(A) — point 1 — point d — indent 6

Text proposed by the Commission	*Amendment*
— Organic carbon (C); and	— Organic carbon (C) and ***C/N ratio;***

Amendment 291

Proposal for a regulation

Annex III — part 2 — PFC 1(A) — point 1 — point d — indent 7 a (new)

Text proposed by the Commission	*Amendment*
	— ***In a form such as powder or pellets.***

Amendment 292

Proposal for a regulation

Annex III — part 2 — PFC 1(B) — point 1 — point d — indent 2

Text proposed by the Commission	*Amendment*
— ***Total*** Phosphorus pentoxide (P_2O_5);	— Phosphorus pentoxide (P_2O_5) ***soluble in neutral ammonium citrate and water***;

Amendment 293

Proposal for a regulation

Annex III — part 2 — PFC 1(B) — point 1 — point d — indent 2 — subindent 3

Text proposed by the Commission	*Amendment*
— ***where soft ground phosphate is present,*** phosphorous pentoxide (P2O5) soluble in ***formic acid***;	— Phosphorus pentoxide (P_2O_5) ***only*** soluble in ***mineral acids***;

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Amendment 294

Proposal for a regulation

Annex III — part 2 — PFC 1(B) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The total declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.

Amendment 295

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I) — point 1 — point d — indent 2

Text proposed by the Commission	*Amendment*
— ***Total*** Phosphorus pentoxide (P_2O_5);	— Phosphorus pentoxide (P_2O_5) ***soluble in neutral ammonium citrate and water***;

Amendment 296

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I) — point 1 — point d — indent 2 — subindent 3

Text proposed by the Commission	*Amendment*
— ***Where soft ground phosphate is present,*** phosphorous pentoxide (P2O5) soluble in ***formic acid***;	— Phosphorus pentoxide (P_2O_5) ***only*** soluble in ***mineral acids***;

Amendment 297

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I) — point 1 — point d — indent 4 — subindent 1 a (new)

Text proposed by the Commission	*Amendment*
	— ***in a form such as powder or pellets;***

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Amendment 298

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I) — point 1 — point d a (new)

Text proposed by the Commission	*Amendment*
	(da) pH

Amendment 299

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I) — point 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Fertilising products that contain less than 5ppm of cadmium, arsenic, lead, chromium VI and mercury, respectively, shall be eligible to use a visible 'Green Label' in their packaging and label. The Commission shall be empowered to adopt delegated acts in accordance with Article 43, supplementing this Regulation to set the technical standards of such labels.

Amendment 300

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I)(a) — point 3 — point c

Text proposed by the Commission	*Amendment*
(c) powder, where at least 90 % of the product can pass through a sieve with a mesh of ***10*** mm, or	(c) powder, where at least 90 % of the product can pass through a sieve with a mesh of ***1*** mm, or

Amendment 301

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(I)(a) — point 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. For CE marked fertilising products referred to in point (bb) of point 1 of CMC 10 of Annex II where polymers are solely used as binding material, the following marking shall be present: 'The fertilising product is not intended to be in contact with the soil.'

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Amendment 302

Proposal for a regulation

Annex III — part 2 — PFC 1(C)(II) — point 1

Text proposed by the Commission	*Amendment*
1. The declared micronutrients in the CE marked fertilising product shall be listed by their names and chemical symbols in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), followed by the name(s) of their counter-ion(s),	1. The declared micronutrients in the CE marked fertilising product shall be listed by their names and chemical symbols in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo)***, selenium (Se), silicon (Si)*** and zinc (Zn), followed by the name(s) of their counter-ion(s),

Amendment 303

Proposal for a regulation

Annex III — part 2 — PFC 1(C) a (new)

Text proposed by the Commission	*Amendment*
	PFC 1(C)a: Low carbon fertiliser
	1. The following information elements relating to macronutrients shall be present:
	(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K;
	(b) the declared nutrients magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na), by their chemical symbols in the order Mg-Ca-S-Na;
	(c) numbers indicating the total content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na);
	(d) the content of the following declared nutrients, in the following order and as a percentage of the fertiliser by mass:

Text proposed by the Commission	*Amendment*
	— ***Total Nitrogen (N)***
	minimum amount of organic nitrogen (N), followed by a description of the origin of the organic matter used;
	Nitrogen (N) in the form of nitric nitrogen;
	Nitrogen (N) in the form of ammoniacal nitrogen;
	Nitrogen (N) in the form of urea nitrogen;
	— ***Total phosphorus pentoxide (P_2O_5);***
	Water-soluble phosphorus pentoxide (P_2O_5);
	phosphorus pentoxide (P_2O_5) soluble in neutral ammonium citrate;
	where soft ground phosphate is present, phosphorus pentoxide (P_2O_5) soluble in formic acid;
	— ***Total potassium oxide (K_2O);***
	Water soluble potassium oxide (K_2O);
	— ***magnesium oxide (MgO), calcium oxide (CaO), sulphur trioxide (SO_3) and sodium oxide (Na_2O), expressed***
	— ***where those nutrients are totally soluble in water, only as the content soluble in water;***
	— ***where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water;***
	— ***in other cases, as the total content.***
	(e) where urea (CH_4N_2O) is present, information about the possible air quality impacts of the release of ammonia from the fertiliser use, and an invitation to users to apply appropriate remediation measures.

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Text proposed by the Commission	*Amendment*
	2. The following other elements shall be indicated as a percentage by mass of the CE marked fertilising product:
	— Organic carbon (C) content; and
	— Dry matter content.
	3. Where one or more of the micronutrients boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), are present in the minimum content indicated as a percentage by mass in the table below, they
	— shall be declared if they are intentionally added to the CE marked fertilising product, and
	— may be declared in other cases:

Micronutrient	*Percentage by mass*
Boron (B)	***0,01***
Cobalt (Co)	***0,002***
Copper (Cu)	***0,002***
Manganese (Mn)	***0,01***
Molybdenum (Mo)	***0,001***
Zinc	***0,002***

They shall be declared after the information on macronutrients. The following information elements shall be present:

(a) indication of the names and chemical symbols of the declared micronutrients, listed in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), followed by the name(s) of their counter-ion(s);

(b) the total micronutrient content expressed as a percentage of the fertiliser by mass

where those nutrients are totally soluble in water, only as the content soluble in water;

Text proposed by the Commission	*Amendment*
	where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water; and
	in other cases, as the total content;
	(c) where the declared micronutrient(s) are chelated by chelating agent(s), the following qualifier after the name and the chemical identifier of the micronutrient:
	'chelated by…' name of the chelating agent or its abbreviation, and the amount of chelated micronutrient as a percentage of the CE marked fertilising product by mass;
	(d) where the CE marked fertilising product contains micronutrient(s) complexed by complexing agent(s):
	the following qualifier after the name and the chemical identifier of the micronutrient: 'complexed by …', and the amount of complexed micronutrient as a percentage of the CE marked fertilising product by mass; and
	the name of the complexing agent or its abbreviation;
	(e) the following statement: 'To be used only where there is a recognised need. Do not exceed the appropriate rate'.

Amendment 399

Proposal for a regulation

Annex III — part 2 — PFC 2 — indent 2

Text proposed by the Commission	*Amendment*
— Granulometry, expressed ***a*** percentage of product passing through ***a determined sieve;***	— Granulometry, expressed ***as the*** percentage of product passing through ***the sieves of 1,0 mm and 3,15 mm;***

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Amendment 304

Proposal for a regulation

Annex III — part 2 — PFC 3 — point 1 — indent 3

Text proposed by the Commission	*Amendment*
— ***Total nitrogen (N) content;***	***deleted***

Amendment 305

Proposal for a regulation

Annex III — part 2 — PFC 3 — point 1 — indent 4

Text proposed by the Commission	*Amendment*
— ***Total phosphorus pentoxide (P_2O_5) content;***	***deleted***

Amendment 306

Proposal for a regulation

Annex III — part 2 — PFC 3 — point 1 — indent 5

Text proposed by the Commission	*Amendment*
— ***Total potassium oxide (K_2O) content;***	***deleted***

Amendment 307

Proposal for a regulation

Annex III — part 2 — PFC 6 — point e

Text proposed by the Commission	*Amendment*
(e) dose, timing (plant development stage) and frequency of application;	(e) dose, timing (plant development stage)***, placement*** and frequency of application ***(in line with the empirical evidence justifying the biostimulant claim(s));***

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Amendment 308

Proposal for a regulation

Annex III — part 2 — PFC 6 — point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) statement that the product is not a plant protection product;

Amendment 309

Proposal for a regulation

Annex III — part 3 –PFC 1(A)

Text proposed by the Commission		*Amendment*	
	Permissible tolerance for the declared nutrient content and other declared parameter		Permissible tolerance for the declared nutrient content and other declared parameter
Organic carbon (C)	± ***20*** % relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms	Organic carbon (C)	± ***15*** % relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms
Dry matter content	± 5,0 percentage point in absolute terms	Dry matter content	± 5,0 percentage point in absolute terms
Total nitrogen (N)	± ***50*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Total nitrogen (N)	± ***15*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Organic nitrogen (N)	± ***50*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Organic nitrogen (N)	± ***15*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P_2O_5)	± ***50*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Total phosphorus pentoxide (P_2O_5)	± ***15*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

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Text proposed by the Commission		*Amendment*	
Total potassium oxide (K_2O)	± ***50*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Total potassium oxide (K_2O)	± ***15*** % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide	± 25 % of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.	Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide	± 25 % of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.
Total copper (Cu)	± 50 % relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms	Total copper (Cu)	± 50 % relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms
Total zinc (Zn)	± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms	Total zinc (Zn)	± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Quantity	- 5 % relative deviation of the declared value	Quantity	- 5 % relative deviation of the declared value
		Declared forms of nitrogen, phosphorus and potassium	***Binaries: maximum tolerance, in absolute terms, of 1,1 N and 0,5 organic N, 1,1 P_2O_5, 1,1 K_2O and 1,5 for the sum of two nutrients.***
			Ternaries: maximum tolerance, in absolute terms, of 1,1 N and 0,5 organic N, 1,1 P_2O_5, 1,1 K_2O and 1,9 for the sum of three nutrients.

