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Sittings of 15 to 18 January 2018

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Key to symbols used

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

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

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

EUROPEAN PARLIAMENT

2017-2018 SESSION

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TEXTS ADOPTED

Tuesday 16 January 2018

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0002

Implementation of EU macro-regional strategies

European Parliament resolution of 16 January 2018 on the implementation of EU macro-regional strategies (2017/2040(INI))

(2018/C 458/01)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU) and in particular Title XVIII thereof,
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ⁽¹⁾ (hereinafter ‘the CPR’),
- having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal ⁽²⁾,
- having regard to Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings ⁽³⁾,
- having regard to the Council conclusions of 25 April 2017 on the implementation of EU Macro-Regional Strategies,
- having regard to the Commission report of 16 December 2016 on the implementation of EU macro-regional strategies (COM(2016)0805) and the accompanying Commission staff working document (SWD(2016)0443),
- having regard to the Commission communication of 10 June 2009 concerning the European Union Strategy for the Baltic Sea Region (COM(2009)0248),
- having regard to the Commission communication of 8 December 2010 entitled ‘European Union Strategy for Danube Region’ (COM(2010)0715),

⁽¹⁾ OJ L 347, 20.12.2013, p. 320.

⁽²⁾ OJ L 347, 20.12.2013, p. 259.

⁽³⁾ OJ L 347, 20.12.2013, p. 303.

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- having regard to the Commission communication of 17 June 2014 concerning the European Union Strategy for the Adriatic and Ionian Region (COM(2014)0357),
 - having regard to the Commission communication of 28 July 2015 concerning a European Union Strategy for the Alpine Region (COM(2015)0366),
 - having regard to the Commission report of 20 May 2014 concerning the governance of macro-regional strategies (COM(2014)0284),
 - having regard to the Commission communication of 14 December 2015 entitled ‘Investing in jobs and growth — maximising the contribution of European Structural and Investment Funds’ (COM(2015)0639),
 - having regard to its resolution of 17 February 2011 on the implementation of the EU Strategy for the Danube Region ⁽¹⁾,
 - having regard to its resolution of 3 July 2012 on the evolution of EU macro-regional strategies: present practice and future prospects, especially in the Mediterranean ⁽²⁾,
 - having regard to its resolution of 13 September 2012 on the EU Cohesion Policy Strategy for the Atlantic Area ⁽³⁾,
 - having regard to its resolution of 28 October 2015 on an EU strategy for the Adriatic and Ionian region ⁽⁴⁾,
 - having regard to its resolution of 13 September 2016 on an EU Strategy for the Alpine region ⁽⁵⁾,
 - having regard to the study of January 2015 entitled ‘New role of macro-regions in European Territorial Cooperation’, published by its Directorate-General for Internal Policies, Department B: Structural and Cohesion Policies,
 - having regard to the Interact report of February 2017 entitled ‘Added value of macro-regional strategies — programme and project perspective’,
 - having regard to Rule 52 of its Rules of Procedure, and Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Environment, Public Health and Food Safety (A8-0389/2017),
- A. whereas a macro-region can be defined as a geographical area including regions from a number of different countries associated with one or more common features or challenges ⁽⁶⁾;
- B. whereas macro-regional strategies (MRS) have been established in areas representing the natural evolution of the EU in terms of cross-border cooperation; whereas they are important, as they are able to mobilise public and private actors, civil society and academia, and to mobilise resources towards achieving common EU policy goals;
- C. whereas MRS provide a platform for deeper and wider interaction at cross-sectoral, regional and cross-border level between EU Member States and neighbouring countries for the purposes of addressing common challenges, joint planning and fostering cooperation between and improving the integration of different partners and policy sectors, including in the areas of environment and biodiversity protection, climate mitigation and adaptation strategies, waste treatment and water supply, maritime spatial planning, and integrated coastal management systems; welcomes, in this context, the efforts made to promote cooperation between the ESI funds and the IPA;

⁽¹⁾ OJ C 188 E, 28.6.2012, p. 30.

⁽²⁾ OJ C 349 E, 29.11.2013, p. 1.

⁽³⁾ OJ C 353 E, 3.12.2013, p. 122.

⁽⁴⁾ OJ C 355, 20.10.2017, p. 23.

⁽⁵⁾ Texts adopted, P8_TA(2016)0336.

⁽⁶⁾ Schmitt et al. (2009), ‘EU macro-regions and macro-regional strategies — A scoping study’, Nordregio electronic working paper 2009:4.

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- D. whereas macro-regions are involved in the implementation of relevant long-term, interconnected, cross-cutting political activities, as these macro-regions are linked to cohesion policy through the MRS objectives embedded in their OPs and set up projects through smart synergies; whereas macro-regions thereby contribute more effectively to achieving MRS goals, attracting private investment, demonstrating trust, and engaging in dialogue, cross-border cooperation and solidarity;
- E. whereas MRS are based on the 'three no's' principle of no new funding, no new structures and no new legislation within the existing EU political framework;
- F. whereas pre-existing cooperation mechanisms at EU level and between Member States and regions facilitate the implementation of MRS, particularly in the early phases;
- G. whereas the Commission adopts a single report on the implementation of all four existing EU MRS every two years, mentioning their successes, as well as where further improvements need to be made, with the next report due by the end of 2018; whereas Parliament considers, in this framework, that an assessment is needed of the aspects pertaining to the environment, as one of the pillars of sustainable development;

Macro-regional strategies as platforms for cooperation and coordination

1. Notes that the relevance of the MRS has been underlined by the globalisation process, which has rendered individual countries interdependent and necessitates solutions to the cross-border problems involved;
2. Recognises that — to a varying degree — elements on which the quality of implementation depends, such as commitment, ownership, resources and governance, remain difficult to overcome in achieving the pre-determined goals;
3. Stresses that MRS continue to make an invaluable and innovative contribution to cross-border, cross-sectoral and multi-level cooperation in Europe, the potential of which has not yet been sufficiently explored, with a view to boosting connectivity and consolidating the economic ties and knowledge transfer between regions and countries; notes, however, that — as a result of the process of agreeing on joint actions at multi-level and multi-country/regional level — access to EU funds for MRS projects remains a challenge;
4. Considers that the MRS and associated environmental programmes are useful instruments for making the benefits of European cooperation visible to citizens, and therefore urges all parties to fully commit to the strategies and play their part in their implementation;
5. Is of the opinion that multi-level governance with a proper role for the regions within its framework should be a cornerstone of any macro-regional strategy from its inception, involving regional and local communities and public-, private- and 3rd-sector stakeholders in the process; encourages the Member States and regions involved therefore to develop appropriate governance structures and working arrangements to facilitate cooperation, including joint planning, boosting funding opportunities and a bottom-up approach;
6. Encourages improved coordination and better partnerships, both vertical and horizontal, between the different public and private actors, academia and NGOs, as well as international organisations operating in this field, and the various policies at EU, national, regional and local level in order to facilitate and improve the implementation of the MRS and cross-border cooperation; calls on the Commission to encourage the participation of these stakeholders, inter alia, in the MRS governing boards, while respecting the general application of EU principles;
7. Emphasises the importance of sufficient human resources and administrative capacity for the competent national and regional authorities in order to ensure that the political commitment translates into effective implementation of the strategies; highlights, in this regard, the value of the Structural Reform Support Programme, which can provide assistance in capacity building and effective support for the development and financing of MRS projects upon the request of a Member State; calls, furthermore, on the Commission and the Member States to actively promote the dissemination and application of good administrative practice and experience from the successful implementation of MRS;

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8. Underlines the fact that MRS must be flexible enough to be adjusted and respond effectively to unforeseen events and needs which may affect the regions involved, the Member States and the EU in general; considers that the implementation of MRS needs to take account of specific regional and local conditions; highlights the necessity of the Commission's coordinating role in this regard, also with a view to fine-tuning the specific objectives of each strategy;

The EU Strategy for the Baltic Sea Region (EUSBSR)

9. Welcomes the results achieved since the launch of the strategy in 2009, particularly with regard to the cooperation mechanisms not only between (i.e. within the Council at the relevant ministerial meetings), but also within the regions and countries involved, such as within the parliament or government; notes that the EUSBSR is a stable cooperation framework with more than 100 flagship initiatives and new networks;

10. Underlines the remaining challenges, in particular those relating to the environment and connectivity; urges the participating countries to step up efforts to tackle the pollution (i.e. water and air quality, and eutrophication) of the Baltic Sea, as it is one of the most polluted seas in the world; notes that achieving a good environmental status by 2020 is one of the key objectives of policy actions here;

11. Attaches importance to the possibility of connecting the Baltic region to energy networks in order to reduce and eliminate energy poverty and to increase energy security and the security of supply;

The EU Strategy for the Danube Region (EUSDR)

12. Highlights the positive impact the strategy has had on cooperation between the participating countries and regions by improving mobility and interconnections for all modes of transport, promoting clean energy, culture and sustainable tourism and, in particular, enhancing direct contacts between people and achieving greater cohesion between the regions and countries participating in the strategy;

13. Considers the 'Euro access' project, the 'Keep Danube clean' initiative and the Danube Financing Dialogue clear positive examples of a way to overcome difficulties in financing the obstacles which projects of transnational and cross-border relevance often face; is of the opinion that, through this dialogue, the differences in development among regions in the Danube basin could be further reduced; considers, furthermore, that reopening a Danube Strategy Point could contribute to a smoother implementation of the strategy;

14. Stresses that preventing damage caused by severe flooding remains one of the great environmental challenges for the countries of the Danube macro-region; highlights that supplementary joint measures to prevent cross-border pollution should be considered;

15. Recalls the need for strategic projects and stresses that it is essential to maintain a high degree of political support and increase the resources and capacity of competent state authorities in order to tackle the remaining challenges; emphasises the need, therefore, to maintain the political momentum for the EUSDR and to ensure that the EUSDR Steering Group does good work;

16. Invites the participating countries, given the natural link between the Danube River and the Black Sea, to enhance coordination between the EUSDR and the Black Sea Cross Border Cooperation and to work closely to overcome shared socio-economic, environmental and transport challenges;

17. Stresses that a more integrated approach to mobility and multimodality in the Danube region would also be beneficial to the environment;

The EU Strategy for the Adriatic and Ionian Region (EUSAIR)

18. Highlights the distinct nature of the EUSAIR on account of the number of potential and candidate participating countries, and considers that this format of cooperation can be a great opportunity for the entire region; takes the view that EUSAIR could give an impetus to the enlargement and integration process;

19. Notes with concern the persistent problems as regards the lack of effective linkage between the availability of resources, governance and ownership, which are preventing EUSAIR's objectives from being fully achieved; calls on the participating countries to provide the competent authorities with support and tailored measures to implement the strategy;

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20. Stresses that the region has been at the forefront of the migration crisis in recent years; considers that EUSAIR could help address such challenges with the necessary instruments and resources; welcomes, in this context, the Commission's efforts to find solutions for the mobilisation of financial resources for migration-related activities, including cooperation with third countries;

21. Considers the Sustainable Tourism pillar of the Adriatic and Ionian region to be a positive instrument to create sustainable economic growth in the region and raise awareness of environmental challenges and the MRS;

22. Calls on the countries concerned to give priority to capacity building for the EUSAIR key implementers and the programme authorities responsible for EUSAIR-related operational programmes;

The EU Strategy for the Alpine Region (EUSALP)

23. Considers the EUSALP as proof that the macro-regional concept can also be applied successfully to more developed regions; calls on its stakeholders to promote environment-related investments that address the consequences of climate change; points out, furthermore, that the Alpine region is an important regional transport hub and, at the same time, one of the largest unique natural and recreational areas which needs to be preserved; stresses, therefore, that sustainable and interrelated transport strategies need to be sought after;

24. Welcomes the governance structure of the strategy which is currently being put in place, as the first steps in the implementation of the strategy have proven difficult and were governed by different structures, frameworks and timeframes; calls, therefore, on the participating countries to continue their commitment and support to EUSALP Action Group members;

25. Stresses that the EUSALP can be a good example of a template strategy for territorial cohesion, as it simultaneously incorporates different specific areas, productive areas, mountains and rural areas and some of the most important and highly developed cities in the EU, and offers a platform for jointly addressing the challenges they face (climate change, demography, biodiversity, migration, globalisation, sustainable tourism and agriculture, energy supply, transport and mobility, and the digital divide); calls on the participating countries and regions to pay due attention to the use of the Interreg Alpine Space programme and other relevant funds in addressing common priorities;

26. Stresses that the Alpine region is delineated by many borders and that removing these barriers is a prerequisite for cooperation to work, especially for the labour market and economic activities related to SMEs; points out that the EUSALP can also provide the opportunity to strengthen transnational cross-border cooperation between adjacent regions, cities and local communities and to forge links and networks between people, also in terms of interconnections in transport and digital coverage; points, in addition, to the environmental fragility of this region;

Macro-regional Europe after 2020?