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Text proposed by the Commission	*Amendment*
	± 10 % of the total declared content of each nutrient up to a maximum of 2 percentage points in absolute terms.

Amendment 310

Proposal for a regulation

Annex III — part 3 — PFC 1(B) — table 1

Text proposed by the Commission

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P_2O_5	K_2O	MgO	CaO	SO_3	Na_2O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms			± ***25 %*** of the declared content of those nutrients up to a maximum of ***1,5*** percentage points in absolute terms.			± 25 % of the declared content up to a maximum of 0,9 percentage points in absolute terms

Amendment

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P_2O_5	K_2O	MgO	CaO	SO_3	Na_2O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms ***for each nutrient separately and for the sum of nutrients***			***-50 % and + 100 %*** of the declared content of those nutrients up to a maximum of ***-2 and + 4*** percentage points in absolute terms.			± 25 % of the declared content up to a maximum of 0,9 percentage points in absolute terms
P_2O_5 tolerances refer to phosphorus pentoxide (P_2O_5) soluble in neutral ammonium citrate and water.						

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Amendment 311

Proposal for a regulation

Annex III — part 3 — PFC 1(B)

Text proposed by the Commission	*Amendment*
Organic carbon: ± ***20 %*** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms	Organic carbon: ± ***15 %*** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms
Organic nitrogen: ± ***50 %*** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Organic nitrogen: ± ***15 %*** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total copper (Cu) ± ***50 %*** relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms	Total copper (Cu) ± ***15 %*** relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms
Total zinc (Zn) ± ***50 %*** relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms	Total zinc (Zn) ± ***15 %*** relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms

Amendment 312

Proposal for a regulation

Annex III — part 3 — PFC 1(C)(I)

Text proposed by the Commission

Permissible tolerance for the declared content of forms of inorganic macronutrient

<table>
<tr><th>N</th><th>P_2O_5</th><th>K_2O</th><th>MgO</th><th>CaO</th><th>SO_3</th><th>Na_2O</th></tr>
<tr><td colspan="3">± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms</td><td colspan="3">± ***25 %*** of the declared content of those nutrients up to a maximum of ***1,5*** percentage points in absolute terms.</td><td>± 25 % of the declared content up to a maximum of 0,9 percentage points in absolute terms</td></tr>
</table>

Granulometry: ± ***10*** % relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± ***5*** % relative deviation of the declared value

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Amendment

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P_2O_5	K_2O	MgO	CaO	SO_3	Na_2O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms ***for each nutrient separately and for the sum of nutrients***			***-50 % and + 100 %*** of the declared content of those nutrients up to a maximum of ***-2 and + 4*** percentage points in absolute terms.			***-50 % and + 100 %*** of the declared content up to a maximum of ***-2 and + 4*** percentage points in absolute terms

The above tolerance values apply also for the N-forms and for the solubilities.

Granulometry: ± ***20 %*** relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± ***3 %*** relative deviation of the declared value

Amendment 313

Proposal for a regulation

Annex III — part 3 — PFC 3

Text proposed by the Commission

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture ± ***1,0*** at any time in the distribution chain
Organic carbon (C)	± 10 % relative deviation of the declared value up to a maximum of 1,0 percentage points in absolute terms
Total nitrogen (N)	± 20 % relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P_2O_5)	± 20 % relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K_2O)	± 20 % relative deviation up to a maximum of 1,0 percentage point in absolute terms
Dry matter	± 10 % relative deviation of the declared value

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Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Quantity	- 5 % relative deviation of the declared value at the time of manufacture - ***25 %*** relative deviation of the declared value at any time in the distribution chain
Carbon (C) org /Nitrogen (N) org	± 20 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Granulometry	± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve.

Amendment

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture ± ***0,9*** at any time in the distribution chain
Organic carbon (C)	± 10 % relative deviation of the declared value up to a maximum of 1,0 percentage points in absolute terms
Total nitrogen (N)	± 20 % relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P_2O_5)	± 20 % relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K_2O)	± 20 % relative deviation up to a maximum of 1,0 percentage point in absolute terms
Dry matter	± 10 % relative deviation of the declared value
Quantity	- 5 % relative deviation of the declared value at the time of manufacture - ***15 %*** relative deviation of the declared value at any time in the distribution chain
Carbon (C) org /Nitrogen (N) org	± 20 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Granulometry	± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve.

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Amendment 314

Proposal for a regulation

Annex III — part 3 — PFC 4

Text proposed by the Commission

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50 % relative deviation at the time of manufacture ± ***75 %*** relative deviation at any time in the distribution chain
pH	± 0,7 at the time of manufacture ± ***1,0*** at any time in the distribution chain
Quantity by volume (litres or m^3)	- 5 % relative deviation at the time of manufacture - ***25 %*** relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	- 5 % relative deviation at the time of manufacture - ***25 %*** relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-shaped GM	- 5 % relative deviation at the time of manufacture - ***25 %*** relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50 % relative deviation at the time of manufacture ± ***75 %*** relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P_2O_5)	± 50 % relative deviation at the time of manufacture ± ***75 %*** relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K_2O)	± 50 % relative deviation at the time of manufacture ± ***75 %*** relative deviation at any time in the distribution chain

Amendment

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50 % relative deviation at the time of manufacture ± ***60 %*** relative deviation at any time in the distribution chain

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Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture ± ***0,9*** at any time in the distribution chain
Quantity by volume (litres or m^3)	- 5 % relative deviation at the time of manufacture - ***15***% relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	- 5 % relative deviation at the time of manufacture - ***15***% relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-shaped GM	- 5 % relative deviation at the time of manufacture - ***15***% relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50 % relative deviation at the time of manufacture ± ***60***% relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P_2O_5)	± 50 % relative deviation at the time of manufacture ± ***60***% relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K_2O)	± 50 % relative deviation at the time of manufacture ± ***60***% relative deviation at any time in the distribution chain

Amendment 315

Proposal for a regulation

Annex IV — part 1 — point 1 — point 1 — point b

Text proposed by the Commission	*Amendment*
(b) energy crop digestates as specified in CMC 4,	(b) energy crop digestates ***and plant-based bio-waste*** as specified in CMC 4,

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Amendment 316

Proposal for a regulation

Annex IV — part 1 — point 1 — point 1 — point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) non-processed or mechanically processed plants, plant parts or plant extracts as specified in CMC 2.

Amendment 317

Proposal for a regulation

Annex IV — part 1 — point 1 — point 3 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) a denitrification inhibitor as specified in PFC 5(A)(Ia),

Amendment 318

Proposal for a regulation

Annex IV — part 1 — point 3 — point 2 — point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) a denitrification inhibitor as specified in PFC (A)(Ia),

Amendment 319

Proposal for a regulation

Annex IV — part 2 — module A — point 2.2 — point b

Text proposed by the Commission	*Amendment*
(b) conceptual design and manufacturing drawings and schemes,	***deleted***

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Amendment 320

Proposal for a regulation

Annex IV — part 2 — module A — point 2.2 — point c

Text proposed by the Commission	*Amendment*
(c) descriptions and explanations necessary for the understanding of those drawings and schemes and the use of the CE marked fertilising product,	***deleted***

Amendment 321

Proposal for a regulation

Annex IV — part 2 — module A1 — point 4 — paragraph 1

Text proposed by the Commission	*Amendment*
The cycles and test referred to under Headings 4.1-4.3 below shall be carried out on a representative sample of the product at least every ***3*** months on behalf of the manufacturer, in order to verify conformity with	The cycles and test referred to under Headings 4.1-4.3 below shall be carried out on a representative sample of the product at least every ***six*** months ***in the case of continuous operation of the plant or every year for the periodic production*** on behalf of the manufacturer, in order to verify conformity with

Amendment 322

Proposal for a regulation

Annex IV — part 2 — module A1 — point 4.3.5 a (new)

Text proposed by the Commission	*Amendment*
	4.3.5a. The manufacturer shall keep the test reports together with the technical documentation.

Amendment 323

Proposal for a regulation

Annex IV — part 2 — module B — point 3.2 — point c — indent 6

Text proposed by the Commission	*Amendment*
— test reports, and	— test reports, ***including studies on agronomic efficiency,*** and

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Amendment 324

Proposal for a regulation

Annex IV — part 2 — module D1 — point 2 — point b

Text proposed by the Commission	*Amendment*
(b) ***conceptual design and manufacturing drawings and schemes, including*** a written description and a diagram of the production process***, where each treatment, storage vessel and area is clearly identified***,	(b) a written description and a diagram of the production process,

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P8_TA(2017)0393

Information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances ***I

European Parliament legislative resolution of 24 October 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1920/2006 as regards information exchange, early warning system and risk assessment procedure on new psychoactive substances (COM(2016)0547 — C8-0351/2016 — 2016/0261(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/47)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0547),

— having regard to Article 294(2) and Article 168(5) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0351/2016),

— 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 19 October 2016 ([1]),

— after consulting the Committee of the Regions,

— having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 31 May 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0359/2016),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0261

Position of the European Parliament adopted at first reading on 24 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2101.)

([1]) OJ C 34, 2.2.2017, p. 182.