27. Points out that MRS bear fruit if they are rooted in a long-term political perspective and organised in such a way that all public, especially regional and local authorities, and private stakeholders and civil society are effectively represented from the outset, requiring an effective exchange of information, best practices, know-how and experience between macro-regions and their regional and local authorities; considers it necessary to strengthen the multi-level governance of MRS, which should be transparent, with more effective coordination and public communication mechanisms in order to make MRS known and for them to gain acceptance in local and regional communities;

28. Believes that strategy implementation can only be successful if based on long-term vision and efficient coordination and cooperation structures with the necessary administrative capacity, as well as on shared long-term political commitment among the institutional levels concerned and if it is backed by adequate funding; highlights, therefore, the need to increase the effectiveness of the investments through seeking alignment, synergies and complementarities of regional and national funding with existing EU funding instruments, which, in addition to enhancing the ETC programmes, promote cross-border projects within the ESI funds and EFSI and also through direct funding;

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29. Believes that simplifying the funds and the procedures for their use within the framework of the MRS would increase their effectiveness;

30. Proposes that the participating countries make clear commitments in terms of funding and human resources for the implementation of the MRS from the outset; calls on the Commission to help to better coordinate inside the MRS, to promote good practices and to develop incentives to encourage the active participation of and coordination between all parties concerned, also with a view to strengthening the link between EU policies and implementation of MRS; encourages, moreover, MRS to make use of green public procurement in order to boost eco-innovation, the bio-economy, the development of new business models and the use of secondary raw materials, such as in the circular economy, in order to achieve higher levels of environmental and health protection and to foster close links between producers and consumers;

31. Stresses that greater result-orientation is required and concrete challenges need to be met, including in the area of environmental protection, in order to develop plans which have a real impact on the territory, and to justify the investment of resources, which should, for its part, be commensurate with the objectives set, and relate to the true needs of the territories concerned;

32. Calls for any questions about the MRS, such as on ownership and the necessary political incentives, to be addressed in accordance with a *modus operandi* that is agreed upon in advance by all the regions concerned;

33. Is of the opinion that the visibility and public perception of the activities of the macro-regions in the regions targeted, as well as the results achieved, need to be enhanced by carrying out information campaigns and exchanges of best practices, including through online platforms and social networks, thus making them easily accessible to the general public;

34. Emphasises that the next revision of the multiannual financial framework (MFF) constitutes an opportunity to revise the MRS objectives at the same time, in order to strengthen their link with EU priorities and consolidate associated financial commitments;

35. Calls on the Commission to submit, as part of its next revision of cohesion policy rules, proposals to promote a better implementation of MRS;

36. Calls on the Commission, as part of the next report on the implementation of MRS which is due in 2018, to undertake a more in-depth analysis, including in particular on:

- (a) the effectiveness of ETC transnational programmes in providing financing and strategic impetus to MRS;
- (b) indicators which could be integrated in each MRS in order to allow better result-orientation, monitoring and evaluation;
- (c) measures to strengthen the link with EU priorities;
- (d) the simplification of the implementation and mainstreaming of funding schemes;
- (e) the quality of the involvement of regional and local government in the implementation of MRS;

37. Emphasises that a call to develop new strategies such as for the Carpathians, the Atlantic, Mediterranean or Iberian regions should not divert attention from the primary objective of improved, deeper implementation of existing MRS;

38. Supports the 'three no's' principle for the MRS (no new EU legislation, no new EU funding and no new EU structures); suggests, however, that the Commission evaluate the impact of these 'no's' on programmes under the ESI funds in its next implementation report on MRS;

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39. Highlights the need for a territorial approach in relation to cooperation activities on a case by case basis, as MRS are geared towards addressing territorial challenges that can be solved more effectively together; stresses the importance of bringing about synergies and convergence between the different components of territorial cooperation in ETC programmes and the macro-regions in order to strengthen the impact of transnational programmes, pool resources, simplify the financing of MRS and enhance the outcome of their implementation and efficiency of the resources invested;

40. Reiterates the EU's commitment to the implementation of the SDGs; stresses the importance of aligning the MRS objectives with the EU flagship initiatives, such as the Energy Union, the Paris Agreement on climate change and blue growth in marine macro-regions; draws attention to the management of environmental risks, such as preserving nature, biodiversity, and fishing stocks and combating marine litter, as well as developing sustainable and green tourism; encourages cooperation in the field of renewable energy; encourages, in this context, the use of smart specialisation strategies (S3), the strengthening of SMEs and the creation of quality jobs;

41. Stresses that Parliament from the very outset supported the macro-regions through pilot projects and preparatory actions; points, furthermore, to the experience accumulated by the Baltic Sea region which shows that long-term thinking should remain the basis for macro-regional cooperation;

42. Calls on the Commission to invite the Parliament to participate as an observer in the work of the Macro-Regional Strategies High Level Group;

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43. Instructs its President to forward this resolution to the Council, the Commission, the European Committee of the Regions, the European Economic and Social Committee and the governments and national and regional parliaments of the Member States and third countries participating in MRS.

Tuesday 16 January 2018

P8_TA(2018)0004

International ocean governance: an agenda for the future of our oceans in the context of the 2030 Sustainable Development Goals**European Parliament resolution of 16 January 2018 on international ocean governance: an agenda for the future of our oceans in the context of the 2030 SDGs (2017/2055(INI))**

(2018/C 458/02)

The European Parliament,

- having regard to the Joint Communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 November 2016 on 'International ocean governance: an agenda for the future of our oceans' (JOIN(2016)0049),
- having regard to the draft Council conclusions of 24 March 2017 on 'International ocean governance: an agenda for the future of our oceans',
- having regard to the Opinion of the European Economic and Social Committee of 29 March 2017 on the Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — 'International ocean governance: an agenda for the future of our oceans' (JOIN(2016)0049) ⁽¹⁾,
- having regard to the document adopted by the United Nations (UN) General Assembly on 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development' and the 17 Sustainable Development Goals (SDGs) included therein,
- having regard to Sustainable Development Goal 14 of the United Nations 2030 Agenda for Sustainable Development (SDG 14), which encourages the conservation and sustainable exploitation of the oceans, seas and marine resources for purposes of sustainable development;
- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) 2015 Paris Agreement, which entered into force on 4 November 2016 and its Intended Nationally Determined Contributions (INDCs) aimed at reducing greenhouse gas emissions,
- having regard to the Convention on Biological Diversity (CBD), which entered into force on 29 December 1993, and the Aichi targets of the Strategic Plan for Biological Diversity 2011-2020, adopted in October 2010,
- having regard to the United Nations Convention on the Law of the Sea (UNCLOS), being complemented by the Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, United Nations Code of Conduct for Responsible Fisheries and the European Union Common Fisheries Policy,
- having regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 3 March 1973,
- having regard to Article 191 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the document adopted at the UN Ocean Conference on 9 June 2017 in New York entitled 'Our Ocean, Our Future: Call for Action',
- 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,

⁽¹⁾ OJ C 209, 30.6.2017, p. 60.

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- having regard to the Commission communication of 2 December 2015 entitled ‘Closing the loop — An EU Action Plan for the Circular Economy’ (COM(2015)0614),
- having regard to its negotiation mandate of 14 March 2017 on the waste package ⁽¹⁾ (proposals for amending Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives ⁽²⁾, Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste ⁽³⁾, Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste ⁽⁴⁾, Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles ⁽⁵⁾, Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC ⁽⁶⁾, and Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) ⁽⁷⁾),
- having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy,
- having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive),
- having regard to the European Union’s Integrated Maritime Policy of 2007 (COM(2007)0575) and to the 2012 Progress Report thereon (COM(2012)0491),
- having regard to Regulation (EU) No 1255/2011 of the European Parliament and of the Council of 30 November 2011 establishing a Programme to support the further development of an Integrated Maritime Policy ⁽⁸⁾,
- having regard to the Commission communication of 15 October 2009 entitled ‘Developing the international dimension of the Integrated Maritime Policy of the European Union’ (COM(2009)0536),
- having regard to Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency ⁽⁹⁾,
- having regard to Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning ⁽¹⁰⁾,
- having regard to the European Union Maritime Security Strategy adopted by the European Council on 24 June 2014,
- having regard to Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC ⁽¹¹⁾,
- having regard to its negotiation mandate of 15 February 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments ⁽¹²⁾,
- having regard to its resolution of 16 March 2017 on an integrated European Union policy for the Arctic ⁽¹³⁾,

⁽¹⁾ See Texts adopted, P8_TA(2017)0069, P8_TA(2017)0070, P8_TA(2017)0071 and P8_TA(2017)0072.

⁽²⁾ OJ L 312, 22.11.2008, p. 3.

⁽³⁾ OJ L 365, 31.12.1994, p. 10.

⁽⁴⁾ OJ L 182, 16.7.1999, p. 1.

⁽⁵⁾ OJ L 269, 21.10.2000, p. 34.

⁽⁶⁾ OJ L 266, 26.9.2006, p. 1.

⁽⁷⁾ OJ L 197, 24.7.2012, p. 38.

⁽⁸⁾ OJ L 321, 5.12.2011, p. 1.

⁽⁹⁾ OJ L 251, 16.9.2016, p. 77.

⁽¹⁰⁾ OJ L 257, 28.8.2014, p. 135.

⁽¹¹⁾ OJ L 123, 19.5.2015, p. 55.

⁽¹²⁾ Texts adopted, P8_TA(2017)0035.

⁽¹³⁾ Texts adopted, P8_TA(2017)0093.

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- having regard to Directive 2012/33/EU of the European Parliament and of the Council of 21 November 2012 amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels and the ongoing impact assessment on the extension of the Sulphur Emission Control Areas within the European Waters,
- having regard to the proposal of Baltic Sea and North Sea countries to the International Maritime Organisation (IMO) to introduce designated Nitrogen Oxide Emission Control Areas (NECAs),
- having regard to Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues,
- having regard to its resolution of 1 December 2016 on liability, compensation and financial security for offshore oil and gas operations ⁽¹⁾,
- having regard to the European Academies Science Advisory Council policy report of 28 January 2016 on 'Marine sustainability in an age of changing oceans and seas',
- having regard to the study of November 2015 prepared at request of Parliament's Committee on the Environment, Public Health and Food Safety on 'Emission Reduction Targets for International Aviation and Shipping' (PE 569.964),
- having regard to the Annex on 'Action to boost the clean energy transition' to the Commission communication on 'Clean Energy For All Europeans' (COM(2016)0860);
- having regard to the fourth edition of the 'Our Ocean Conference', hosted by the European Union in Malta on 5 and 6 October 2017;
- having regard to its resolution of 21 October 2010 on Integrated Maritime Policy (IMP) — Evaluation of progress made and new challenges ⁽²⁾,
- having regard to the Commission communication of 20 February 2014 entitled 'A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism' (COM(2014)0086),
- having regard to the Council conclusions on 'Priorities for the EU's maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, an efficient internal market and a world-class maritime cluster' (9976/17),
- having regard to the European Environment Agency's (EEA) report on 'Marine protected areas in Europe's seas' (EEA 3/2015),
- having regard to the Commission study of September 2017 entitled 'Realising the potential of the outermost regions for sustainable blue growth',
- having regard to the 1992 Helsinki Convention on the Protection of the Marine Environment in the Baltic Sea Area which entered into force on 17 January 2000, HELCOM Baltic Sea Action Plan, adopted by all the coastal states and the EU in 2007, and the EU Strategy for the Baltic Sea Region,
- having regard to Resolution 69/292 adopted by the UN General Assembly in June 2015 on the development of an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction,
- having regard to the Commission communication of 13 September 2012 entitled 'Blue Growth: opportunities for marine and maritime sustainable growth' (COM(2012)0494),
- having regard to the Commission communication of 20 January 2014 on Blue Energy: Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond (COM(2014)0008),

⁽¹⁾ Texts adopted, P8_TA(2016)0478.

⁽²⁾ OJ C 70 E, 8.3.2012, p. 70.

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- having regard to its resolution of 2 July 2013 on Blue Growth: Enhancing sustainable growth in the EU's marine, maritime transport and tourism sectors ⁽¹⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Transport and Tourism and the Committee on Fisheries (A8-0399/2017),
- A. whereas it is widely agreed that the environmental health of the oceans is under significant threat and at risk of being irreversibly damaged unless targeted and coordinated efforts are undertaken by the world community;
- B. whereas the accumulation and dissemination of marine litter may be one of the fastest growing threats to the health of the world's oceans; whereas microplastics are of particular concern because their small size renders them accessible to a wide range of organisms (seabirds, fish, mussels, lugworms and zooplankton); whereas the estimated 150 million tonnes of plastics that have accumulated in the world's oceans causes serious environmental and economic damage, including to coastal communities, tourism, shipping and fishing;
- C. whereas current pressures on the marine environment include damage to habitats and ecosystems, persistent hazardous substances in sediments and waterbodies, degradation of coral barrier reefs, invasive species, pollution and nutrient enrichment and maritime traffic, as well as exploitation of raw materials and overexploitation of marine species, acidification, and warming of waters induced by climate change;
- D. whereas about 4,8 million to 12,7 million tonnes of plastic debris such as food packaging and plastic bottles were washed offshore in 2010 alone ⁽²⁾, corresponding to some 1,5 % to 4,5 % of the world's total plastic production, and the cumulative amount of waste will lead to a tenfold increase in the total amount of plastic discarded into the sea by 2020;
- E. whereas 'litter' means waste of small size in publicly accessible areas that has been improperly discarded in the environment (on the land, in fresh water and in the sea), whether wilfully or by negligence;
- F. whereas more than 100 tonnes of plastic waste and microplastics are polluting and threatening the life of our oceans;
- G. whereas without significant changes, by the year 2100 more than half of the world's marine species may stand on the brink of extinction;
- H. whereas the use of plastics for consumer products has become increasingly widespread, and production has steadily increased since the material was first put into wide use half a century ago, resulting in about 322 million tonnes of plastic being manufactured globally in 2015; whereas increasing production combined with both changes in the way we use plastic and demographic developments have led to an increase in the amount of plastic debris dumped in our oceans; whereas if this trend continues, according to the UN Environment Programme (UNEP), almost 33 billion tonnes of plastic will have accumulated by 2050;
- I. whereas 80 % of marine litter emanates from the land and, therefore, the marine litter problem cannot be tackled effectively over time without first addressing the issues of effective policy and action to reduce and contain litter on the land;

⁽¹⁾ OJ C 75, 26.2.2016, p. 24.

⁽²⁾ 'Plastic waste inputs from land into the ocean', Jenna R. Jambeck, Roland Geyer, Chris Wilcox, Theodore R. Siegler, Miriam Perryman, Anthony Andrady, Ramani Narayan, Kara Lavender Law, *Science*, Vol. 347, Issue 6223, 13 February 2015, pp. 768-771.