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P8_TA(2017)0394

Common Fisheries Policy: implementation of the landing obligation ***I

European Parliament legislative resolution of 24 October 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1380/2013 on the Common Fisheries Policy (COM(2017)0424 — C8-0239/2017 — 2017/0190(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/48)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0424),

— having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0239/2017),

— 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 18 October 2017,

— having regard to the undertaking given by the Council representative by letter of 20 September 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 Fisheries (A8-0285/2017),

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(2017)0190

Position of the European Parliament adopted at first reading on 24 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council amending Regulation (EU) No 1380/2013 on the Common Fisheries Policy

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2092.)

Tuesday 24 October 2017

P8_TA(2017)0399

Draft amending budget No 5/2017: financing for the European Fund for Sustainable Development and increasing the Emergency Aid Reserve

European Parliament resolution of 24 October 2017 on the Council position on Draft amending budget No 5/2017 of the European Union for the financial year 2017 providing the financing for the European Fund for Sustainable Development (EFSD) and increasing the Emergency Aid Reserve (EAR) further to the revision of the Multiannual Financial Framework regulation (12441/2017 — C8-0351/2017 — 2017/2135(BUD))

(2018/C 346/49)

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 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 Council Regulation (EU, Euratom) 2017/1123 of 20 June 2017 amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020 ([4]),

— 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 ([5]),

— having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ([6]),

— having regard to Draft amending budget No 5/2017, which the Commission adopted on 28 July 2017 (COM(2017)0485),

— having regard to the position on Draft amending budget No 5/2017 which the Council adopted on 10 October 2017 and forwarded to Parliament on 11 October 2017 (12441/2017 — C8-0351/2017),

— having regard to Rules 88 and 91 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0301/2017),

([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 L 163, 24.6.2017, p. 1.
([5]) OJ C 373, 20.12.2013, p. 1.
([6]) OJ L 168, 7.6.2014, p. 105.

A. whereas Draft amending budget No 5/2017 aims to provide for the financing of the European Fund for Sustainable Development (EFSD) further to the adoption of the related legal base, and to reflect in the general budget 2017 the outcome of the mid-term revision of the MFF Regulation as regards the increase in the annual amount of the Emergency Aid Reserve (EAR) from EUR 280 million to EUR 300 million in 2011 prices;

B. whereas Draft amending budget No 5/2017 provides EUR 275 million in commitment and payment appropriations for the EFSD, to be covered in full by a mobilisation of the Flexibility Instrument, given the absence of margin under the commitment ceiling of Heading 4 (Global Europe);

C. whereas Draft amending budget No 5/2017 provides, at the same time, for a reduction by the amount of EUR 275 million in payment appropriations for the Asylum, Migration and Integration Fund (AMIF) under Heading 3 (Security and Citizenship), due to an expected under-implementation caused by a late adoption of the legal bases and a delay in programming;

D. whereas Draft amending budget No 5/2017 also provides for an additional EUR 22,8 million (in current prices) for the EAR in commitment appropriations, reflecting the mid-term revision of the MFF Regulation;

E. whereas Draft amending budget No 5/2017 is accompanied by a proposal for a decision on the mobilisation of the Flexibility Instrument to provide the financing for the EFSD (COM(2017)0480) in the amount of EUR 275 million in commitment and payment appropriations under Heading 4;

F. whereas, within the 2017 budgetary procedure, the European Parliament and the Council invited the Commission to request the necessary appropriations for the financing of the EFSD in an amending budget as soon as the legal base is adopted, and undertook to process rapidly the draft amending budget for 2017 put forward by the Commission;

1. Takes note of Draft amending budget No 5/2017, as submitted by the Commission;

2. Welcomes the timely adoption and entry into force of the EFSD Regulation (EU) 2017/1601 ([1]) and calls for its swift implementation, in full observance of the rules and priorities set by the legislator and with a particular attention to its accountability provisions;

3. Welcomes the fact that the mid-term revision of the Multiannual Financial Framework allows for the financing of the EFSD through an increased Flexibility Instrument, while also increasing the size of the EAR;

4. Deplores the low implementation of the AMIF and the Internal Security Fund (ISF) by the Member States; recalls that a budgetary transfer (DEC 18/2017) already reduces the payment appropriations under Heading 3 (Security and Citizenship) by EUR 284 million, using AMIF and ISF as a source for reinforcements under another heading; calls the Member States to respect their political agreements and to do their utmost within their competences to reflect the importance of this Union priority;

5. Approves the Council position on Draft amending budget No 5/2017;

6. Instructs its President to declare that Amending budget No 5/2017 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;

7. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.

([1]) OJ L 249, 27.9.2017, p. 1.

Tuesday 24 October 2017

P8_TA(2017)0400

Mobilisation of the Flexibility Instrument to provide the financing for the European Fund for Sustainable Development

European Parliament resolution of 24 October 2017 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument to provide the financing for the European Fund for Sustainable Development (COM(2017)0480 — C8-0235/2017 — 2017/2134(BUD))

(2018/C 346/50)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2017)0480 — C8-0235/2017),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([1]) (MFF Regulation), and in particular Article 11 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 ([2]), and in particular point 12 thereof,

— having regard to the general budget of the European Union for the financial year 2017, as adopted on 1 December 2016 ([3]),

— having regard to the report of the Committee on Budgets (A8-0298/2017),

A. whereas, after the revision of the MFF Regulation, an annual amount of EUR 676 million in current prices is available under the Flexibility instrument, increased by lapsed amounts from the European Union Solidarity Fund and the European Globalisation Adjustment Fund, namely EUR 646 million at the end of 2016; whereas an amount of EUR 530 million is already mobilised under the Flexibility instrument in the 2017 budget, thus leaving EUR 792 million available for a further mobilisation;

B. whereas Regulation (EU) 2017/1601 of the European Parliament and of the Council ([4]) entered into force on 28 September 2017;

C. whereas, after having examined all possibilities for re-allocating commitment appropriations under Heading 4 (*Global Europe*), the Commission has proposed to mobilise the Flexibility Instrument for an amount of EUR 275 million beyond the ceiling of Heading 4 to provide the financing for the European Fund for Sustainable Development (EFSD);

1. Notes that the 2017 ceiling for Heading 4 does not allow for an adequate financing of the EFSD; reiterates its long-standing position that the financial resources for external action of the Union are not sufficient to cover the needs of a proactive and sustainable external policy;

2. Agrees therefore with the mobilisation of the Flexibility Instrument for an amount of EUR 275 million in commitment and payment appropriations;

([1]) OJ L 347, 20.12.2013, p. 884.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) OJ L 51, 28.2.2017.
([4]) Regulation (EU) 2017/1601 of the European Parliament and of the Council of 26 September 2017 establishing the European Fund for Sustainable Development (EFSD), the EFSD Guarantee and the EFSD Guarantee Fund (OJ L 249, 27.9.2017, p. 1).

3. Reiterates that the mobilisation of this instrument, as provided for in Article 11 of the MFF Regulation, shows, once more, the crucial need for the Union budget to be more flexible;

4. Reiterates its long-standing view that the payments stemming from commitments previously mobilised through the Flexibility Instrument can only be counted over and above the MFF ceilings;

5. Approves the decision annexed to this resolution;

6. 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*;

7. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

Tuesday 24 October 2017

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the Flexibility Instrument to provide the financing for the European Fund for Sustainable Development

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2018/51.)

Wednesday 25 October 2017

P8_TA(2017)0404

Non-objection to a delegated act: product oversight and governance requirements for insurance undertakings and insurance distributors

European Parliament decision to raise no objections to the Commission delegated regulation of 21 September 2017 supplementing Directive (EU) 2016/97 of the European Parliament and of the Council with regard to product oversight and governance requirements for insurance undertakings and insurance distributors (C(2017)06218 — 2017/2854(DEA))

(2018/C 346/51)

The European Parliament,

— having regard to the Commission delegated regulation (C(2017)06218),

— having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 16 October 2017,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution ([1]), and in particular Article 25(2) and Article 39(5) thereof,

— having regard to the recommendation for a decision by the Committee on Economic and Monetary Affairs,

— having regard to Rule 105(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 24 October 2017,

A. whereas the delegated regulation should apply from 23 February 2018, the application date of Directive (EU) 2016/97, and full use of the three-month scrutiny period available to Parliament would not allow sufficient time for industry to implement the necessary technical and organisational changes;

B. whereas swift publication of the delegated regulation in the Official Journal would allow timely implementation of and legal certainty concerning the provisions applicable to product oversight and governance;

C. whereas Parliament considers that the deadline for transposition of Directive (EU) 2016/97 should remain 23 February 2018, but asks the Commission to adopt a legislative proposal setting the application date at 1 October 2018;

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 26, 2.2.2016, p. 19.

Wednesday 25 October 2017

P8_TA(2017)0405

Non-objection to a delegated act: information requirements and conduct of business rules applicable to the distribution of insurance-based investment products

European Parliament decision to raise no objections to the Commission delegated regulation of 21 September 2017 supplementing Directive (EU) 2016/97 of the European Parliament and of the Council with regard to information requirements and conduct of business rules applicable to the distribution of insurance-based investment products (C(2017)06229 — (2017/2855(DEA))

(2018/C 346/52)

The European Parliament,

— having regard to the Commission delegated regulation (C(2017)06229)),

— having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 16 October 2017,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution ([1]), and in particular Article 28(4), Article 29(4), Article 30(6) and Article 39(5) thereof,

— having regard to the recommendation for a decision by the Committee on Economic and Monetary Affairs,

— having regard to Rule 105(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 24 October 2017,

A. whereas the delegated regulation should apply from 23 February 2018, the application date of Directive (EU) 2016/97, and full use of the three-month scrutiny period available to Parliament would not allow sufficient time for industry to implement the necessary technical and organisational changes;

B. whereas swift publication of the delegated regulation in the Official Journal would allow timely implementation of and legal certainty concerning the provisions applicable to insurance-based investment products;

C. whereas Parliament considers that the deadline for transposition of Directive (EU) 2016/97 should remain 23 February 2018, but asks the Commission to adopt a legislative proposal setting the application date at 1 October 2018;

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 26, 2.2.2016, p. 19.