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- J. whereas the most common forms of debris are cigarette filters, plastic bags, fishing equipment such as nets, and all types of packaging; whereas between 60 % and 90 % of marine debris has been manufactured using one or more plastic polymers, such as polyethylene (PE), polyethylene terephthalate (PET), polypropylene (PP) and polyvinyl chloride (PVC), all of which have an extremely long degradation time; whereas as a result the majority of plastics manufactured today will take decades or even centuries to disappear;
- K. whereas plastic waste causes death and disease to marine wildlife through suffocation, entanglement and intoxication; whereas plastic materials broken up by waves and sunlight to form microparticles that are less than 5 mm in diameter end up in the stomach of marine creatures such as mussels, worms and zooplankton, while nanoplastics that are barely half a millimetre in size penetrate the cell membranes and nuclei of small marine animals; whereas plastic debris that is invisible to the naked eye enters the food chain at its very source;
- L. whereas according to the UNEP, the estimated natural capital cost of marine plastic debris amounts to approximately USD 8 billion a year⁽¹⁾, and fishing, marine transport, tourism and the leisure industry are just some of the many sectors affected by marine pollution;
- M. whereas until there is an internationally agreed definition of biodegradability (in the marine environment), the adoption of plastic products labelled as 'biodegradable' will not bring about a significant decrease, either in the quantity of plastic entering the oceans, or the risk of physical and chemical impacts on the marine environment;
- N. whereas nutrient pollution (eutrophication) coming from diverse sources, including agricultural run-off and sewage and wastewater discharges, overloads marine environments with high concentrations of nitrogen, phosphorus and other nutrients, which can produce large algal blooms, the decomposition of which after they die consumes oxygen while creating hypoxic, or oxygen-depleted, 'dead zones' where fish and other marine life cannot thrive; whereas an estimated 500 dead zones now exist in the world and many more areas suffer the adverse effects of high nutrient pollution;
- O. whereas owing to their extreme reliance on underwater sounds for basic life functions such as searching for food and mates and the absence of any mechanism to safeguard them against it, marine creatures are threatened by industrial noise from shipping, seismic exploration, and naval sonar used for routine training exercises, which can result in hearing damage, masking their communication and navigation signals, as well as leading to physiological and reproductive problems;
- P. whereas the loss of marine biodiversity is weakening the ocean ecosystem and its ability to withstand disturbances, adapt to climate change and play its role as a global ecological and climate regulator; whereas climate change due to human activity has a direct impact on marine species by altering their abundance, diversity and distribution and affecting their feeding, development and breeding, as well as the relationships between species;
- Q. whereas the trans-boundary nature of the ocean means that activities and the pressures that they cause necessitate collaborative work between governments across marine regions to ensure the sustainability of shared resources; whereas the multiplicity and complexity of ocean governance measures therefore necessitate a broad range of interdisciplinary expertise, as well as regional and international cooperation;
- R. whereas the exclusive economic zones (EEZs) of European Union Member States extend over 25,6 million km², virtually all of which area is located in the Outermost Regions and the Overseas Countries and Territories, making the European Union the largest maritime area in the world; whereas the EU therefore has a duty to play a leading role in establishing effective and ambitious international governance of the oceans;

⁽¹⁾ Marine Plastic Debris and Microplastics, UNEP: <https://wedocs.unep.org/rest/bitstreams/11700/retrieve>.

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- S. whereas it has been researched that direct impacts of an oil spill on marine organisms and biological systems and processes could include behavioural disturbances and death of marine species, microbial blooms, hypoxia (lowering of oxygen concentrations in water), toxic effects of chemicals used to disperse oil, and the death of deep-sea corals;
- T. whereas maritime transport has an impact on the global climate and on air quality, as a result of CO₂ emissions and also of non-CO₂ emissions including nitrogen oxides, sulphur oxides, methane, particulate matter and black carbon;
- U. whereas prospecting, drilling, and the transport of oil and gas reserves located under the sea floor in many parts of the world can seriously damage sensitive marine areas and disturb marine species; whereas in many cases, oil and gas exploration and drilling are permitted in or near Marine Protected Areas (MPAs);
- V. whereas Article 191 TFEU commits the Union to a high level of protection in its environmental policy, including through the application of the precautionary principle and the polluter pays principle;
- W. whereas the risks posed by the use of heavy fuel oil (HFO) in Arctic maritime transport are multiple: in the event of spills, the highly dense fuel emulsifies, sinks and can travel extremely long distances if it gets trapped in ice; spilled HFO poses enormous risks to the food security of Arctic indigenous communities, whose subsistence depends on fishing and hunting; combustion of HFO produces sulphur oxides and heavy metals, as well as large amounts of black carbon, which, when deposited on Arctic ice, stimulates the absorption of heat into the ice mass, accelerating the melting process and the effects of climate change; whereas the transport and use of HFO is prohibited by the IMO in the waters surrounding the Antarctic;
- X. whereas nitrogen oxide emissions, especially in port cities and coastal areas, are to a large extent generated by shipping and are a major concern for public health and environmental protection in Europe; whereas overall nitrogen oxide emissions from shipping in the EU remain largely unregulated and it is estimated that if left unabated they will surpass land-based nitrogen oxide emissions as early as 2020 ⁽¹⁾;
- Y. whereas, when anchored in ports, ships usually use their auxiliary engines to generate electrical power for communications, lighting, ventilation and other on-board equipment; whereas this fuel burning is associated with emissions of a range of pollutants such as sulphur dioxide (SO₂), nitrogen oxides (NO_x), black carbon and particulate matter (PM);
- Z. whereas shore side electricity (SSE) involves connecting ships to the port electricity network while they are at berth; whereas in the vast majority of locations, the energy mix used to produce SSE results in fewer emissions than burning fuel on the ships themselves ⁽²⁾; whereas current legislation such as the Sulphur Directive (Directive (EU) 2016/802) clearly recognises the use of SSE as an alternative to the requirement of using low-sulphur marine fuel, while the Directive 2014/94/EU on the Deployment of an Alternative Fuel Infrastructure requires Member States to ensure that SSE supply is installed as a matter of priority in ports belonging to the TEN-T Core Network, and in other ports, by 31 December 2025;
- AA. whereas, according to the scientific evidence presented in the Fifth Assessment Report (AR5), for 2014, of the International Panel on Climate Change (IPCC), the warming of the climate system is unequivocal, climate change is occurring and human activities have been the predominant cause of the warming observed since the middle of the 20th century, the widespread and substantial climate change impacts of which have already become evident in natural and human systems, on all continents and across the oceans;
- AB. whereas almost 90 % of global wind energy is contained in the turbulence above the world's oceans, and winds, waves and currents together contain 300 times more energy than humans are currently consuming; whereas according to the 2010 report of the European Ocean Energy Association (EU-OEA) installed ocean energy could reach 3,6 GW by 2030, rising to nearly 188 GW by mid-century, while in 2050 a world-leading ocean energy industry in Europe could prevent 136,3 million tonnes of CO₂ per year from being emitted into the atmosphere and create 470 000 new green jobs;

⁽¹⁾ European Environment Agency, 'The impact of international shipping on European air quality and climate forcing', 2013.

⁽²⁾ Winkel, R., Weddige, U., Johnson, D., Hoen, V., and Papaefthimiou, S. (2015), 'Shore Side Electricity in Europe: Potential and environmental benefits', Energy Policy, DOI: <http://www.sciencedirect.com/science/article/pii/S0301421515300240>.

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- AC. whereas in 2015 the IPCC stated that in order to limit climate change to 2 °C in the period until the end of this century, one third of oil reserves, half of gas reserves and more than 80 % of coal reserves must remain unexploited;
- AD. whereas the Paris Agreement aims at a 'global peaking of greenhouse gas emissions as soon as possible', in order to limit the global average temperature increase to well below 2 °C above pre-industrial levels and the pursuit of efforts to limit the temperature increase to 1,5 °C, while the World Meteorological Organisation (WMO) recently reported that global warming rose to a remarkable 1,1 °C above pre-industrial levels in 2016;
- AE. whereas failing to meet the Paris Agreement's objective of an average temperature increase of well below 2 °C would have enormous environmental impacts and economic costs, including among other things, increasing the likelihood of reaching tipping points at which temperature levels would begin to limit nature's ability to absorb carbon into the oceans;
- AF. whereas the potential in terms of clean energy possessed by marine wind power and ocean energy (wave power, tidal power and the thermal energy of the seas) should be noted, on condition that the environment and existing ecosystems are respected; whereas this clean energy gives the EU the opportunity not only to generate economic growth and to create skilled jobs, but also to improve the security of its energy supply and become more competitive thanks to technological innovation;
- AG. whereas improving ocean governance will help create a global level playing field for business, including the European ocean energy sector;
- AH. whereas marine pollution — for example the direct or indirect dumping of waste, substances or energy, including the introduction of submarine noise sources of human origin — has, or may have, a harmful impact on living resources and marine ecosystems, impoverishing biodiversity, endangering human health, creating obstacles to maritime activities and altering water quality;
- AI. whereas the EU should play a leading role in discussions and negotiations in international fora with a view to ensuring that all parties concerned accept their responsibilities, in terms of reducing emissions of greenhouse gases or pollutants, and face up to the growing challenges of sustainable resource management;
- AJ. whereas the exploitation of marine renewable energy could contribute to the objective of energy autonomy on small islands in the EU;
- AK. whereas transparency in international organisations is a key feature to ensure democratic accountability and inclusiveness;
- AL. whereas the seas and oceans have the potential to become major sources of clean energy; whereas such renewable marine energy gives the EU the opportunity not only to generate economic growth and to create skilled jobs, but also to improve the security of its energy supply and become more competitive thanks to technological innovation; whereas the exploitation of this local resource has a particularly important dimension for island states and regions, particularly the outermost regions, where ocean energy could contribute towards energy self-sufficiency and replace energy produced at high cost by diesel power stations;

Improving the international ocean governance framework

1. Recalls the essential role of oceans and seas in supporting life on earth, sustainable development, employment and innovation, as well as in providing recreational uses and amenities; shares the growing concern over the need for a more effective and integrated governance and protection of the oceans;
2. Welcomes the joint communication on international ocean governance and the actions proposed, which highlight the EU's commitment to achieving the conservation and sustainable use of oceans and seas and marine resources as identified in SDG 14 of the UN 2030 Agenda for Sustainable Development; recognises the cross-cutting nature of the subject and the need for a coordinated and integrated approach to ensure better ocean governance; calls for the EU to take a leading role as global actor to strengthen international ocean governance and fill the gaps, thanks to its expertise acquired in developing a sustainable approach to oceans' management;

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3. Recalls the integrated and indivisible character of all the Sustainable Development Goals, as well as the interlinkages and synergies between them, and reiterates the critical importance of all EU actions being guided by the 2030 Agenda, including the principles reaffirmed therein;
4. Calls on the Commission to set clear deadlines, put forward legislative proposals where appropriate, and work with Member States in order to improve cooperation in areas such as ocean research, capacity-building and technology transfer, and to set up mechanisms to support coordination, as well as ongoing monitoring and evaluation at EU level, in order to successfully implement the actions listed in the joint communication; highlights the Treaty provisions on the precautionary and polluter pays principles, and stresses the importance of the ecosystem-based approach in all EU actions on ocean governance;
5. Reiterates the strong maritime dimension of the Sustainable Development Goals, particularly for, but not limited to, Goal 14 (Conserve and sustainably use the oceans, seas and marine resources);
6. Welcomes and fully endorses the document 'Our ocean, our future: Call for Action' adopted by the UN Ocean Conference in June 2017, in support of the implementation of SDG 14 to conserve and sustainably use oceans, seas and marine resources for sustainable development; notes with great satisfaction the 1 328 voluntary commitments by governments, other intergovernmental and civil society organisations, the private sector, academic and research institutions and the scientific community towards ocean conservation and raising awareness about the importance of the oceans to human survival;
7. Recalls that the European Union has a comprehensive assemblage of legislation and management tools focused on distinct elements of ocean governance, but that nonetheless EU regional seas remain in a critical state, with overexploitation of resources, organic and inorganic pollutants impacting ocean health and productivity, biodiversity loss, degraded habitats, invasive species, declining coastal communities, and conflict between marine sectors;
8. Calls on the Commission to follow up the joint communication on ocean governance by publishing a progress report on the measures reviewed and a precise timetable for future measures, establishing links between these measures and existing European initiatives, as well as existing international instruments;
9. Encourages the Commission to propose, where appropriate, initiatives to the Council on developing ocean partnerships with key international partners, in order to foster the goal of improved global governance and policy coherence, and to build on existing bilateral cooperation frameworks such as the High Level Dialogues on Fisheries and Maritime Affairs;
10. Recognises the key role of the UN Convention on the Law of the Sea (UNCLOS) in providing a basic legal framework by which to coordinate efforts and achieve coherence in addressing global ocean-related issues; urges coastal Member States to respect their duty under UNCLOS to protect and conserve the marine environment and its living resources and their duty to prevent and control marine pollution; notes that Member States are liable for damage caused by violation of their international obligations to combat such pollution;
11. Calls on states to improve their legal systems for the preservation of our oceans; calls for international recognition of the concept of ecological harm where marine pollution occurs, so that compensation can be claimed when an infringement is found to have been committed; calls for the introduction of the chain-of-responsibilities principle, which is designed to determine those responsible for the environmental damage caused along the entire chain of command;
12. Stresses that the EU should seek to ensure that provisions on fishery play an important part in the future legally binding instrument under UNCLOS as regards the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction;

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13. Urges all states to become party to the relevant fisheries instruments, in particular the FAO Compliance Agreement, the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, and the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), as well as to fully implement the provisions of these instruments and other FAO international plans of action;
14. Welcomes the progress made by the EU with regard to the external dimension of the CFP; stresses that this dimension, including international and partnership agreements, is an important instrument by means of which to promote the EU's environmental and social standards and its provisions for combating IUU fishing at international level;
15. Notes that the Fisheries Transparency Initiative (FITI) has recently adopted its global standard; encourages states to apply for FITI membership; calls on the EU and its Member States to support this initiative;
16. Is of the opinion that securing a level playing field for the EU fishing fleet is of the utmost importance, especially considering the EU's high environmental standards and the sustainability standards that its vessels have to apply;
17. Insists that the EU promote the same environmental standards for fishing in international fora, and in all bilateral cooperation, as those that must be upheld by EU vessels, so as not to put its own fleet at a disadvantage in terms of environmental sustainability;
18. Recalls UN Resolution 2749 (XXV) of 17 December 1970, which recognises that 'the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind', and Article 136 of the Montego Bay Convention, which stipulates that 'the sea-bed and ocean floor beyond the limits of international jurisdiction, and its resources, form part of the common heritage of mankind';
19. Calls on the Commission to encourage Member States to cease subsidising licences for mining prospecting and extraction in areas beyond national jurisdiction and issuing permits for mining of their continental shelves;
20. Notes, furthermore, with regard to the international law on air pollution that, under UNCLOS, Member States are not permitted to inspect ships, even in cases of solid evidence of infringement; calls, therefore, on the UN parties to enhance the legal framework of UNCLOS with the aim of addressing any existing governance gaps and of establishing robust enforcement mechanisms for international environmental law;
21. Calls for the international regulation of measures against nuclear waste and pollution in the oceans and the seabed, with a view to the implementation of practical measures to limit their environmental and health impact and to eliminate pollution of the seabed;
22. Stresses that ensuring transparency, including public access to information, stakeholder involvement, public participation in decision-making and access to justice in environmental matters as required under the Aarhus Convention, as well as the legitimacy of UN organisations, including public accountability of country representatives on international bodies, such as the International Maritime Organisation (IMO) and the International Seabed Authority (ISA), is a matter of priority in addressing existing governance shortcomings; calls on the Member States and the Commission to work through the ISA in order to ensure transparency in its working methods and its effective capacity to assess environmental impacts, as well as ensuring the effective protection of the marine environment from harmful effects and the protection and preservation of the marine environment, as required under Parts XI and XII of the UN Convention of the Law of the Sea;
23. Calls on the Member States to assume a proactive and progressive role within international bodies in order to put forward transparency reforms and increase the overall environmental ambition of actions undertaken;

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24. Stresses that improving the ocean governance framework will entail strengthening regional and global efforts by promoting multilateral instruments which have already been agreed on, as well as strategies and their improved implementation; encourages the Commission to foster greater international maritime cooperation, in particular in maritime science and technology, as suggested by the OECD;

25. Stresses the need for strengthened cooperation, policy coherence and coordination among all governments and institutions at all levels, including between and among international organisations, regional and subregional organisations and institutions, arrangements and programmes; notes in this respect the important role of effective and transparent multi-stakeholder partnerships, and the active engagement of governments with global, regional and subregional bodies, the scientific community, the private sector, the donor community, NGOs, community groups, academic institutions and other relevant actors;

26. Calls for regional arrangements for governance of marine environments to be tightened up, particularly with a view to the attainment of SDG 14; calls on the EU and on international organisations, particularly by means of official development aid, to increase support for regional organisations and for the attainment by third countries of SDG 14;

27. Emphasises the importance of including coastal local authorities and outermost regions in the process of bringing international ocean governance closer to EU citizens;

28. Underlines the need to develop comprehensive strategies to raise awareness of the natural and cultural significance of the oceans;

29. Underlines the need for a specific and tangible action plan on the EU's engagement in the Arctic, in which the starting-point should be the objectives of preserving the Arctic's vulnerable ecosystems and increasing their capacity for resilience to the effects of climate change;

30. Points out that the central Arctic Ocean is not covered by international conservation or management systems; stresses the need for a coordinated approach on the part of the EU and its Member States to preventing unregulated fishing in the Arctic Ocean;

31. Reiterates the call made in its resolution of 16 March 2017 on an integrated European Union policy for the Arctic for the Commission and the Member States to take all necessary measures to play an active role in facilitating an internationally agreed ban on the on-board use and carriage in fuel tanks of HFO in vessels navigating the Arctic seas, by means of the provisions of the International Convention for the Prevention of Pollution from Ships (MARPOL) currently applying for regulating the waters surrounding the Antarctic; invites the Commission to include the environmental, social, health and climate risks of the use of HFO in its position on International Ocean Governance; calls on the Commission, in the absence of adequate international measures, to put forward proposals on rules for vessels calling at EU ports prior to journeys through Arctic waters, with a view to prohibiting the use and carriage of HFO;

32. Calls on the Commission and the Member States to work actively towards the rapid finalisation of the protracted IMO work plan on reducing black carbon (BC) emissions from ships sailing in the Arctic, with a view to slowing down rapid temperature increases and the accelerated melting of polar ice in the region;

33. Calls on the Commission to promote equal conditions on the labour market in the field of the sea and to ensure fair treatment, applying in an effective fashion the relevant international conventions, such as the ILO's Work in Fishing Convention and Maritime Labour Convention, and establishing a harmonised social framework for maritime activities in Community waters;

34. Calls for the introduction of a new international agreement on working conditions linked to the maritime sector; recalls the need to put an end to all forms of slavery that still exist on board vessels, and highlights the impact that substandard working conditions can have on individuals, economic operators and the marine environment;

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35. Calls on the Commission to develop ocean partnerships with key players in the form of multicultural cooperation mechanisms or bilateral dialogues aimed at ensuring better coordination and cooperation for the successful implementation of the ocean-relevant SDGs, the promotion of sustainable blue growth as well as the preservation, conservation and restoration of marine ecosystems and biodiversity, while also reducing pressure on the oceans and seas and creating the conditions for a sustainable blue economy;

36. Urges the Commission to strengthen maritime cooperation and capacity-building in the context of its external policy framework, in relation to areas such as development cooperation and trade agreements, in particular Sustainable Fisheries Partnership Agreements, so as to build capacities to tackle the impacts of climate change and marine litter and promote better ocean governance and sustainable blue growth;

37. Calls on the EU to pursue the principle that the allocation of fisheries resources must take account of the environmental and social impact on and the food security needs of developing countries, as well as of those countries' aspirations to develop their own fisheries, while at the same time ensuring a sustainable level of fishing that does not lead to an excess of fishing capacity, in line with the targets set out in SDG 14;

38. Calls on the EU, in line with the CFP, to minimise the impacts of aquaculture on the environment by ensuring sustainable sourcing of feed and promoting research focusing on reducing the pressure on wild fish stocks used for feed production;

39. Notes that the EU is the world's largest importer of fisheries products and that some catches are imported from areas where fishing is far less sustainable than in EU waters; encourages the EU to use its position in this regard to promote an increase in sustainability in all sea basins;

40. Urges the Commission to call on Member States to stop sponsoring deep-sea mining exploration and exploitation licenses in Areas Beyond National Jurisdiction and on and not to issue permits for deep-sea mining on Member States' continental shelf;

41. Calls on the Commission to support the stepping-up of international initiatives to combat trafficking in human beings by maritime routes;

42. Calls on the Commission and the Member States to support an international moratorium on commercial deep-sea mining exploitation licences until such time as the effects of deep-sea mining on the marine environment, biodiversity and human activities at sea have been studied and researched sufficiently and all possible risks are understood;

43. Underlines the importance of the European Union Maritime Security Strategy (EUMSS) and calls on the Commission to include maritime security in external policy, bearing in mind that a large proportion of trade is transported by sea, more than 70 % of external borders are sea borders and it is necessary to guarantee the security of passengers transiting through Union ports;

44. Highlights the importance of continuing to boost cooperation between the European Maritime Safety Agency (EMSA), Frontex and the European Fisheries Control Agency (EFCA), each within its own mandate, to support Member States' national authorities tasked with coast guard functions, and of promoting maritime safety and security, combating cross-border crime and protecting the environment by preventing and reducing pollution from offshore gas and oil installations; takes the view that these agencies should receive more substantial funding from the EU, if appropriate, in order to be able to carry out these new tasks; stresses the importance of further developing digital solutions — such as facilitating the shipping industry by means of streamlined procedures for reporting formalities, and investing more in a common infrastructure for Europe-wide data sharing to the benefit of all Member State authorities carrying out coast guard functions — and advanced maritime technology, such as the EMSA's Integrated Maritime services, in order to improve surveillance and monitoring systems for maritime activities and other programmes such as the Common Information Sharing Environment (CISE) for maritime surveillance;

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45. Emphasises that creating a sustainable maritime economy and reducing pressures on the marine environment require action on climate change, land-based pollution reaching the seas and oceans, marine pollution and eutrophication, on the preservation, conservation and restoration of marine ecosystems and biodiversity, and on the sustainable use of marine resources;

46. Expresses its concern over the fact that, according to a recent Parliament study, while the Blue Economy could have a positive socio-economic impact (in terms of employment, revenues and gross value added), its environmental impacts are generally negative, in terms of alterations of coastal dynamics, marine pollution, eutrophication, seabed morphology and habitat/ecosystem/biodiversity alterations; is concerned that the cumulative burden of environmental effects would be detrimental to fisheries;

47. Calls for the Blue Economy to be steered towards rebuilding the resilience of coastal communities with a view to restoring the productive potential of fisheries, thereby supporting food security, poverty alleviation and the sustainable management of living aquatic resources; recalls that before any activities in Blue Economy sectors are implemented, an impact assessment and a full information and participation process for all stakeholders must be guaranteed; insists that the Blue Economy must contribute to the achievement of SDG 14, i.e. the conservation and sustainable use of oceans and marine resources;

48. Believes that investment in the blue economy should not rely on finite resources but should be focused on 'eco-innovation', not exceeding natural regeneration rates, nature conservation, and climate change mitigation and adaptation;

49. Urges the Member States to make further efforts for the timely implementation of the Marine Strategy Framework Directive in order to achieve good environmental status for marine waters for 2020, with a particular commitment to avoiding harm to the coastal and marine environment from all marine pollution including nutrient pollution and marine litter, as well as to removing harmful subsidies which encourage unsustainable fishing and strengthening the global fight against marine litter and plastic;

50. Regards the prevention, recovery and recycling of marine plastic waste as a major international challenge, and calls on the Commission to deploy measures such as boosting support for research and placing the issue on the spectrum of the sustainable 'blue economy', so as to make the EU an initiator of innovative solutions, and to assume a leading role on the matter at global level;

51. Calls on the Member States to swiftly implement the Framework Directive establishing a framework for maritime spatial planning and integrated coastal management, in order to permit the full and harmonious development of the various maritime activities;

52. Urges the Commission to strongly integrate ocean governance issues in its aid and development policies;

53. Recalls that the fisheries sector is of tremendous importance, as representing one of the main traditional human activities carried out in the marine environment, making it an essential element of the Integrated Maritime Policy; points out that fisheries is the sector most affected by the many other uses of, and activities taking place on, the seas, such as maritime transport and tourism, urban and coastal development, the exploitation of raw materials and energy sources, and seafloor mining, as well as being affected by environmental phenomena such as marine pollution (plastic debris, discarded fishing nets, oil spills, noise pollution, ballast water discharges, uncontrolled oil and gas extraction and exploration, etc.) and climate change (rising sea levels, increasing sea surface temperatures, coastal flooding, rising ocean acidity, etc.);

54. Highlights the importance of women in the seafood industry, given that, according to the FAO, they account for half that industry's total working population; calls on the EU to promote and protect women in fisheries activities and fish-related industries, by encouraging fair prices for fisheries products and promoting better access for women active in fisheries to public support and financial resources, including in negotiations with third countries over the use of sector support in SFPAs, in the process of developing aid instruments, and in the various international fora;

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55. Awaits the forthcoming strategy on plastics from the Commission, as well as any other measures, including the recently announced Action Plan aimed at combating marine litter; calls for high ambition in the Strategy on Plastics in a Circular Economy, in order to adequately tackle the problem of marine litter at source, and urges the Commission to present concrete legislative actions and binding measures in this area, in particular concerning ecological design for plastics and microplastics and action to reduce the amount of used products discarded on land, especially close to rivers and other waterways and to the coast; expresses its deep concern about the scale of the issue; calls on the Commission and Member States to join and support the international coalition to reduce plastic bags pollution launched at the COP 22 in Marrakech in November 2016;

56. Reiterates the need for a well-thought-out product policy that increases products' expected lifetime, durability, reusability and recyclability, as stressed in its resolution of 9 July 2015 on 'Resource efficiency: moving towards a circular economy' ⁽¹⁾, and further emphasises that this must urgently be applied to disposable plastic products and packaging in the upcoming Strategy on Plastics, in light of the environmental damage caused by these items as marine litter;

57. Urges the Commission to assist in developing regional solutions and to promote national actions to address marine litter with the aim of eliminating it; also urges the Commission to help set up pilot projects to collect marine litter through beach clean-ups and fishing for litter campaigns, and to provide financial support to fishermen in Europe for the collection of marine litter;

58. Requests the Commission to propose new legislation to address microplastic pollution in all its forms, and specifically by banning microplastic ingredients in all personal care products and by ensuring that all businesses that handle plastic production pellets implement proper protocols for minimising pellet leakage;

59. Takes the view that pollution by non-reusable plastic bottles is a major cause of marine pollution, and urges the Commission to consider introducing a Europe-wide system of deposits on non-reusable drinks containers, on the German model;

60. Calls for the EU and the Member States to join and support the international coalition for the reduction of pollution by plastic bags;

61. Welcomes the Commission's intention to promote an internationally accepted plan to face the consequences of ocean's warming, sea level raise and acidification;

62. Calls on the Member States to promote resource efficiency, recycling and awareness- raising with regard to marine litter, through national awareness campaigns, educational programmes and collaboration among schools and universities on these issues;

63. Recalls its position in favour of an ambitious circular economy package with EU marine litter reduction objectives of 30 % and 50 % in 2025 and 2030 respectively, as well as increased recycling targets for plastic packaging;

64. Calls on the Member States to uphold the same level of ambition as the EU for marine litter reduction;

65. Urges the Commission to intensify its efforts to combat marine litter in Europe and globally, by addressing land-based as well as sea-based sources through tackling the problem of illegal dumping of waste such as fishing gear, and giving financial support for the collection of marine litter; urges the Commission to reduce marine litter from shipping, in particular by promoting a harmonised cost recovery system for garbage in all European ports in the revision of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues; calls for more funding of research into the distribution and impact of marine litter and the effectiveness of international, regional and subregional strategies to combat marine litter and other pollutants;

⁽¹⁾ OJ C 265, 11.8.2017, p. 65.