Wednesday 25 October 2017

P8_TA(2017)0406

Non-objection to a delegated act: regulatory technical standards on indirect clearing arrangements (supplementing Regulation (EU) No 600/2014)

European Parliament decision to raise no objections to the Commission delegated regulation of 22 September 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements (C(2017)06268 — (2017/2860(DEA))

(2018/C 346/53)

The European Parliament,

— having regard to the Commission delegated regulation (C(2017)06268),

— having regard to the Commission's letter of 28 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 Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 16 October 2017,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ([1]), and in particular Article 30(2) thereof,

— having regard to Article 13 and Article 10(1) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC ([2]),

— having regard to the draft regulatory technical standards on 'indirect clearing arrangements under EMIR and MiFIR' submitted by ESMA on 26 May 2016 pursuant to Article 30(2) of Regulation (EU) No 600/2014,

— having regard to the recommendation for a decision by the Committee on Economic and Monetary Affairs,

— having regard to Rule 105(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 24 October 2017,

A. whereas the Commission only endorsed the draft regulatory technical standard (RTS) 16 months after having received it from the European Securities and Markets Authority (ESMA) on 26 May 2016; whereas it did not formally consult ESMA over this period concerning its amendments to this draft RTS and did not inform the co-legislators or the industry of the reasons for delay in endorsement beyond the three months laid down in Regulation (EU) No 1095/2010; whereas the fact that the Commission overran the deadline for adopting the draft RTS by more than a year without informing the co-legislators is unacceptable;

([1]) OJ L 173, 12.6.2014, p. 84.
([2]) OJ L 331, 15.12.2010, p. 84.

Wednesday 25 October 2017

B. whereas Parliament considers that the RTS adopted is not 'the same' as the draft RTS submitted by ESMA due to the Commission's amendments and considers that it has three months to object to the RTS ('scrutiny period'); whereas this three-month scrutiny period is confirmed by the Commission in its letter of 28 September 2017;

C. whereas the delegated regulation should apply from 3 January 2018, the application date of Directive 2014/65/EU ('MiFID II') and Regulation (EU) No 600/2014 ('MiFIR'), and full use of the three-month scrutiny period available to Parliament would no longer allow sufficient time for industry to implement the changes;

D. whereas swift publication of the delegated regulation in the Official Journal would allow timely implementation and legal certainty concerning the provisions applicable to indirect clearing;

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.

Wednesday 25 October 2017

P8_TA(2017)0407

Non-objection to a delegated act: regulatory technical standards on indirect clearing arrangements (amending Delegated Regulation (EU) No 149/2013)

European Parliament decision to raise no objections to the Commission delegated regulation of 22 September 2017 amending Commission Delegated Regulation (EU) No 149/2013 with regard to regulatory technical standards on indirect clearing arrangements (C(2017)06270 — (2017/2859(DEA))

(2018/C 346/54)

The European Parliament,

— having regard to the Commission delegated regulation (C(2017)06270),

— having regard to the Commission's letter of 28 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 Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 16 October 2017,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ([1]), and in particular Article 4(4) thereof,

— having regard to Article 13 and Article 10(1) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC ([2]),

— having regard to the draft regulatory technical standards on 'indirect clearing arrangements under EMIR and MiFIR' submitted by ESMA on 26 May 2016 pursuant to Article 4(4) of Regulation (EU) No 648/2012,

— having regard to the recommendation for a decision by the Committee on Economic and Monetary Affairs,

— having regard to Rule 105(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 24 October 2017,

A. whereas the Commission only endorsed the draft regulatory technical standard (RTS) 16 months after having received it from the European Securities and Markets Authority (ESMA) on 26 May 2016; whereas it did not formally consult ESMA over this period concerning its amendments to this draft RTS and did not inform the co-legislators or the industry of the reasons for delay in endorsement beyond the three months laid down in Regulation (EU) No 1095/2010; whereas the fact that the Commission overran the deadline for adopting the draft RTS by more than a year without informing the co-legislators is unacceptable;

([1]) OJ L 201, 27.7.2012, p. 1.
([2]) OJ L 331, 15.12.2010, p. 84.

Wednesday 25 October 2017

B. whereas Parliament considers that the RTS adopted is not 'the same' as the draft RTS submitted by ESMA due to the Commission's amendments and considers that it has three months to object to the RTS ('scrutiny period'); whereas this three-month scrutiny period is confirmed by the Commission in its letter of 28 September 2017;

C. whereas the delegated regulation should apply from 3 January 2018, the application date of Directive 2014/65/EU ('MiFID II') and Regulation (EU) No 600/2014 ('MiFIR'), and full use of the three-month scrutiny period available to Parliament would no longer allow sufficient time for industry to implement the changes;

D. whereas swift publication of the delegated regulation in the Official Journal would allow timely implementation and legal certainty concerning the provisions applicable to indirect clearing;

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.

Wednesday 25 October 2017

P8_TA(2017)0408

General budget of the European Union for 2018 — all sections

European Parliament resolution of 25 October 2017 on the Council position on the draft general budget of the European Union for the financial year 2018 (11815/2017 — C8-0313/2017 — 2017/2044(BUD))

(2018/C 346/55)

The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union,

— having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,

— having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ([1]),

— having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ([2]),

— 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]) (IIA of 2 December 2013),

— having regard to its resolution of 15 March 2017 on general guidelines for the preparation of the budget ([5]),

— having regard to its resolution of 5 April 2017 on Parliament's estimates of revenue and expenditure for the financial year 2018 ([6]),

— having regard to the draft general budget of the European Union for the financial year 2018, which the Commission adopted on 29 June 2017 (COM(2017)0400),

— having regard to the position on the draft general budget of the European Union for the financial year 2018, which the Council adopted on 4 September 2017 and forwarded to Parliament on 13 September 2017 (11815/2017 — C8-0313/2017),

— having regard to its resolution of 5 July 2017 on the mandate for the trilogue on the 2018 draft budget ([7]),

([1]) OJ L 168, 7.6.2014, p. 105.
([2]) OJ L 298, 26.10.2012, p. 1.
([3]) OJ L 347, 20.12.2013, p. 884.
([4]) OJ C 373, 20.12.2013, p. 1.
([5]) Texts adopted of that date, P8_TA(2017)0085.
([6]) Texts adopted of that date, P8_TA(2017)0114.
([7]) Texts adopted of that date, P8_TA(2017)0302.

— having regard to Rule 88 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets and the opinions of the other committees concerned (A8-0299/2017),

Section III

General overview

1. Stresses that Parliament's reading of the 2018 Budget fully reflects the political priorities adopted by an overwhelming majority in its abovementioned resolutions of 15 March 2017 and of 5 July 2017; recalls that sustainable growth, jobs, in particular youth employment, security and climate change are at the core of those priorities;

2. Highlights that the Union continues to face numerous challenges and is convinced that, while maintaining budget discipline, the necessary financial resources must be deployed from the Union budget, in order to meet the political priorities and allow the Union to deliver concrete answers and to effectively respond to those challenges; underlines that Union spending should be based on the principle of European added value and should respect the principle of subsidiarity;

3. Reaffirms its commitment to financing Union policies that enhance jobs and growth in all its regions through investment in research, education, infrastructure, SMEs and employment, in particular youth employment; fails to understand how the Union can achieve progress in those fields considering the cuts proposed by the Council under subheading 1a; decides instead to additionally reinforce research and innovation programmes that have a very high implementation rate and which, due to oversubscription, are faced with a particularly low success rate for applications;

4. Remains committed to the pledges made by Parliament during the negotiations on the European Fund for Strategic Investments (EFSI), namely to minimise the impact of EFSI-related cuts on Horizon 2020 and the Connecting Europe Facility (CEF) in the framework of the annual budgetary procedure; proposes, therefore, to offset those cuts by restoring the original annual profile of those two programmes, in order to allow them to fully accomplish the objectives agreed during the adoption of the relevant legislation;

5. Expresses its political support for the establishment of the European Solidarity Corps (ESC) and welcomes the legislative proposal put forward in this regard by the Commission; considers, however, that, pending a decision on the financing of the ESC and the adoption of the relevant regulation under the ordinary legislative procedure, no financial provision should be entered for this purpose in the 2018 Budget; decides, therefore, that relevant appropriations and redeployments, entered by the Commission in the Draft Budget 2018 (DB), should be for the moment reversed, as the decision on the 2018 Budget should not prejudge in any way the outcome of the legislative negotiations; remains fully committed to integrate the decision on ESC financing in next year's budget immediately via an amending budget, in case the negotiations on the relevant regulation are not concluded before the end of the 2018 budgetary procedure;

6. Is concerned by the fact that youth unemployment remains at unprecedented levels and is convinced that, in order not to jeopardise the future of an entire generation of young Europeans, additional actions need to be undertaken; decides therefore to reinforce the Youth Employment Initiative (YEI) beyond the level proposed by the Commission for 2018; stresses that such reinforcement should be considered as additional to the overall allocation that was politically endorsed for YEI in the context of the MFF mid-term revision, and not as a mere frontloading of that allocation in the 2018 Budget;

7. Recalls that cohesion policy plays a primary role in achieving economic and social convergence in the Union, and thus in ensuring development and growth; stresses that in 2018, cohesion policy programmes are expected to catch-up and reach cruising speed; emphasises Parliament's commitment to ensuring adequate appropriations for those programmes that represent one of the core policies of the Union; is however preoccupied by the unacceptable delays in the implementation of operational programmes at national level; calls on Member States to ensure that the designation of managing, auditing and certifying authorities is concluded and that implementation is accelerated; furthermore calls on the Commission to go further with the simplification of the related procedures;