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66. Stresses that the Union's precautionary principle has to be applied in case of any potential future deep-sea mining exploration; is alarmed by the Commission's insistence on deep-sea mining being one of the Union's priority sectors for blue growth, given the scientific evidence that exists of its significant and irreversible environmental risks; is concerned at the possibility that the further promotion of deep-sea mining could adversely affect the actions that are required under SDG 12 (transition to sustainable consumption and production);

67. Stresses that the precautionary principle must be applied to the emerging deep-sea mining sector, and that given the scientific warnings regarding significant and potentially irreversible environmental harm being implied, considers that the EU should not support the development of this industry but should, rather, invest in sustainable alternatives, and specifically in a transition to sustainable consumption and production, as called for in SDG 12 under Agenda 2030;

68. Stresses that no oil or gas exploration or drilling should be permitted in or near Marine Protected Areas (MPAs) or vulnerable areas of high conservation value;

69. Welcomes the EU action plan for the circular economy, and calls on the Commission to propose robust measures to prevent the discharge of micro- and macro- particles into the marine environment, including a reduction in waste leakage of 50 % by 2020, legislative measures for industry such as bans on single-use plastics (where natural alternatives are available), and, potentially, an international legal instrument;

70. Calls on the Member States and on local and regional authorities to support innovative technological and financial initiatives addressing ocean and sea pollution, so as to promote efficient recovery systems for waste from shipping, in particular plastic waste, in ports and harbours, to raise awareness within the shipping sector of the consequences of disposing of plastic waste in the sea, and to overcome the major obstacles existing to the implementation of MARPOL;

71. Stresses that the EU should be the leader of a global initiative to monitor and significantly reduce marine litter in the oceans; notes that the Member States have committed to the goals of Directive 2008/56/EC (the Marine Strategy Framework Directive), which stipulates that the properties and quantities of marine litter shall not cause harm to the coastal and marine environment (Descriptor 10);

72. Encourages efforts to combat all sources of pollution of the oceans and the seabed, including noise pollution, and the implementation of practical international measures to eliminate ocean and seabed pollution;

73. Welcomes the Commission's determination to arrange for international action to monitor the impact of the warming of the oceans, rising sea levels and acidification of waters; calls for the stepping-up and development of international scientific programmes to monitor the temperature, salinity and heat absorption of the oceans, and for the establishment of a global ocean observation network to improve the monitoring of global changes in the oceans and enable better forecasting of the impact of climate change on the functioning of the oceans, carbon absorption and management of living marine resources;

74. Stresses the importance of a life-cycle approach to plastics products, including the consideration of the degradation of different polymers and the rate of fragmentation (in the marine environment), to be achieved by internalising the environmental and social costs of products (cost internalisation), enhancing the process of closing the loop in product and process development and manufacturing as well as in life-cycle chains of plastics products, improving the lifespan of products, promoting green public and private procurement, promoting inter alia green engineering principles and frameworks, eco-design and eco-labelling, and strengthening the ability of private actors, including SMEs, to shift to more environment-friendly production processes;

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75. Welcomes the Commission's commitment made in its action programme on ocean governance to fight illegal, unreported and unregulated fishing (IUU fishing); encourages the Commission to continue the fight against IUU fishing in all regional fisheries management organisations (RFMOs) and other relevant fora; considers that EU-flagged vessels that are engaged in IUU fishing should be publicly listed, as provided for under the IUU regulation; urges the EU to put pressure on third countries to take action to prevent IUU-caught fish from entering their markets;

76. Calls for greater cooperation among RFMOs, and urges their contracting parties to ensure that they are sufficiently resourced and strengthened;

77. Calls on the RFMOs to:

- (a) continue to conduct regularly independent performance reviews, as well as to fully implement the recommendations from such performance reviews;
- (b) fully implement the recommendations from the Second Resumed Review Conference of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks;
- (c) harmonise measures, in particular monitoring, control, surveillance and enforcement measures, including by agreeing on deterrent penalties and sanctions;

78. Calls on the Member States to adopt the significant package of proposals presented by Parliament and the Commission in the context of the revision of Directive 2008/98/EC on waste, which, taken together, amount to a coherent new EU policy for sharing responsibility among all stakeholders for litter and the prevention of littering, both on land and in the marine environment;

79. Encourages the Commission to establish an effective policy of adjustment to climate change in coastal and maritime areas, particularly by taking practical measures to protect coastal and marine ecosystems;

80. Recalls that since January 2016, to improve vessel identification as a tool in the fight against IUU fishing, International Maritime Organisation (IMO) numbers have been required for all EU vessels of more than 24 metres in length overall (LOA) or 100 gross tonnage and above, fishing in EU waters, and for all EU vessels of more than 15 metres LOA fishing outside of European waters; encourages the EU to introduce an IMO number requirement for non-EU vessels in line with those that exist for EU vessels (more than 15 metres LOA), to be reported on an importing catch certificate, in order to ensure a level playing field and assist Member States with import controls;

81. Calls on the Commission and the Member States to promote cost-effective activities and instruments, as well as cooperation at all levels with regard to risk-based and environmentally sound clean-up activities for marine litter in rivers and coastal and marine areas, according to national circumstances; urges the Commission and the Member States, in this regard, to facilitate financing, public-private partnerships and capacity-building, and to develop and utilise international criteria for collective removal actions, clean-up and restoration, including with regard to quantities, population, ecosystem sensitivity and feasibility;

82. Stresses the need to integrate at-sea labour and human rights considerations within the framework of global ocean governance; calls on the Commission to undertake targeted efforts to promote standards of decent work in the global fisheries industry, in recognition of the connection between labour and human rights abuses and unsustainable and destructive fishing practices, in particular IUU fishing; calls on the Commission to take measures to prevent fisheries products caught using workers that have been trafficked or subject to other labour and human rights abuses from reaching markets in the EU, and to work with actors in the industry to encourage the use of due diligence mechanisms to enable them to screen such products out of their supply chains; calls on the Member States to ensure the transposition into national law and implementation of ILO Convention C188 (the Work in Fishing Convention);

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83. Stresses that the key solution to marine litter lies in better solid waste collection and recycling on land, given that most marine litter is generated on land; believes, furthermore, that the EU should promote a coherent waste management approach wherever possible in all international fora, agreements and institutions; calls on the Member States, therefore, to conclude their work on the Circular Economy Package as soon as possible, and to implement ambitious recycling targets and comply with the EU's marine litter reduction objectives without delay;

84. Calls on the Commission to work in international fora to develop a clear sustainability framework for biodegradable plastics in all natural environments, including definitions and standards;

85. Believes that bolder steps must be taken by both the Member States and the Commission to tackle the illegal export and dumping of plastic waste, including stricter enforcement of EU shipment regulations, as well as stricter monitoring and inspection schemes at ports and at all waste treatment facilities, targeting suspected illegal transfers and combating the export of waste for reuse (mainly regarding end-of-life vehicles and WEEE), as well as to ensure that exports go only to facilities that fulfil the requirements of environmentally sound management, as laid down in Article 49 of the Waste Shipment Regulation;

86. Calls on the Member States to strengthen education and awareness-raising measures on marine litter, the use of plastics and the impact of individual consumer behaviour on the environment, by introducing elements into educational curricula at all levels, providing educational and outreach materials targeted at specific interest groups and age ranges in order to promote behavioural change, and organising large-scale information campaigns aimed at the citizens;

87. Underlines the need to reduce nitrogen and phosphorus leakage into the oceans, thus reducing human-induced eutrophication through fundamental changes in the European agricultural model, by means of, inter alia, restrictions on the use of fertilisers, optimising nutrient use to crop requirements, cautious planning in the use of fertilisers and establishing more sustainable agricultural forms, as well as through reductions in atmospheric sources of nitrogen, better cleaning of sewage and waste water, and better control of diffuse urban nutrient sources, such as run-off from streets and storm sewers, while also addressing pressure on marine ecosystems via the mid-term review of the common agricultural policy;

88. Calls on the Commission and the Member States to take all suitable measures to facilitate the adoption of international regulations to limit noise from industrial activities such as shipping and seismic surveys, in particular in biologically sensitive habitats, by, for example, proposing an annex to MARPOL on noise pollution, on similar lines to the newly added annex on air pollution;

89. Notes that the obligations assumed under the Paris Agreement make it unreasonable and counter-productive to exploit new fossil fuel sources, especially if situated in ecologically vulnerable areas;

90. Stresses that all waters are vulnerable to the offshore drilling of fossil fuels; emphasises that the use of fossil fuels will further contribute to and accelerate the climate change that is threatening our planet; is of the view that the EU must cooperate with international partners in order to achieve a just transition away from offshore drilling and thus contribute to the goal of a low-carbon economy;

91. Underlines that any new licence for oil or gas exploration should follow strict precautionary regulatory standards in the field of environmental protection and safety for oil or gas exploration, prospection and production, and should include binding commitments as regards the decommissioning of exploration infrastructure, which in general has a limited life-span;

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92. Highlights the major potential of energy produced from the flow of waves and tides or the thermal and salinity gradients of oceans and seas; notes that in the long term, ocean energy has the potential to become one of the most competitive and cost-effective forms of energy generation;

93. Welcomes the progress made by the Member States regarding the establishment of maritime spatial planning (MSP); reiterates that further efforts are needed for the coherent implementation of Directive 2014/89/EU in order to set an example for the global introduction of MSP; calls, therefore, on the Member States to draw up their maritime spatial plans by 31 March 2021 at the latest; emphasises the international and transnational dimension, and calls on the Commission to start work on drafting proposals for international guidelines, taking into account the importance of land-sea synergies and interactions, as well as related processes such as integrated coastal management, and to lead an international forum on MSP, involving the relevant stakeholders and third countries, to promote MSP globally and deliver best practices with a view to boosting international cooperation, improving the management, preservation and use of the oceans, raising transparency, and enhancing education and training;

94. Notes that intensified activities in coastal and marine waters increasingly require the implementation of maritime spatial planning (MSP); calls on the Commission to work towards international guidelines on MSP and to help expand marine protected areas worldwide, with funding under the Horizon 2020 and LIFE programmes;

95. Urges the Commission to support international efforts to protect marine biodiversity, in particular in the framework of the ongoing negotiations for a new legally binding instrument for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction; calls on the Commission to propose more stringent legislation in order to preserve and ensure sustainable uses of marine biodiversity in areas under the jurisdiction of the Member States;

96. Welcomes the Commission's commitment to support the CBD and CITES, and stresses the need for a coordinated approach in implementing the decisions taken in the framework of these conventions for the protection of marine species and biodiversity, and for greater consistency of international work with that undertaken at European level; stresses the importance of doing more to protect marine species under CITES, and, for the marine species already protected by the convention, to strictly comply with it;

97. Notes the significance of biodiversity as the cornerstone of our oceans, in which it plays a vital role in maintaining the productivity and functionality of marine ecosystems;

98. Notes that the CFP should ensure that fishing mortality rates are set at levels allowing fish stocks to recover and to remain above levels capable of sustaining the maximum sustainable yield (MSY); stresses the need for sustainable fisheries management practices through the implementation of management measures and monitoring, control and enforcement, based on the best available scientific advice; believes that further measures could entail supporting the consumption of fish sourced from sustainably managed fisheries and through precautionary and ecosystem-oriented approaches; welcomes sustainable innovations by the fisheries sector as well as investment in and development and introduction of selective catch techniques;

99. Recalls that in order to combat illegal, unreported and unregulated fishing (IUU fishing) effectively, it is crucial to ensure that no type of fisheries products resulting from such activities reaches the markets; encourages the EU to promote, through all its partnerships and in all international fora, a ban on IUU fisheries products from as many markets as possible, thus reducing the profitability of those activities;

100. Underlines the importance of continuing and expanding the bilateral partnerships if the fight against IUU fishing and overexploitation of fish stocks is to be effective, since otherwise EU actions could have only a limited impact on the current situation;

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101. Suggests that Member States and third countries should be more consistent and effective in their checks on catch documentation (catch certificates) and consignments, with a view to ensuring that the fish have been caught legally; encourages states to take measures to ensure better coordination between the fight against IUU fishing and trade and market policy; stresses that the EU should promote, support and implement in all international spheres the necessary action to eradicate IUU fishing;

102. Commends the EU's international leadership for the concrete progress achieved in the fight against IUU fishing, as well as its strong commitment in implementing effective measures against the phenomenon; recalls the EU's efforts to reinforce its international actions against IUU fishing at bilateral, regional and multilateral level, including by continuing bilateral dialogues with third-country partners, using vessel tracking instruments and securing a greater role for key international agencies such as Interpol; calls on the Member States' authorities to actively support the Commission's work in establishing an electronic tool for management of catch certificates;

103. Notes that the EU regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing (the IUU Regulation) has made advances, but that implementation in all Member States should be improved, and that more coordination with third countries is needed to ensure that no fish enter the EU market illegally; also urges the EU to put pressure on third countries to take action to prevent IUU-caught fish from entering their markets;

104. Stresses the importance of early responses to counter invasive species, considering their increasing impact on, and the risk they pose to, fisheries, ocean productivity and biodiversity, and the role they play in disrupting natural ecosystems; calls on the Member States to strengthen their cooperation among themselves and with third countries, including through synchronised and cooperative actions and exchanges of information, data and best practices;

105. States that the exchange of ballast water is a possible method for avoiding the introduction of invasive alien species; stresses that while the IMO Ballast Water Convention, which is intended to control and manage this problem, will soon enter into force, its successful implementation will depend on more widespread ratification;

106. Encourages the Commission to provide leadership and promote ecosystem-based marine spatial planning at a global level in order to reduce pressure on the marine environment and facilitate the development of sustainable blue economies;

107. Urges the Commission to step up work and strengthen cooperation and coordination on the development of interoperable catch documentation schemes and traceability of fisheries products;

108. Calls on the Commission and the Member States to act decisively to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, to eliminate subsidies that contribute to IUU fishing, and to refrain from newly introducing any such subsidies, including through accelerating work to complete negotiations in the WTO on this issue, while also recognising that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of those negotiations;

109. Welcomes the Commission's commitment to provide funding opportunities for the establishment of marine protected areas and the exchange of best practices as a contribution to the achievement of the global target of 10 % of marine and coastal areas to be designated as Marine Protected Areas (MPAs) by 2020 as set out in SDG 14.5; notes that MPAs have ecological and socio-economic benefits and represent an important tool for the management of fishing activities and for ensuring the protection of spawning grounds; recalls, in particular, the importance of ecologically and biologically significant areas (EBSAs) as defined by the Biodiversity Convention, and the need to preserve these for the support of healthy, functioning oceans and the many services they provide; welcomes the Commission's intention to promote and step up measures to manage MPAs, particularly by developing coherent and connected networks of such areas;

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110. Calls for the EU and the Member States to commit to investing in social capital so as to ensure better stewardship of ocean and coastal resources; strongly encourages, in particular, the involvement of women and young people in ocean literacy programmes and ocean stakeholder consultations;

111. Stresses the need for the Commission to propose measures to further strengthen marine and maritime research and innovation activities, under Horizon 2020 and its successor programme;

112. Calls on the Commission and the Member States to step up their efforts to implement and ensure a holistic approach to guarantee the ecological coherence and connectivity of networks of MPAs and their effective design, management and evaluation, as part of an effective spatial planning process, so that they can reach their full potential for protecting marine and coastal biodiversity; regrets that currently less than 3 % of the world's oceans are designated as fully protected marine reserves; calls on the Member States to increase the number of designated MPAs, in accordance with SDG 14, with the aim of ensuring the preservation of at least 10 % of marine and coastal areas; encourages the Member States to develop coherent and connected networks of MPAs; calls on the Commission and the Council to use the results of scientific research into biodiversity with reference to the criteria for establishing MPAs in the negotiations on the conservation and sustainable use of biodiversity in areas beyond the limits of national jurisdiction; lastly, encourages the Member States to ensure that tools are complementary and to develop marine spatial planning in order to combine MPAs more effectively with other effective conservation measures;

113. Stresses the importance of protecting biodiversity by ensuring an effectively managed and ecologically coherent network of MPAs, conservation zones and Natura 2000 marine sites, covering at least 10 % of all European seas and marine areas by 2020, to be in line with SDG 14.5; encourages progress where possible towards fulfilling the IUCN and World Parks Congress guideline of 30 % MPAs by 2030;

114. Calls for more to be done to establish the Natura 2000 network in the marine environment, by identifying and managing such sites, particularly on the high seas; reiterates its call for specific and lasting arrangements to protect biodiversity on an equivalent basis in the French outermost regions;

115. Calls for the stepping-up of efforts to increase ocean literacy in Europe through closer cooperation and exchange between researchers, stakeholders, decision-makers and the public, with a strong focus on educational programmes on the importance of oceans and seas, as well as information on careers in the blue economy;

116. Encourages the Member States to increase protection and resilience of marine and coastal ecosystems, particularly coral barrier reefs and mangroves, and, in this context, to commit themselves to the International Coral Reef Initiative;

117. Calls on the Member States to support least developed countries, and particularly small island development states, in better implementing the MARPOL convention and thereby protecting the environment and livelihood of people in harbour areas;

118. Calls on the Commission and the Member States, by means of the various Community funds, to undertake the investment necessary to create an environment favourable to the development of marine renewable energy, in order to fully unlock the potential of Europe's seas;

119. Calls on the Commission to increase efforts at international level for the establishment of a coherent regulatory framework for the exploration and exploitation of deep-sea minerals, to be grounded in the precautionary principle;

120. Calls on the Commission and the Member States to implement the priority measures adopted by the conference of the parties to the Biodiversity Convention regarding marine and coastal biodiversity;

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121. Believes that an 'Erika IV' package on maritime safety should be launched to prevent further major maritime disasters, and that recognition of the ecological damage caused to marine waters by existing EU legislation should be taken into account under this package;

122. Calls on the Commission to ensure recognition in EU law of the existence of ecological damage distinct from economic, material and non-material damage, and to contribute towards such recognition at international level;

123. Calls on the Commission to increase consistency between its internal and external policies on the management and protection of resources, biodiversity and the oceans;

124. Stresses that the development of marine renewable energy in island territories constitutes a genuine opportunity for sustainable development of the territories concerned, but also a source of considerable potential for the EU and the rest of the world; calls on the Commission to take the initiative to launch a global strategy for the island territories with a view to developing a new economic model that will be appropriate to their specific nature and based on energy autonomy and the development of marine renewable energy;

125. Calls on the Member States and the Commission, by means of the various Community funds, to support the necessary investment in island and outermost regions to facilitate the development of marine renewable energy and thus contribute to the energy autonomy of those territories;

126. Calls on the Commission to support training and skills in the new occupations linked to the sustainable blue economy, and to promote them particularly in regions with strong potential such as maritime, island and outermost regions;

127. Calls for the introduction of an overarching integrated European policy on the oceans, with both an internal and an external section, covering all policies which affect the oceans (research, environment, energy, transport, fisheries, cohesion policy, neighbourhood policy, international trade, etc.), based on the fundamental aims of preserving the marine environment and ensuring sustainable development;

Addressing increasing shipping emissions from maritime transport

128. Notes that even the Third IMO Greenhouse Gas Study of 2014 states that, depending on future economic and energy developments, maritime CO₂ emissions are projected to increase by 50 % to 250 % in the period up to 2050, while Parliament's 2015 study entitled 'Emission Reduction Targets for International Aviation and Shipping' states that if an IMO action plan to combat climate change were further postponed, the share of maritime CO₂ emissions within global GHG emissions might rise substantially (to 17 %) for maritime transport by 2050; stresses, therefore, that shipping alone would consume a large share of the remaining greenhouse budget for limiting the temperature increase to well below 2 degrees Celsius;

129. Stresses the need for urgent global action to mitigate the adverse impacts of rising levels of atmospheric carbon on ocean ecosystems and health, particularly in the context of the Paris Agreement adopted under the UN Framework Convention on Climate Change; points out that these adverse impacts include rising ocean temperatures, coastal and ocean acidification, sea-level rise, changes in ocean circulation and coastal erosion, as well as extreme weather events, decreasing polar ice coverage, salinity changes, nutrient availability and deoxygenation, and may be cumulative in nature; stresses the importance of well-functioning ecosystems in enhancing ocean resilience; reiterates the urgent need to address these impacts, which impair the crucial role of the ocean as a climate regulator, a carbon sink, a source of biodiversity, and a key provider of nutrition, livelihoods, energy and ecosystem services;

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130. Reiterates that in accordance with the Paris Agreement all sectors of the economy are required to contribute to the reduction of CO₂ emissions; urges the adoption by the IMO of a clear emissions target and near-term immediate abatement measures by 2018 in order to reduce international maritime CO₂ emissions at global level in line with the goals set by the Paris Agreement; notes, furthermore, that in the absence of a comparable system operating under the IMO, CO₂ emissions emitted in Union ports and during voyages to and from Union ports of call are to be accounted for through the EU Emissions Trading Scheme or a comparable robust pricing mechanism, to be operational as soon as possible and no later than 2023;

131. Reiterates that BioLNG use should be promoted as a means to decarbonise the shipping sector, and that the use of biogas in transport should be primarily reserved for the shipping sector, where BioLNG constitutes an existing advanced renewable fuel; considers that the infrastructure developments set out in Directive 2014/94/EU should accommodate to the use of BioLNG in the maritime sector, where currently few other renewable options exist;

132. Underlines the role that natural gas, in particular liquefied natural gas (LNG), could play in the transition towards the decarbonisation of the transport sector, especially with regard to shipping, by helping to reduce CO₂ emissions and air pollutants;

133. Calls on the Commission and the Member States to assess and promote the application of speed restrictions to ships at IMO level in order to reduce emissions, taking into account the Energy Efficiency Design Index (EEDI) and the Ship Energy Efficiency Management Plan (SEEMP), and the fact that in the road and rail sectors speed limits are commonplace; underlines that the internal and external economic benefit of lower ship speeds outweigh the costs; notes that slow steaming is comparatively easy to monitor and enforce, resulting in a low administrative burden on stakeholders;

134. Stresses that shore-side power has a key role to play in greener shipping, as it allows ships to turn off their engines and plug into an electrical grid to produce electricity for hoteling, unloading and loading activities while in port and at berth; calls on the Commission and the Member States to step up their efforts to encourage and support the use of shore-side electricity to all ships visiting European ports, thus eliminating ship engine emissions in port waters, reducing pollutants and greenhouse gas emissions, and also reducing noise, vibration and engine wear-and-tear;

135. Calls for the establishment of a global market-based mechanism, such as an emissions pricing mechanism within the IMO, to address international maritime emissions, taking into special consideration the regions fully dependent on maritime transport, and particularly the outermost and island regions and states;

136. Requests, in the light of the rapidly developing scientific understanding of the CO₂ and non-CO₂ impact of maritime transport on the global climate, that the IPCC, together with the IMO, carry out an assessment of the impacts of maritime transport, along similar lines to the IPCC special report 'Aviation and the Global Atmosphere' for the air transport sector;

137. Calls on the Commission and the Member States to work actively towards rapid finalisation of the protracted IMO work plan on reducing black carbon (BC) emissions from ships sailing in the Arctic with a view to slowing down rapid temperature increases in the polar regions;

138. Calls on the Commission to come up, by 2020 at the latest, with a proposal addressing the use and installation of land-generated electricity by ships at berth in EU ports, with a view to reducing emissions within harbour areas;

139. Stresses the importance of revising the Port Reception Facilities Directive (2000/59/EC), and invites the Member States and the Commission to adopt a strategy in partnership with the IMO, third countries and industry, for the decarbonisation of the maritime sector, geared to the Paris Agreement targets and the need to establish an international system for the monitoring, reporting and verification of greenhouse gas emissions;

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140. Urges the Commission to promote the necessary fiscal conditions to incentivise the use of shore-side power supply by ships in EU ports and the uptake of renewable technologies, notably sails, batteries and fuel cells, in the maritime sector, especially for short-sea shipping;

141. Calls on the respective bodies to level the playing field EU-wide with regards to sulphur oxides and nitrogen oxides emissions, by adapting the respective limit values to the lowest existing levels;

142. Calls on the Commission to explore and propose measures to significantly reduce the nitrogen oxide emissions from the existing fleet, including an impact assessment of the possible introduction of a nitrogen oxide levy and fund system, with a view to achieving substantial reductions fast and effectively;

143. Calls on the Member States and the Commission to propose legal and technical measures to further reduce particulate matter and black carbon emissions;

144. Emphasises the importance of the outermost regions in a maritime context, in particular given their location in the Atlantic and Indian Oceans, providing laboratories for studying and combating the effects of climate change on biodiversity and marine ecosystems, and offering great potential for the development of renewables and blue biotechnology; stresses the need to create innovative programmes and provide adequate funding for the establishment of R&D centres in the outermost regions; calls, to this end, for the creation of a maritime cluster of outermost regions;

Strengthening international ocean research and data

145. Stresses the importance of developing innovative services for public and private actors, such as knowledge hubs and networks, in order to obtain a good knowledge of the environmental status of marine waters, to enhance the sharing of scientific data, best practices and know-how, and to fully implement the actions of the Marine Knowledge 2020 roadmap (SWD(2014)0149); welcomes, in this context, the full operability of the Copernicus Marine Environment Monitoring Service and the intergovernmental Group on Earth Observations (GEO); urges the Commission to establish Copernicus-based capacities to monitor greenhouse gas emissions, including CO₂ emissions, since this would offer substantial added value for the fight against climate change;

146. Looks forward to the Commission's proposals for coordinating EU research and observation activities with international partners, and for exploring ways to improve research quality, inter alia through extending existing EU research and observation tools and activities, including the European Marine Observation and Data Network (EMODnet), in order to establish a shared database, the European Earth Observation Programme (Copernicus), the European Global Ocean Observing System (EuroGOOS), and the Joint Programming Initiative 'Healthy and Productive Seas and Oceans' (JPI Oceans), all with the aim of creating an international marine and maritime data network;

147. Calls for the full legal authorisation and integration at European level of innovative, proven and selective fishing techniques, to be monitored in close cooperation with scientific establishments and without national protectionism;

148. Calls for greater investment in scientific research in order to gain a better understanding of our oceans; notes that 95 % of this realm still remains unexplored;

149. Underlines the importance of sharing the research and data obtained via marine science and technology with scientific communities from third countries; stresses that both promoting further investments in marine science in third countries and establishing international networks through which results and information can be shared are highly important for the development of more sustainable fishing, for better marine management and for tackling common ocean problems;

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150. Notes with concern that small islands are highly vulnerable to coastal erosion, since their coastal environments might be heavily impacted by sea-level rise, water cycle and marine ecosystem trends arising from climate change; emphasises that the existing large European data assembly centres do not contain sediment mass balance data sets, which are required to understand coastal changes and erosion on a small island scale; stresses, therefore, the urgent need to develop and use innovative, state-of-the-art technologies to collect, evaluate and monitor coastal erosion, coastal and marine conditions and the environmental parameters of small EU islands; calls on the Commission and the Member States to support such projects;