8. Is highly concerned at the rise of instability and uncertainty both within and outside the Union; insists on the need for a renewed focus on the Union's approach to cohesion, integration, peace, sustainable development and human rights; calls upon the Commission and the Member States to connect and boost efforts towards further sustaining peace and conflict prevention; recalls the worldwide inspiration brought by the Good Friday Agreement while acknowledging the unprecedented challenges and pressures in the aftermath of the United Kingdom 2016 Referendum; calls upon the Commission and Member States to enhance their support for reconciliation to secure peace and stability in Ireland;

9. Believes that, while at present the peak of the migratory and refugee crisis seems to have decreased, the Union must stand ready to respond to any future unforeseen event in this area and pursue a more proactive approach in the field of migration; therefore urges the Commission to continuously monitor the adequacy of allocations under Heading 3 and make full use of all available instruments under the current MFF to respond in a timely manner to any unforeseen event that might require additional funding; recalls that, while the Union managed to put in place some mechanisms helping to cope with this situation, still over one hundred thousand refugees and migrants have arrived to Europe by sea so far in 2017 according to the UNHCR; decides therefore to reinforce in a limited manner the Asylum Migration and Integration Fund and the Internal Security Fund, as well as the agencies with responsibilities in the field of asylum, such as the European Asylum Support Office (EASO), which need to be provided with adequate financial and human resources; notes, once again, that the Heading 3 ceiling is vastly insufficient to provide for appropriate funding for the internal dimension of the migration and refugee crisis as well as other priority programmes, such as culture and citizenship programmes;

10. Underlines that Heading 3 has been largely mobilised in recent years to address the migratory and refugee crisis and that such actions should continue for as long as needed; notes however that the funding provided so far is insufficient; decides for this reason to reinforce agencies in the field of Justice and Home Affairs which, due to increased workload and additional tasks, have been facing shortage of staff and funding in the past years;

11. Underlines that, in light of recent security concerns across the Union, funding under Heading 3 should also have regard to measures which will lead to enhancing the security of Union citizens;

12. Reiterates that an essential part of the solution to the migratory and refugee crisis as well as to the security concerns of Union citizens lie in addressing the root causes of migration and devoting sufficient financial means to external instruments that aim at tackling issues such as poverty, lack of employment, education and economic opportunities, instability, conflict and climate change which is one of the underlying causes behind increasing migration flows; is of the opinion that the Union should make an optimal use of financial means under Heading 4 which proved to be insufficient to equally address all external challenges, considering that the resources are clearly insufficient and should be increased in a more organic way;

13. Regrets that, while preparing its position, Parliament has not been sufficiently informed about the budgetary impact of a possible political decision to extend the Facility for Refugees in Turkey (FRT); reiterates its longstanding position that new initiatives shall not be financed to the detriment of existing EU external projects; calls therefore on the Commission, in the event of the prolongation of the FRT, to propose its financing through fresh means and involve more local NGOs in its implementation; notes that the Heading 4 ceiling is vastly insufficient to provide a sustainable and effective response to the current external challenges, including the migration and refugee ones;

14. Recalls that the Union budget must support the fulfilment of the objectives of the Paris Agreement and the Union's own long-term climate goals by achieving the target of 20 % climate spending in the 2014-2020 MFF; regrets that the Commission has failed to put forward concrete and realistic proposals to achieve these goals; therefore proposes increases above the level of the DB for climate-related actions; notes however that these increases are not sufficient and calls on the

Commission to present all the necessary proposals to reach the goals in the forthcoming draft budgets; notes, in this context, that 8,2 % of total commitment appropriations proposed in the DB are related to biodiversity protection; highlights that an annual increase of 0,1 % stands in contrast to the worrying and accelerating decline in species and habitats;

15. Appreciates that the new approach of 'Budget Focused on Results' has for the first time been integrated into the internal budgetary preparation of the Commission in order to review the expenditure based on experience achieved so far and identify possible adjustments;

16. Restores the cuts proposed by Council to the DB; fails to understand the reasoning behind the proposed cuts, for example those to Horizon 2020 and CEF, two programmes already affected by redeployments to EFSI, as well as those to external policies; contests, in any event, Council's declared intention to target budget lines with a low execution rate or absorption capacity, as this is not substantiated by the actual implementation figures and ignores the varying implementation patterns of certain programmes;

17. Concludes that, for the purpose of adequately financing all pressing needs, and considering the very tight MFF margins in 2018, all means available in the MFF Regulation in terms of flexibility will need to be deployed; expects that the Council will share this approach and that an agreement will easily be reached in conciliation, allowing the Union to rise to the occasion and effectively respond to the challenges ahead; underlines that the deviation each budgetary year from the original programming under the current MFF advocates in favour of an upward adjustment of the ceilings in the MFF post-2020;

18. Sets the overall level of appropriations for 2018 at EUR 162 597 930 901 in commitment appropriations and EUR 146 712 004 932 in payment appropriations;

Subheading 1a — Competitiveness for growth and jobs

19. Rejects Council's unjustified EUR 750 million cuts to subheading 1a, which alone represent almost two thirds of the overall Council cuts in commitments in MFF headings; notes that such cuts contradict Council's own stated political priorities;

20. Insists that in order to achieve sustainable growth and job creation in the Union, boosting investments in research, innovation, education, infrastructure and MSMEs is key; warns that such cuts proposed by the Council would jeopardise programmes with real European added value and a direct impact on job and growth creation, such as Horizon 2020 or CEF; points out, in particular, that sufficient funding for Horizon 2020 is essential to allow for the development of research and innovation, leadership in digitalisation and for the support of SMEs in Europe; recalls that this programme has demonstrated a strong European added-value with 83 % of Horizon 2020-funded projects that would not have gone ahead without Union-level support; reiterates the importance of the CEF funding instrument for the completion of the TEN-T network and for achieving a Single European Transport Area; consequently decides to reverse all cuts made by the Council and, furthermore, to fully restore the original profile of the Horizon 2020 and CEF lines that were cut for the provisioning of the EFSI Guarantee Fund;

21. Stresses, in addition, the need to strengthen both the education and training and the youth strands of Erasmus+, as part of strategic investment in European youth;

22. Stresses that sufficient financial support for microenterprises, entrepreneurs and SMEs should be the key priority for the Union as these are the main source of job creation across Europe; emphasises that securing good access to finance is essential for keeping SMEs competitive and for helping them to overcome challenges related to access to the internal market as well as to the global market;

23. Decides, therefore, to further reinforce beyond the DB and the pre-EFSI and pre-ESC profiles those programmes that are key to boosting growth and jobs and that reflect widely agreed Union priorities, namely Erasmus+, Horizon 2020 (Marie Curie, European Research Council, SME Instrument), COSME, and EaSI (Progress and Eures); calls on the Commission to provide sufficient funding for budget lines related to WIFI4EU and to keep its investment commitment between 2017 and 2020;

24. Welcomes the inclusion of the Special Annual Events budget line in the 2018 Budget, which will allow the development of a sense of European belonging among citizens; notes that the scope of the Special Annual Event should demonstrably serve the added value to the European citizens across the Member States;

25. Stresses the importance of stimulating cooperative defence research in Europe for addressing key capability shortfalls at a time when international developments and uncertainties increasingly require Europe to step up its efforts on defence; supports the increased allocation for the Preparatory Action on defence research; calls for a defence research programme with a dedicated budget within the next Multiannual Financial Framework; reiterates, nevertheless, its longstanding position that new initiatives shall be financed through fresh appropriations and not to the detriment of existing Union programmes; underlines, furthermore, the need to improve the competitiveness and innovation in the European defence industry;

26. Is of the opinion that increased resources should be allocated in the framework of the 2018 Budget in order to conduct a comprehensive and unbiased assessment of the risk posed by third countries in terms of their strategic deficiencies in the area of anti-money laundering and countering terrorist financing, based on criteria defined in Article 9 of Directive (EU) 2015/849 ([1]), and to establish a list of 'high-risk' jurisdictions;

27. Calls on the Commission to ensure an adequate level of allocations enabling the European Union Reference Laboratory for alternatives to animal testing (EURL ECVAM) to effectively perform its duties and tasks listed in Annex VII to Directive 2010/63/EU ([2]), with particular reference to coordinating and promoting the development and use of alternatives to animal testing including in the areas of basic and applied research and regulatory testing;

28. As a result, increases the level of commitment appropriations for subheading 1a above the DB by EUR 143,9 million (excluding pre-EFSI and pre-ESC restoration, pilot projects and preparatory actions), to be financed within the margin available as well as a further mobilisation of the Global Margin for Commitments;

Subheading 1b — Economic, social and territorial cohesion

29. Disapproves of Council's proposed cuts of EUR 240 million in payments under subheading 1b, including on support lines and reverses them, pending updated forecasts from the Commission;

30. Notes with increasing concern that the unacceptable delays in the implementation of the European Structural and Investment Funds have undermined their effectiveness and put pressure on the managing authorities and beneficiaries; reiterates once again the risk that the current delays can have on the accumulation of unpaid bills in the second half of this MFF and at the beginning of the next one; reiterates strongly its call on the Member States to seek advice and assistance

([1]) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

([2]) Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

from the Commission in order to address the delays in the designation of the managing, certifying and auditing authorities; is further alarmed by the downsize trend and the lack of accuracy of the Member States' estimates;

31. Recalls that youth unemployment rates remain unacceptably high in the Union; emphasises that, in order to address this issue, it is of importance to ensure proper funding of the Youth Guarantee schemes through the Youth Employment Initiative (YEI) and the ESF; welcomes the agreement on the need to provide fresh funding for the YEI, and the inclusion of the corresponding appropriations in the DB 2018; considers nevertheless that, given the challenges and risks posed by youth unemployment, the YEI should benefit from increased appropriations and therefore decides to bring the YEI to EUR 600 million in commitments in 2018; moreover, considers that professional training actions, towards the youth and in particular the apprenticeship should be eligible for financing under the cohesion policy;