151. Stresses the importance of facilitating knowledge of the seabed, marine species and habitats, and of gathering geological, bathymetric, seismic, volcanic, chemical, hydrological, atmospheric and meteorological data on the oceans, particularly in order to develop marine renewable energy and establish marine protected areas; encourages, in this context, scientific observation and exploration of the oceans, with due regard for the environment and marine ecosystems and with the objective of sustainable development;

152. Notes the crucial importance of ensuring accurate data in the fisheries sector, this being an essential prerequisite for the achievement of good ocean governance; stresses that appropriate and realistic financial resources must be provided to guarantee this objective; considers it necessary to improve cooperation and coordination with international partners on the basis of the example of EMODnet and in line with the G7's Tsukuba communiqué;

153. Encourages dedicating greater resources to increasing marine knowledge and understanding of the oceans, with particular regard to marine scientific research, collection of new data and knowledge and data-sharing platforms, as well as to promoting policy development and decision-making based upon the best available scientific evidence; reiterates the importance of the precautionary approach where adequate scientific evidence is unavailable;

154. Calls on the Member States and the Commission to promote scientific knowledge, exchanges of data and technology transfer with the aim of contributing to the protection and sustainable use of the oceans; calls for the pursuit and intensification at global level of initiatives, cooperation and investment to promote marine research and innovation;

155. Stresses that ocean governance should build on the best available knowledge, and therefore calls for increased research and innovation with the aim of governing the oceans and their resources in a way that ensures the conservation and restoration of marine ecosystems, including the sustainability of the exploitation of its resources;

156. Stresses the need to continue to research the threat posed by catastrophic oil spills and the cumulative effects of more frequent spills on the ocean environments, in order to ensure that decisions to undertake offshore exploration and exploitation activities are based on accurate and up-to-date scientific knowledge;

157. Calls on the Commission and the Member States to step up research and to encourage multidisciplinary approaches and partnerships between economic and public operators, in order to develop scientific knowledge of the oceans;

158. Stresses the need to dedicate greater resources to marine scientific research, such as interdisciplinary research and sustained ocean and coastal observation, as well as the collection and sharing of data and knowledge, including traditional forms, in order to increase our knowledge of the oceans, better understand the relationship between climate and the health and productivity of the oceans, strengthen the development of coordinated early warning systems on extreme weather events and phenomena, promote decision-making based on the best available science, encourage scientific and technological innovation, and enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing states and least developed countries;

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159. Calls on the Commission to establish, at European level, and to promote at international level, research, observation, and collection and exchange of data concerning the activity of volcanic islands and oceanic volcanoes and their links with the oceans; stresses the driving role that the outermost regions could play in this field;

160. Points out that renewable energy from the seas and oceans has significant potential for meeting climate and energy targets and diversifying energy sources; stresses that further research on waves, currents and salinity is necessary, as well as development of adequate environmental sustainability criteria;

161. Recalls that one of the aims of the 'blue growth' strategy is to improve oceanographic knowledge; calls on the Commission and the Member States to propose marine research and science partnerships with international actors and to step up those which already exist, such as BlueMed;

162. Welcomes the EU's support via the programmes for marine and maritime research and innovation funded through the framework programme; calls on the Commission to maintain that support;

163. Calls for sufficient funding to support marine and maritime research and innovation actions, notably those which cross sectors in a dedicated mission for ocean research and innovation;

164. Supports the continuation of the provisions of the 2013 Galway Statement, and encourages the establishment of similar forms of cooperation with third countries;

165. Stresses that promoting further investments in marine science together with third countries, as pursuant to the Galway Statement of 2013, as well as investments in common research projects in developing countries and the establishment of international networks through which results and information can be shared, is of utmost importance for the development of better and more sustainable fishing and marine ecosystem management and for tackling common challenges with regard to the oceans;

166. Reiterates the importance of working together with international partners to strengthen mapping, observations and research in the Mediterranean, the Black Sea and the Atlantic, in line with the BLUEMED initiative and the Belém and Galway Statements and with global or regional alliances such as the Belmont Forum;

167. Welcomes the Commission's commitment to propose an alignment of EMODnet with other international marine data collection efforts by 2018; recalls the importance of the Union's commitment to the UN's SDGs, and particularly SDGs 14.A and 14.A.1, as well as to the G7 Science and Technology Ministers' Tsukuba Communiqué, in this context; urges the Commission and the Member States to remind international partners of their commitments to promote accessible, interoperable and open science; calls on the Commission to report regularly to Parliament on the progress made towards truly global ocean observation platforms;

168. Calls, in line with the UN's call for action 'Our Ocean, Our Future', for thorough assessments to be carried out on the state of the oceans, based on both science and traditional knowledge systems;

169. Stresses the need to move forward towards fit-for-purpose ocean observation systems, access to marine data and handling of large quantities of data (including the blue cloud), in line with the Tsukuba Communiqué;

170. Encourages dedicating greater resources to increasing marine knowledge and understanding of the oceans, with particular regard to marine scientific research, collection of new data and knowledge- and data-sharing platforms, as well as to promoting policy development and decision-making based upon the best available scientific evidence; reiterates the importance of the precautionary approach in cases where adequate scientific evidence is unavailable;

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171. Calls on the Member States and on regional and local authorities and private bodies to focus primarily on innovation projects, blue biotechnologies and the use of clean energy in order to promote and better adapt ecological infrastructure and maritime transport, and to protect the oceans' ecosystem and biodiversity through the European Fund for Strategic Investments (EFSI), the Horizon 2020 programme and the Connecting Europe Facility (CEF); calls, furthermore, on the Member States to focus on alternative and non-conventional fuels for vessels, such as LNG, and on the LNG 'blue corridors' project linking islands in order to promote and adapt infrastructures — such as LNG terminals — as bridging technologies, using the existing funding mentioned above; calls on the Commission to develop ocean partnerships with key ocean players as a means of boosting cooperation, policy coherence and coordination on matters of common interest in areas central to ocean governance, such as Blue Growth and the exchange of best practices;

172. Notes that the automation and digitisation of the maritime sector entail improved digital skills and qualifications, and emphasises that this represents an opportunity to attract young people; calls on the Commission to put forward initiatives in this area, developing joint initiatives for the recognition of qualifications and promoting various marine and maritime activities;

173. Regrets the lack of any reference in the joint communication on international ocean governance to coastal and maritime tourism, bearing in mind its impact on coastal, island and outermost regions, and on the local tourism sector, involving mainly SMEs; calls for the implementation of a European tourism strategy within the framework of the International Ocean Forum, involving the regions and including coastal local authorities, in the pan-European dialogue for an exchange of best practices regarding the smart governance of coastal and maritime tourism; insists that the Commission's strategy on plastic and other marine waste should not lose sight of coastal areas, given that disturbances in the marine environment have an extremely negative impact on tourism attractiveness, as well as an unavoidable economic and climate impact on all activities in the outermost regions;

174. Calls for efforts to be stepped up to enhance research and innovation enabling improved ocean governance in a way that ensures the conservation and restoration of marine ecosystems, including the sustainability of those resources, as well as ocean literacy, both in Europe and globally, through closer cooperation and exchange between researchers, stakeholders, decision-makers and the public, with a view to improving education on the oceans and careers in the blue economy; calls for a thorough assessment of the state of the ocean, based on both science and traditional knowledge systems, in accordance with the UN document 'Our Ocean, Our Future: Call for Action';

175. Emphasises the importance of including the local authorities of coastal and outermost regions in the process of bringing international ocean governance closer to EU citizens;

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

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P8_TA(2018)0005

Women, gender equality and climate justice

European Parliament resolution of 16 January 2018 on women, gender equality and climate justice (2017/2086(INI))

(2018/C 458/03)

The European Parliament,

- having regard to the Universal Declaration of Human Rights adopted on 10 December 1948 and to the UN human rights conventions and optional protocols thereto,
- having regard to the United Nations Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the 1995 Beijing Declaration and Platform for Action from the Fourth World Conference, in particular its critical area of concern K (Women and the Environment),
- having regard to the Demographic Exploration for Climate Adaptation (DECA) developed by the United Nations Population Fund (UNFPA), which combines population data with the geography of climate hazards, providing a policy tool for reducing disaster risks,
- having regard to the United Nations Convention to Combat Desertification (UNCCD), which came into force in December 1996, and in particular Article 5 of its General Provisions,
- having regard to the 18th Conference of the Parties (COP 18) to the United Nations Framework Convention on Climate Change (UNFCCC) held in Doha, Qatar, from 26 November to 8 December 2012 (decision 23/CP.18),
- having regard to the 20th Conference of the Parties (COP 20) to the UNFCCC held in Lima, Peru, from 1 to 12 December 2014, and in particular to the Lima Work Programme on Gender (decision 18/CP.20),
- having regard to the 21st Conference of the Parties (COP 21) to the UNFCCC held in Paris, France, from 30 November to 11 December 2015,
- having regard to Article 8 of the Paris Agreement,
- having regard to the 22nd Conference of the Parties (COP 22) to the UNFCCC held in Marrakech, Morocco, from 7 to 18 November 2016, and its decision on gender and climate change extending the 2014 Lima Work Programme on Gender (decision 21/CP.22),
- having regard to the 2030 Agenda for Sustainable Development, adopted in September 2015 and in force as from 1 January 2016, and in particular to Sustainable Development Goals (SDGs) 1, 4, 5 and 13,
- having regard to the United Nations Human Rights Council resolution 35/20 of 22 June 2017 on human rights and climate change,
- having regard to Articles 2, 3(2) and 3(5) of the Treaty on European Union (TEU),
- having regard to Article 8 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Council conclusions of 25 June 2012 on ‘Gender Equality and the environment: enhanced decision-making, qualifications and competitiveness in the field of climate change mitigation policy in the EU’,
- having regard to the EU Gender Action Plan 2016-2020, adopted by the Council on 26 October 2015,

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- having regard to its resolution of 26 November 2014 on the 2014 UN Climate Change Conference — COP 20 in Lima, Peru (1-12 December 2014) ⁽¹⁾,
 - having regard to its resolution of 14 October 2015 on ‘Towards a new international climate agreement in Paris’ ⁽²⁾,
 - having regard to its resolution of 20 April 2012 on women and climate change ⁽³⁾,
 - having regard to the ‘Position Paper on the 2015 New Climate Agreement’ published on 1 June 2015 by the organisation Women and Gender Constituency ⁽⁴⁾,
 - having regard to the report published by the European Institute for Gender Equality (EIGE) on 26 January 2017 entitled ‘Gender in environment and climate change’ ⁽⁵⁾,
 - having regard to the Geneva Pledge for Human Rights in Climate Action,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinions of the Committee on Foreign Affairs and of the Committee on Development (A8-0403/2017),
- A. whereas climate change occurs globally, but has a greater destructive impact on the countries and communities least responsible for global warming; whereas the impacts are greater on those populations most reliant on natural resources for their livelihoods and/or which have the least capacity to respond to natural hazards, such as droughts, landslides, floods and hurricanes; whereas those with fewer financial resources to adapt will be hardest hit and suffer the impacts of climate change the most;
- B. whereas the impacts of climate change are experienced differently by women and men; whereas women are more vulnerable and face higher risks and burdens for various reasons, ranging from unequal access to resources, education, job opportunities and land rights, to social and cultural norms and their diverse intersectional experiences;
- C. whereas women are particularly vulnerable to climate change and experience its effects disproportionately because of their social roles, such as providing water, food and combustible materials to the family and caring for others; whereas women are responsible for more than 70 % of water chores and management worldwide; whereas in regions most affected by climate change, 70 % of all women work in the agricultural sector, yet seldom participate in developing climate policies;
- D. whereas the UN estimates that 781 million people aged 15 and over, nearly two thirds of them women, remain illiterate ⁽⁶⁾ while access to information and education through appropriate communication channels is vital for ensuring women’s autonomy, especially during disasters;
- E. whereas in the agricultural sector in Africa, women produce over 90 % of basic foods and at the same time own only about 1 % of the arable land;
- F. whereas disasters have a major impact on education, health, structural poverty and population displacement;

⁽¹⁾ OJ C 289, 9.8.2016, p. 27.

⁽²⁾ OJ C 349, 17.10.2017, p. 67.

⁽³⁾ OJ C 258 E, 7.9.2013, p. 91.

⁽⁴⁾ http://womensgenderclimate.org/wp-content/uploads/2015/06/WGC_FINAL_1June.pdf

⁽⁵⁾ <http://eige.europa.eu/rdc/eige-publications/gender-environment-and-climate-change>

⁽⁶⁾ United Nations, ‘The World’s Women 2015’, <https://unstats.un.org/unsd/gender/chapter3/chapter3.html>.