32. Welcomes the new EUR 142,8 million financial envelope which has been created to facilitate the implementation of the Structural Reform Support Programme between 2017-2020;

Heading 2 — Sustainable growth: natural resources

33. Recalls that the Commission's proposal to increase appropriations to finance the European Agricultural Guarantee Fund (EAGF) needs are largely due to a significantly lower amount of assigned revenue being expected to be available in 2018; notes the Council's cuts of EUR 275 million, but considers that the Commission's Amending Letter should remain the basis for any reliable revision of EAGF appropriations and restores the DB levels accordingly, pending an examination of this Amending Letter in conciliation;

34. Stresses that storage programmes have proved effective in times of crisis and that a reduction in the financial resources earmarked in the planning process would be counter-productive;

35. Underlines that part of the solution to address youth unemployment lies in adequately supporting young people in rural areas; proposes therefore an increase of EUR 50 million above the level of the DB for payments for young farmers; emphasises the need to use the European Maritime and Fisheries Fund and other Union funding schemes to facilitate young people's access to jobs in the fishing industry;

36. Decides, in line with its Europe 2020 targets and with its international commitments to tackle climate change, to propose an increase of EUR 21,2 million above the level of the DB for climate-related actions; reiterates that both the European Court of Auditors (ECA) as well as ECOFIN ascertained that the Union budget is not in line with its climate targets;

37. Recalls that taxpayers' money should not be used to support the rearing or breeding of bulls for fighting activities; believes that breeding or rearing for those purposes should not be eligible for basic payments and asks that the Commission submit a proposal in order to amend the current legislation on this issue;

38. Increases therefore commitment appropriations by EUR 78,1 million, thus leaving a margin of EUR 619,7 million below the ceiling for commitments in Heading 2 once pilot projects and preparatory actions have been deducted;

39. Emphasises, with regret, that disasters generally affect those who have less means to protect themselves, whether they be individuals or States; considers that the response to natural or man-made disasters should be as rapid as possible so that damage is minimal and people and property can be saved; calls attention to the need for an additional increase in funds, particularly in the budget lines linked to disaster prevention and preparedness within the Union, taking into account, in particular, fires in Spain and Portugal (resulting in tragic loss of human life), which have a dramatic and substantial impact on people;

40. Draws attention to the threat factors weighing on numerous forest ecosystems, such as, among others, the spread of invasive alien species, pests (such as pine nematode and others) and forest fires; considers that sufficient financial resources should be addressed through community support programmes and measures to the evaluation of ecological and plant health of forests and their rehabilitation, including reforestation; notes that such resources are particularly important and urgent to some Member States, namely Portugal and Spain following previous successive fires throughout the national territory;

Heading 3 — Security and Citizenship

41. Emphasises that for Parliament, tackling migration and security must remain top Union priorities and reiterates its conviction that the Heading 3 ceiling has proven vastly insufficient to fund adequately the internal dimension of those challenges;

42. Notes that, while the number of migrant crossings on the Central and Eastern Mediterranean routes into the Union fell in the first nine months of 2017, pressure on the Western Mediterranean route remains; notes that more than one hundred thousand migrants and refugees entered Europe by sea in the first nine months of 2017, with over 75 % arriving in Italy and the remainder divided between Greece, Cyprus and Spain; is of the opinion that increased funding is needed to fully cover the needs of the Union in the field of migration, notably through the Asylum, Migration and Integration Fund to support Members States in improving integration measures and practices for those in need of international protection, especially unaccompanied minors, and, where necessary, carrying out return operations for those not entitled to protection while fully respecting the principle of non-refoulement; in this context also insists that the EASO shall be equipped with adequate financial and human resources to allow the agency to fulfil its assigned tasks;

43. Is in favour of the creation of a new budget line for a Search and Rescue Fund to support Member States in their obligations under international maritime law; asks the Commission to present a legislative proposal to set up such an EU Search and Rescue Fund;

44. Is convinced that, in order to effectively tackle security concerns of Union citizens, the budget of the Internal Security Fund needs additional funds to equip the Member States better in the fight against terrorism, cross-border organised crime, radicalisation and cybercrime; underlines, in particular, that sufficient resources must be provided for reinforcing security infrastructures and boosting information-sharing between law enforcement agencies and national authorities, including through improving the interoperability of information systems while guaranteeing at the same time respect for individual rights and liberties;

45. Highlights the crucial role played by the Union agencies in the area of justice and home affairs in addressing pressing concerns of Union citizens; decides therefore to increase budgetary appropriations and staffing of the European Union Agency for Law Enforcement Cooperation (Europol), including the creation of 7 staff posts for the new operating unit called Europol operating unit for missing children, as well as to reinforce the European Union's Judicial Cooperation Unit (Eurojust), EASO and the European Union Agency for Law Enforcement Training (CEPOL); reiterates the contribution of these agencies to enhancing cooperation between Member States in the field;

46. Asks the Commission, in the light of the actual progress made in ongoing interinstitutional negotiations, to provide updated information on the financial implications in 2018 of pending legislative proposals as part of the European Agenda on Migration, in particular the reform of the Dublin system, the Entry/Exit System, the European Travel Information and Authorisation System and EASO, so that it can be taken into account in the conciliation phase;

47. Regrets Council's arbitrary cuts of more than EUR 30 million in commitment appropriations to numerous programmes in the areas of culture, citizenship, justice, public health, consumer rights and civil protection, in disregard of these programmes' excellent implementation rates and despite already insufficient levels of financing that leave many high-quality projects unfunded; restores all lines to the level of the DB and proposes additional increases to relevant lines;

48. Reiterates its conviction that it is time to boost funding for important Union programmes in the areas of culture and citizenship, in particular Creative Europe and Europe for Citizens, which have a key role in supporting cultural and creative industries, as well as participatory citizenship, especially in view of the European elections in 2019; reiterates that all institutions must honour the political agreement found on the 2018 funding for the European Year of Cultural Heritage by providing sufficient appropriations for it through Creative Europe's Culture sub-programme, in the absence of a separate budget line for the Year; calls on the Commission to review initiatives under the 'multimedia actions' budget line to ensure that the budget effectively supports high-quality independent coverage of Union affairs;

49. Is in favour of increased transparency of and visibility for the Daphne objective of the Rights, Equality and Citizenship programme, as a key Union tool in combatting all forms of violence against children, young people, women, LGBTI people and other at-risk groups; supports setting up a European monitoring centre on gender-based violence within the European Institute for Gender Equality;

50. Reinforces Heading 3 by EUR 108,8 million in commitment appropriations above the DB, excluding pilot projects and preparatory actions, and proposes to finance these reinforcements by a further mobilisation of the Flexibility Instrument;

Heading 4 — Global Europe

51. Stresses once again that the Union's external action is faced with ever growing funding needs which greatly exceed the current size of Heading 4; considers that the mobilisation of the Union budget to respond to the migration challenge will continue to require dynamic responses in the coming years; stresses that an ad hoc one-year increase, such as that in 2017, cannot be considered sufficient in view of the complex challenges that the Union is facing and the urgent need for stronger Union external presence in today's global world;

52. Is of the opinion that priority should be given to the Union's immediate neighbours and to measures aimed at tackling the main issues they are facing, namely the migratory and refugee crisis and corresponding humanitarian challenges in the Southern Neighbourhood, and the Russian aggression in the Eastern Neighbourhood; believes that stability and prosperity of the Union Neighbourhood are beneficial to both the concerned regions and to the Union as a whole; reiterates its call to increase support to the Middle East Peace Process, the Palestinian Authority and UNRWA to cope with growing needs, in order to achieve the Union's stated objective of promoting development and stability in the region and support the resilience of Palestinians; reiterates that supporting countries which are implementing association agreements with the Union is pivotal to facilitating political and economic reforms, but stresses that such support should apply as long as those countries meet the eligibility criteria, especially as regards the rule of law and enforcing democratic institutions; therefore decides to increase resources for the European Neighbourhood Instrument (ENI), for the Instrument for Pre-accession Assistance (IPA) and for Macro-Financial Assistance (MFA);

53. Stresses the importance of the role that Europe plays at global level in eradicating poverty and ensuring development of the most deprived regions, in line with the UN Sustainable Development Goals; therefore, allocates additional financial resources to the Development Cooperation Instrument (DCI) and Humanitarian Aid; recalls that, since a significant proportion of migrants crossing the Mediterranean Sea are coming from Sub-Saharan Africa, Union support in this region is key to tackling the root causes of migration;

54. Opposes the drastic reductions in financial contributions from the external financing instruments (ENI, IPA, PI and DCI) to Erasmus+, despite the fact that youth exchange programs are one of the most successful long-term investments into cultural diplomacy and mutual understanding, and decides therefore to increase these contributions;

55. In view of the worrying deterioration of the situation as regards democracy, rule of law and human rights, decides to decrease the support for political reforms in Turkey; decides to put part of the remaining appropriations in reserve to be released when Turkey makes measurable improvements in the fields of rule of law, democracy, human rights and press freedom, with the aim of redirecting these funds to civil society actors for implementing measures supportive of these objectives;

56. Is of the opinion that in order to adequately tackle disinformation campaigns, and to promote an objective image of the Union outside its borders, additional financial means are needed; calls therefore to step up funding to counter disinformation campaigns and cyberattacks; decides therefore to increase resources for strategic communication actions to be carried out in the Neighbourhood as well as in the Western Balkans; recalls the importance of investing in the visibility of the Union's external action in order to strengthen the impact of funding in that field and enhance Union public diplomacy in line with the ambitions of the Global Strategy;

57. Deems it necessary to increase appropriations for the Turkish Cypriot Community budget line for the purpose of contributing decisively to the continuation and intensification of the mission of the Committee on Missing Persons in Cyprus, the wellbeing of Maronites wishing to resettle and that of all enclaved persons as agreed in the 3rd Vienna Agreement, and of supporting the bicommunal Technical Committee on Cultural Heritage, thus promoting trust and reconciliation between the two communities;

58. Stresses that the trend by the Commission to resort to satellite budgetary mechanisms such as trust funds and other similar instruments has not always proven to be a success; is concerned that the establishment of financial instruments outside the Union budget could threaten its unity and circumvent the budgetary procedure and at the same time undermine the transparent management of the budget and hamper the right of the Parliament to exercise effective scrutiny of expenditures; considers, therefore, that external instruments which emerged in recent years must be incorporated into the Union budget, with Parliament having full scrutiny over the implementation of these instruments; notes that by end of September 2017 a total of EUR 795,4 million has been committed for EU Trust Funds in the 2017 Budget; asks the Commission to present to the European Parliament and the Council the amount it intends to commit in 2018 to the Trust Funds; reiterates its concern that Member State contributions to these Trust Funds tend to lag behind their pledges; takes note of the ECA Special Report 11/2017 on the Bekou EU Trust Fund for the Central African Republic; is concerned about the deficiencies identified by the ECA, such as the lack of assessment for overall needs and the dysfunctional coordination mechanisms with other donors; expresses its intention to assess the added value of EU Trust Funds as an instrument of Union external policy;

59. Recalls that in accordance with Article 24 of the MFF Regulation, all expenditures and revenues of the Union and Euratom shall be entered in the general budget of the Union in accordance with Article 7 of the Financial Regulation; calls on the Commission to preserve the unity of the budget and to consider it as a guiding principle when introducing new initiatives;

60. Stresses the importance of election observation missions in strengthening democratic institutions and building public confidence in electoral processes, which in return promote peace-building and stability; emphasises the need to ensure sufficient financial resources for that objective;

61. Points out that DCI funding shall not be redeployed in order to finance the new Capacity Building for Security and Development (CBSD) initiative under the IcSP; deplores the DB proposal to redeploy EUR 7,5 million from the DCI to the CBSD and stresses the urgent need to find alternative solutions to fill this gap;

62. Reiterates its request that the budget line for EU Special Representatives be transferred, in a budget-neutral manner, from the CFSP budget to the administrative budget of the EEAS in order to further consolidate the Union's diplomatic activities;

63. As a result, decides to reverse almost all of the Council's cuts and to reinforce Heading 4 by EUR 299,7 million above the DB in commitment appropriations (excluding pilot projects and preparatory actions, the transfer of EUSRs and adopted cuts);

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Heading 5 — Administration; Other headings — administrative and research support expenditure

64. Considers that Council's cuts do not reflect the real needs and thus jeopardise the already significantly rationalised administrative expenditure; restores therefore the DB for all Commission administrative expenditure, including administrative and research support expenditure in Headings 1 to 4;

65. Decides, in line with the conclusion of the 'Joint Opinion of the Legal Services of the European Parliament, the Council and the Commission on three aspects of the relationship between OLAF and its Supervisory Committee' of 12 September 2016, to hold 10 % of appropriations of the European Anti-Fraud Office (OLAF) until the Supervisory Committee is granted access to OLAF cases files, while slightly reinforcing its budget, in line with increased responsibilities;

66. Takes note that, at the beginning of 2017, OLAF investigated a severe case of customs fraud in the UK which was caused by undervaluation of imported products and which has created a loss of income of almost EUR 2 billion for the Union budget in the period 2013-2016; is concerned that that fraud has not been stopped to date and that losses to the Union budget are still ongoing; asks the Commission to take into account the slow reaction of the UK administration to its recommendations in this regard when negotiating Brexit; asks those Member States that objected to the Union legal framework for customs infringements and sanctions to reconsider their position in order to allow for a speedy solution of this problem;

Decentralised Agencies

67. Endorses, as a general rule, the Commission's estimates of the budgetary needs of agencies; considers, therefore, that any further cuts proposed by the Council would endanger the proper functioning of the agencies and would not allow them to fulfil the tasks they have been assigned; considers that the new posts adopted in its position are needed to fulfil additional tasks due to new policy developments and new legislation; reiterates its commitment to safeguard resources and where necessary provide additional resources as to ensure the proper functioning of the agencies;

68. In the context of the challenges the Union is still facing in terms of migration and security, and bearing in mind the necessity for a coordinated European response, decides to reinforce the appropriations for the Europol, Eurojust, CEPOL, EASO and the European Union Agency for Network and Information Security (ENISA);

69. Recalls the importance for the Union focusing on competitiveness for growth and jobs; recalls the strategic priority for the Union of fully developing and implementing its Galileo and EGNOS projects for which the European GNSS Agency (GSA) is partially responsible; recalls the GSA has a resourcing gap for cyber security and public regulated service and decides, therefore, to increases its level of appropriations;

70. Considers that additional appropriation and staff are needed for the Agency for the Cooperation of Energy Regulators (ACER) to fulfil its expanded mission related to the implementation of the electricity and gas network codes and guidelines and its monitoring;

71. Recalls in particular that the European Environment Agency (EEA) helps the Union to make informed decisions about improving the environment, integrating environmental considerations into economic policies and moving towards sustainability, and that, in the context of the 2030 Union climate and energy policy, the Commission has proposed new work for EEA on the Governance of the Energy Union, without any corresponding increase in the establishment table;

72. Stresses that while the budgetary resources and the number of posts for the European Border and Coast Guard seem adequate for the time being, the future needs of the agency in terms of operational resources and staff will have to be closely monitored;

73. Welcomes the inclusion of adequate resources provided for in the 2018 budget to support the European Supervisory Authorities (ESAs); underlines that the role of the ESAs is essential in fostering the consistent application of Union law and better coordination between national authorities, and in ensuring financial stability, better integrated financial markets and consumer protection and supervisory convergence; emphasises that in the interest of a prudent use of their budgets, the ESAs must stick to the tasks and to the mandate assigned to them by the Union legislator;

74. Reiterates that, as agreed in the IIA of 2 December 2013, 2018 is the last year of implementation of the 5 % staff reduction and redeployment pool approach to the staffing of agencies; reiterates its opposition to any continuation of a global approach on agency resources after 2018; reaffirms its openness to achieving efficiency gains between agencies through increased administrative cooperation or even mergers where appropriate and through pooling certain functions with either the Commission or another agency; welcomes in this regard the initiative to further coordinate agencies activities via establishing the Network of EU Agencies' Permanent Secretariat (now called the Shared Support Office) and supports the allocation of an additional establishment plan post to the European Food Safety Agency whose costs will be mutualised from the Union Agencies' existing budgets and seconded to that office;

Pilot projects and preparatory actions (PP-PAs)

75. Having carried out a careful analysis of the pilot projects and preparatory actions submitted as regards the rate of success of the on-going ones, excluding initiatives already covered by existing legal bases and taking fully into account the Commission's assessment of the projects' implementability, decides to adopt a compromise package made up of a limited number of PP-PAs, in view also of the limited margins available and the ceilings for PP-PAs;

76. Stresses therefore the efforts made by the Parliament in this regard and asks the Commission to show good will in the implementation of the adopted PP-PAs at the end of the budgetary procedure, regardless of its implementability assessment, as for any decision of the European Parliament and the Council;

Special instruments

77. Recalls the usefulness of special instruments to provide flexibility over and beyond the extremely tight ceilings of the current MFF and welcomes the improvements brought about by the mid-term revision of the MFF Regulation; calls for an extensive use of the Flexibility Instrument, the Global Margin for Commitments and the Contingency Margin in order to finance the wide range of new challenges and additional responsibilities that the Union budget is facing;

78. Calls for an increase in the Emergency Aid Reserve (EAR) and the EU Solidarity Fund (EUSF) in light of the most recent and tragic disasters, namely the fires and extreme drought in Portugal and Spain;

79. Recalls also the significance of the European Globalisation Adjustment Fund (EGF), the EAR and the EUSF; supports the Commission's intention to provide for a quicker mobilisation of the EUSF by putting most of its annual amount in a reserve in the Union budget, on top of the amount already budgeted for advances; regrets the Council's cut in that respect and restores partially the DB level, with the exception of the amount which has been frontloaded to 2017 via Amending Budget No 4/2017 and the mobilisation of the EUSF for Italy; calls for the extension of the scope of the EUSF to provide assistance to victims of acts of terrorism and their families;

Payments

80. Is concerned about the current under-execution trend in payments throughout the Union budget, not only in subheading 1b, but also in Headings 3 and 4, despite the need to answer the surge of new challenges and the setting-up of flexible funding mechanisms; recalls that for the past two years the payment level of the Union budget was considerably decreased, coupled with a high level of budget surplus; expresses, therefore, its concern that the DB still leaves an unprecedented margin of EUR 10 billion below the payment ceiling, which reflects a low execution trend that may lead to an acute payment pressure at the end of the current MFF;

81. Insists on the necessity to restore the DB in payments on all lines cut by the Council and reinforces payment appropriations in targeted manner, mostly on those lines which are amended in commitment appropriations;

Other Sections

82. Regrets the repeated Council practice of increasing the standard flat rate abatement for the Union institutions; believes this to have a particularly distorting effect on the budgets of institutions with historically accurate abatement rates; considers that this approach does not constitute a targeted reduction nor sound financial management; restores therefore the abatement rate at the level of the DB;

Section I — European Parliament

83. Maintains the overall level of its budget for 2018, as adopted in its abovementioned resolution of 5 April 2017, at EUR 1 953 483 373; incorporates budgetary-neutral technical adjustments to reflect updated information which was not available earlier this year;

84. Notes that the level of estimates for 2018 corresponds to 18,88 %, which is lower than that achieved in 2017 (19,25 %) and the lowest part of Heading 5 in the past fifteen years; insists nevertheless that the drive for the lowest expenditure possible for the European Parliament should not come at the cost of a reduced capacity for Parliament's ordinary legislative work;

85. Reiterates Parliament's priorities for the forthcoming financial year, namely, consolidating the security measures already taken and improving Parliament's resilience to cyber-attacks, improving the transparency of the Parliament's own internal budgetary procedure, and focusing the Parliament's budget on its core functions of legislating, acting as one arm of the budgetary authority, representing citizens and scrutinising the work of other institutions;

86. Welcomes the creation of the Parliament's Bureau Working group on the general expenditure allowance; recalls the expectations of greater transparency regarding the general expenditure allowance and a need to work on a definition of more precise rules regarding the accountability of the expenditure authorised under this allowance, without generating additional costs to Parliament;

87. Calls on the Bureau to make the following concrete changes concerning the general expenditure allowance:

— the general expenditure allowance should be handled in all cases in a separate bank account;

— all receipts pertaining to the general expenditure allowance should be kept by Members;

— the unspent share of the general expenditure allowance should be returned at the end of the mandate;

88. Reduces the establishment plan of its General Secretariat for 2018 by 60 posts (1 % staff reduction target), in accordance with the agreement of 14 November 2015 reached with the Council on the general budget of the European Union for the financial year 2016; recalls that the 35 posts granted to Parliament in 2016 related to new activities reinforcing security and, as such were exempted from the staff reduction target, as confirmed at the adoption of the Amending Budget No 3/2016 and the 2017 general budget ([1]); calls on the Commission to adjust its monitoring tables accordingly in order to provide to the European Parliament and the Council with accurate information at all steps of the procedure;

89. Welcomes the exchange of views on Parliament's building policy held on 11 July 2017 between the Committee on Budgets, the Secretary General and the Vice-Presidents responsible for Parliament's building policy; considers that this dialogue ought to be a continuous process, particularly in the light of upcoming Bureau discussions on the refurbishment of the Paul Henri-Spaak building;

90. Reiterates Parliament's position as expressed in its abovementioned resolution of 5 April 2017 that there is further room for improvement on the control mechanisms related to European political parties and political foundations; notes in this regard the Commission's proposal to amend Regulation (EU, Euratom) No 1141/2014 ([2]) and welcomes any effort to improve the accountability and transparency of spending;

91. Recalls the 2014 ECA analysis which estimated the costs of the geographic dispersion of the Parliament to be EUR 114 million per year; furthermore, notes the finding from its resolution of 20 November 2013 on the location of the seats of the European Union's Institutions ([3]) that 78 % of all missions by Parliament statutory staff arise as a direct result of the Parliament's geographic dispersion; emphasises that the report also estimates the environmental impact of the geographic dispersion to be between 11 000 to 19 000 tonnes of CO_2 emissions; reiterates the negative public perception caused by this dispersion and calls therefore for a roadmap to a single seat and a reduction in the relevant budget lines;

Section IV — Court of Justice

92. Restores the DB on all budget items cut by the Council which are essential to the functioning of the Court and restores the estimates for two budget items in order to enhance the Court's ability to deal with increasingly high translation demands;

93. Expresses its disbelief at the unilateral statement of the Council and the related appendix on the 5 % staff reduction in the Council's position on the 2018 draft budget according to which the Court still needs to reduce its establishment plan by 19 posts; underlines that those 19 posts correspond to the 12 and 7 posts duly granted by Parliament and the Council in the 2015 and 2016 budgetary procedures respectively to address additional needs and insists therefore that those 19 posts should not be given back, the Court having already duly achieved its 5 % staff reduction requirement by suppressing 98 posts during the period 2013-2017;

Section V — Court of Auditors

94. Restores the DB on all items cut by Council, in order to implement the work programme of the Court of Auditors and deliver the planned Audit Reports;

95. Places a reserve on the item 'Limited consultations, studies and surveys' pending the outcome of the ongoing negotiations on the revision of the Financial Regulation, and the revision entering into force in 2018;

Section VI — European Economic and Social Committee

96. Restores the DB on all items cut by the Council;

([1]) Texts adopted, P8_TA(2016)0401 / P8_TA(2016)0411.
([2]) COM(2017)0481.
([3]) OJ C 436, 24.11.2016, p. 2.

97. Increases two lines above the DB in relation to the work of Domestic Advisory Groups in trade agreements;

Section VII — Committee of the Regions

98. Restores the DB on all items cut by the Council;

99. Increases a number of lines above the DB in line with the Committee of the Region's own estimates;

Section VIII — European Ombudsman

100. Welcomes the work done by the Ombudsman in finding efficiency savings in her own budget when compared with the previous year;

Section IX — European Data Protection Supervisor

101. Questions why the Council would reduce the budget of the European Data Protection Supervisor given the additional tasks conferred upon the institution by Parliament and the Council; restores therefore all the budget lines cut by Council to enable the European Data Protection Supervisor to fulfil his obligations and commitments;

Section X- European External Action Service

102. Restores all lines cut by the Council;

103. Creates a Strategic Communication Capacity budget item in line with the European Council conclusions of March 2015 and to equip the EEAS with adequate staff and tools to face the challenge of disinformation from third states and non-state actors;

104. Decides furthermore to transfer EU Special Representatives from the CFSP chapter to the EEAS budget to strengthen the coherence of the Union's external action;

105. Provides an additional amount above the EEAS estimates for trainees in Union Delegations, in response to the findings of the European Ombudsman's inquiry into unpaid traineeships ([1]);

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106. Takes note of the unilateral statement of France and Luxembourg annexed to the Council's position on the draft budget for 2018, as adopted on 4 September 2017; recalls that representatives of the European Parliament, the Council and the Commission agreed on the pragmatic calendar for the conduct of the budgetary procedure, including the dates for the conciliation period, at the spring budgetary trilogue on 27 March 2017; recalls that the General Affairs Council approved that pragmatic calendar at its meeting of 25 April 2017, in full knowledge of the Parliament's calendar of part-sessions for 2017; notes, therefore, that the budgetary procedure is proceeding in conformity with the pragmatic calendar agreed between the three institutions;

107. Instructs its President to forward this resolution, together with the amendments to the draft general budget, to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

([1]) European Ombudsman, 454.2014/PMC.

Wednesday 25 October 2017

P8_TA(2017)0410

Protection of workers from the risks related to exposure to carcinogens or mutagens at work ***I

European Parliament legislative resolution of 25 October 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (COM(2016)0248 — C8-0181/2016 — 2016/0130(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/56)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0248),

— having regard to Article 294(2) and Article 153(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0181/2016),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion the European Economic and Social Committee of 21 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 11 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 Rules 59 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on Employment and Social Affairs(A8-0064/2017),

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)0130

Position of the European Parliament adopted at first reading on 25 October 2017 with a view to the adoption of Directive (EU) 2017/… of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/2398.)

([1]) OJ C 487, 28.12.2016, p. 113.

Wednesday 25 October 2017

P8_TA(2017)0411

Establishing an Entry/Exit System (EES) to register entry and exit data of third country nationals crossing the EU external borders ***I

European Parliament legislative resolution of 25 October 2017 on the proposal for a regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 (COM(2016)0194 — C8-0135/2016 — 2016/0106(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/57)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0194),

— having regard to Article 294(2), Article 77(2)(b) and (d), Article 87(2)(a) and Article 88(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0135/2016),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3), Article 77(2)(b) and (d) and Article 87(2)(a) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 21 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 12 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 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0057/2017),

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)0106

Position of the European Parliament adopted at first reading on 25 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2226.)

([1]) OJ C 487, 28.12.2016, p. 66.

Wednesday 25 October 2017

P8_TA(2017)0412

Amendment of the Schengen Borders Code as regards the Use of the Entry/Exit System ***I

European Parliament legislative resolution of 25 October 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System (COM(2016)0196 — C8-0134/2016 — 2016/0105(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/58)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0196),

— having regard to Article 294(2) and Article 77(2)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0134/2016),

— 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 21 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 12 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 Civil Liberties, Justice and Home Affairs (A8-0059/2017),

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)0105

Position of the European Parliament adopted at first reading on 25 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2225.)

([1]) OJ C 487, 28.12.2016, p. 66.

Thursday 26 October 2017

P8_TA(2017)0415

Framework for simple, transparent and standardised securitisation ***I

European Parliament legislative resolution of 26 October 2017 on the proposal for a regulation of the European Parliament and of the Council laying down common rules on securitisation and creating a European framework for simple, transparent and standardised securitisation and amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012 (COM(2015)0472 — C8-0288/2015 — 2015/0226(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/59)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2015)0472)),

— 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 (C8-0288/2015),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Central Bank of 11 March 2016 ([1]),

— having regard to the opinion of the European Economic and Social Committee of 20 January 2016 ([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 28 June 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0387/2016),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2015)0226

Position of the European Parliament adopted at first reading on 26 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2402.)

([1]) OJ C 219, 17.6.2016, p. 2.
([2]) OJ C 82, 3.3.2016, p. 1.

Thursday 26 October 2017

P8_TA(2017)0416

Prudential requirements for credit institutions and investment firms ***I

European Parliament legislative resolution of 26 October 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms (COM(2015)0473 — C8-0289/2015 — 2015/0225(COD))

(Ordinary legislative procedure: first reading)

(2018/C 346/60)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2015)0473),

— 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 (C8-0289/2015),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Central Bank of 11 March 2016 ([1]),

— having regard to the opinion of the European Economic and Social Committee of 20 January 2016 ([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 28 June 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0388/2016),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2015)0225

Position of the European Parliament adopted at first reading on 26 October 2017 with a view to the adoption of Regulation (EU) 2017/… of the European Parliament and of the Council amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2401.)

([1]) OJ C 219, 17.6.2016, p. 2.
([2]) OJ C 82, 3.3.2016, p. 1.

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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