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- G. whereas the UN estimates that 70 % of the 1,3 billion people living in poverty worldwide are women; whereas the poor more frequently live in marginal areas vulnerable to floods, rising sea levels and storms; whereas women and children are 14 times more likely than men to die during natural disasters;
- H. whereas climate change impacts exacerbate gender inequalities in relation to discrimination, threats to health, loss of livelihood, displacement, migration, poverty, human trafficking, violence, sexual exploitation, food insecurity, and access to infrastructure and essential services; whereas there is a need for a gender-responsive approach that links the analysis of climate impacts to a critical reflection on consumption patterns and their impact on climate change;
- I. whereas women's unequal participation in decision-making processes and labour markets compounds inequalities and often prevents women from fully contributing to and participating in climate policy-making, planning and implementation; whereas women are not only victims but effective agents of change in developing mitigation and adaptation strategies within their communities and in decision-making positions and must be empowered to do so;
- J. whereas the 1995 Beijing Platform for Action (BPfA) clearly defined the link between gender, the environment and sustainable development, and asserted that women have a strategic role to play in the development of sustainable and ecologically sound consumption and production patterns, including the need for women to participate on an equal basis in making decisions about the environment at all levels;
- K. whereas Article 5 of the General Provisions of the UNCCD recognises the role of women in rural communities and in the regions most affected by desertification and drought, encouraging equal participation by both men and women in combating desertification and the effects of drought;
- L. whereas achieving gender balance and the meaningful participation of women in any process ultimately depends on correcting the structural foundations of gender-based inequality;
- M. whereas the Parties to the UNFCCC decided at COP 18 (decision 23/CP.18) to adopt the goal of achieving gender balance in the bodies established pursuant to the Convention and the Kyoto Protocol in order to improve women's participation, ensure a more effective climate change policy that addresses the needs of women and men equitably, and keep track of progress made towards the goal of gender balance in advancing gender-responsive climate policy;
- N. whereas women are still under-represented in climate change decision-making bodies at the national level in EU Member States, but not in the relevant Commission DGs, such as DG Climate Action and DG Energy, in both of which 40 % of positions are held by women;
- O. whereas the Lima Work Programme on Gender, adopted at COP 20 (decision 18/CP.20), calls on Parties to advance gender balance in their representation and promote gender sensitivity in developing and implementing climate change policy; whereas Parties are encouraged to support training and awareness-raising for female and male delegates on issues related to gender balance and climate change;
- P. whereas the Paris Agreement (COP 21) establishes that Parties should consider their respective obligations with regard to, among other issues, human rights and gender equality when taking action to address climate change in their implementation of the Agreement;
- Q. whereas mechanisms for funding adaptation and mitigation measures to address loss and damage or climate-induced displacement will be more effective if they incorporate women's full participation in design processes, decision-making and implementation, including the participation of grassroots women; whereas taking women's knowledge, including local and indigenous knowledge, into account can lead to advances in disaster management, boost biodiversity, improve water management, enhance food security, prevent desertification, protect forests, ensure a swift transition to renewable energy technologies and support public health;

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- R. whereas the Parties to the Paris Agreement have acknowledged that climate change is a common concern of humankind; whereas the Parties should, when taking action to address climate change, respect, promote and consider their respective obligations regarding human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, empowerment of women and intergenerational equity;
- S. whereas climate justice links human rights and development, safeguarding the rights of the most vulnerable and ensuring equitable sharing of the burdens and benefits of climate change and its impacts;
- T. whereas the SDGs acknowledge the link between achieving gender equality and the achievement of all SDGs, including goal 13 on climate change, providing for the possibility of tackling the root causes of the weaker socio-economic position of women and thus strengthening their resilience to climate change;
- U. whereas the impacts of climate change in regions such as sub-Saharan Africa and South Asia could force more than 100 million people into extreme poverty by 2030, fuelling conflicts and driving displacement; whereas the UNCCD estimates that 135 million people could be displaced by 2045 as a result of desertification; whereas the UN's International Organisation for Migration notes in its assessment of evidence that by 2050 the number of climate-displaced people could vary between 25 million to 1 billion, with 200 million being the most widely cited estimate;
- V. whereas gender equality, social justice and the right to development are inherent in the concept of climate justice; whereas, although the brunt of climate change is borne by society as a whole, it is women in particular who are the most severely affected by climate-induced displacement;
- W. whereas climate change increases the magnitude and frequency of natural disasters, which can result in loss of property, loss of economic income-generating activities, loss of access to vital health services, and a heightened risk of gender-based violence; whereas women's capacity to cope with the effects of natural disasters is often impaired by prevailing inequalities; whereas climate change is likely to exacerbate such inequalities, creating further vulnerabilities and displacement;
- X. whereas many of these impacts can still be prevented by implementing a rapid, inclusive and gender-responsive development agenda focused on mitigation and adapting to changing climate conditions;
- Y. whereas the impacts of climate change are projected to give rise to an increased displacement of people that does not fit within the parameters of current international frameworks; whereas responding to climate-induced displacement will be a challenge of paramount importance requiring a complex and comprehensive global strategy grounded in respect for human rights;
- Z. whereas the adoption in 2017 by the UN Human Rights Council of the document 'Key Messages on Human Rights and Climate Change' is a significant step forward in addressing the adverse impact on the full and effective enjoyment of human rights; whereas the 2030 Agenda for Sustainable Development and the Paris Agreement give global leaders a cross-cutting normative foundation for developing a framework which can address climate displacement effectively by building on existing UN instruments;
- AA. whereas the EU has a clear legal framework that requires it to respect and promote gender equality and human rights in its internal and external policies; whereas EU climate policy can have a significant impact on the protection of human rights and the promotion of gender-responsive climate policies globally;

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AB. whereas the EU, in line with the powers accorded under the Treaties, can effectively improve legal and policy settings to support climate justice and actively participate in the development of an international framework safeguarding the human rights of climate-induced displaced persons; notes that the EU and Member States have committed to mainstreaming a gender perspective in the future Global Compact for Safe, Orderly and Regular Migration;

AC. whereas the 1951 Convention relating to the Status of Refugees does not include the category of 'climate refugees';

1. Recognises that gender equality is a prerequisite for sustainable development and the efficient management of climate challenges; stresses that women are not only victims, but also powerful agents of change who, on the basis of full participation, can formulate and execute efficient climate strategies and/or solutions in relation to adaptation and mitigation and can build climate resilience as a product of their diverse areas of experience and practical knowledge across sectors ranging from agriculture, forestry and fisheries to energy infrastructures and sustainable cities;

2. Notes that women's participation in the labour market in rural areas includes a wide spectrum of jobs that goes beyond conventional agriculture, and stresses in this regard that women in rural areas can be agents of change in moving towards sustainable and ecologically sound agriculture and can play an important role in the creation of green jobs;

3. Calls on the Commission to implement programmes through which the transfer of modern technologies and know-how can help developing communities and regions to adapt to climate change while working with women, who represent 70 % of the agricultural workforce in disaster-prone countries;

4. Is convinced that the empowerment of women in rural areas is critical as regards access to land, credits and sustainable farming methods for building climate resilience, including the protection of ecosystems, water resources and soil fertility; calls on the Commission and the Member States to safeguard these aspects in their development policies, including through public investment plans and by endorsing responsible private investments using frameworks such as the UN Global Compact's Guiding Principles for Business and Human Rights and UNCTAD's Action Plan for Investing in the SDGs;

5. Recognises that women and girls are the best sources of knowledge of their own circumstances and needs and therefore should be consulted in all issues related to them; recognises that according to the EIGE, statistically women are more concerned about climate change; recognises that women as innovators, leaders, organisers, educators and caregivers have throughout centuries found ways in difficult situations to provide and meet the needs of their families, and have huge potential to be innovators for the future as well;

6. Calls on the Commission to consider the social and environmental impacts of its trade and foreign development policies, including the impact of its actions regarding women; further calls on the Commission to insist on binding status for the social and environmental norms in the chapters on sustainable development in the trade agreements that it is negotiating;

7. Recognises that development policies in the areas of health, education and empowerment, in addition to environmental policy, are fundamental to sustainable development and to ultimately solving climate change; recognises that the ways in which these policies are incorporated in addressing growing trends such as urbanisation will greatly impact climate change;

8. Points out that SDG 13 ('Take urgent action to combat climate change and its impacts') addresses women's participation in climate actions with a target (13b) that states: 'Promote mechanisms for raising capacity for effective climate change related planning and management in least developed countries, including focusing on women, youth and local and marginalised communities';

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9. Regrets that all the contributions to gender work by the Parties to the UNFCCC are voluntary; urges the Commission, together with the Member States, to reiterate support for the development, adoption and financing of the UNFCCC's Gender Action Plan (GAP), to be complemented by a comprehensive and multiannual work programme that includes financing, priority action areas, timelines, key indicators of achievements, a definition of the responsible actors, and monitoring and review mechanisms;
10. Calls on the Commission and the Member States to lead by example and adopt targets and timelines for achieving the goal of gender balance in delegations to the UNFCCC;
11. Underlines the need to take temporary special measures in order to advance the goal of gender balance in formal and informal bodies established pursuant to the UNFCCC and the Kyoto Protocol;
12. Calls on the Commission and the Member States to ensure, in line with the EU's commitments to gender equality and human rights, that subsequent EU Nationally Determined Contributions (NDCs) include consistent reporting on the gender equality and human rights dimensions;
13. Calls on the Member States to adhere to decision 21/CP.22 on gender and climate change, which 'invites Parties to appoint and provide support for a national gender focal point for climate negotiations, implementation and monitoring' and to provide support for gender focal points in third countries and/or partner countries;
14. Recognises that women not only perform the bulk of unpaid household and care work but also make the majority of everyday consumer decisions, and therefore, if provided with accurate information and options, can impact on sustainability through their choices; notes that, for example, research has shown that by choosing local food products consumers could reduce their greenhouse gas emissions by up to 5 %;
15. Recalls its resolution of 16 November 2011 on the climate change conference in Durban (COP 17)⁽¹⁾ and the commitment made therein to 'strive for female representation of at least 40 % in all relevant bodies' for climate financing;
16. Calls on the Commission and the Member States, to adopt a gender-responsive, human-rights-based approach in the work of the Warsaw Task Force on Displacement, mandated by UNFCCC (COP 22) to develop recommendations for integrated approaches to avert, minimise and address displacement related to the adverse impacts of climate change, which acknowledges that women and girls belong to the most vulnerable groups displaced by climate change and are therefore particularly vulnerable to trafficking and gender-based violence;
17. Calls on the Commission to integrate climate change into all development programmes at all levels; further calls for the increased participation of rural and indigenous women in decision-making processes, planning and implementation, and in the formulation of policies and development programmes concerning climate change;
18. Calls on the Commission, together with the Member States, to secure a gender-sensitive approach within its work on the Platform on Disaster Displacement (the Nansen Initiative) and its 'Agenda for the protection of cross-border displaced persons in the context of disaster and climate change';
19. Calls on the Commission and the Member States to develop indicators and collect gender-disaggregated data when planning, implementing, monitoring and evaluating climate change policies, programmes and projects, using tools such as gender analysis, gender impact assessments, gender budgeting and the Environment and Gender Index (EGI), including through a strengthened EIGE;

⁽¹⁾ OJ C 153 E, 31.5.2013, p. 83.

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20. Calls on the Commission and the Member States to contribute to the Global Compact for Safe, Orderly and Regular Migration, with a view to safeguarding climate justice by acknowledging climate change as a driver of migration, providing human rights-based input, and mainstreaming gender equality throughout the compact, consistently with the needs of climate-displaced people;

21. Recalls Core Commitment 4 of the EU's commitments for the World Humanitarian Summit, namely to ensure that humanitarian programming is gender-responsive; calls on the Commission to ensure that this commitment is reflected in the implementation of the Disaster Preparedness ECHO programme (DIPECHO) and of the Action Plan for Resilience in Crisis Prone Countries (2013-2020) and the Resilience Marker;

22. Strongly condemns the use of sexual violence against displaced and migrant women; considers that special attention should be given to migrant women and girls who have been victims of violence throughout their journey, ensuring that they have access to psychological and medical services;

23. Calls on the Commission and the Member States to target the relevant programmes on the areas affected by disasters, to step up their efforts to deliver aid to those regions, and to act to resolve the problems induced by disasters there, paying particular attention to the situation of women and children, who suffer the most from the consequences of disasters;

24. Calls on all stakeholders to encourage women's empowerment and awareness by improving their knowledge concerning protection before, during and after climate-related disasters, along with actively involving them in disaster anticipation, early warning systems and risk prevention, since this is an important part of their role in resilience-building in the event of a disaster;

25. Calls on the Commission and the Member States, working together with civil society organisations on the ground, to support, strengthen and implement monitoring mechanisms in reception centres for the displaced and migrants which do not have the necessary minimum conditions to prevent gender-based violence, with a view to stopping all types of harassment of women and girls;

26. Calls on the Commission to work together with civil society and human rights organisations to ensure that the human rights of refugees and displaced persons in reception centres are upheld, particularly in respect of vulnerable women and girls;

27. Recognises the possibilities for integration of climate change mitigation and adaptation and women's economic empowerment goals, particularly in developing countries; calls on the Commission and the Member States to explore in relevant projects and mechanisms, such as the UN's Reducing Emissions from Deforestation (UN-REDD) programme, how women could be offered paid employment opportunities to carry out the environmental services that they currently provide on a voluntary basis, for example reforestation, afforestation of cleared land and the conservation of natural resources;

28. Calls for the EU and the Member States, with a view to further advancing the representation of women in the UNFCCC negotiations, to provide funding for women delegates' training and participation; calls on the Commission to facilitate and support the networking of women's organisations and civil society activities as regards the development and implementation of climate change policies; calls on the Commission to ensure that women are equal participants in, and beneficiaries of, all climate change consultations, programmes and funding organised with EU support at national and local levels;

29. Calls on the Commission and the DGs responsible for gender equality, development and energy and climate respectively to include gender equality in a structured and systematic manner in their climate change and energy policies for the EU, and not to focus exclusively on the external dimension; urges, in particular, the DG for Justice and Consumers and the DG for International Cooperation and Development (DEVCO) to step up their awareness of and work on gender equality and women's empowerment (GEWE) as it relates to climate justice; stresses the need for the DG for Climate Action (CLIMA) to allocate resources to staff the position for a gender focal point (GFP); calls for the EU and its Member States to develop the principle of climate justice; insists that the greatest injustice of our failure to tackle climate change effectively would be the detrimental effects on poor countries and populations, and on women in particular;

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30. Calls on the Commission and the Member States to report on gender and human rights impacts and climate action in their Universal Periodic Review reports to the UN Human Rights Council;

31. Notes that the EU's financial commitments to GEWE have increased, but the human resources capacity to manage the increasing volume of work has not; stresses that the EU has to show a strong institutional commitment to GEWE in relation to climate change, notably as set out in the overarching policies governing development cooperation, namely the SDGs and the EU Gender Action Plan (GAP);

32. Regrets that gender equality and climate change is not a priority area in the EU GAP II on gender equality and women's empowerment; notes that the gender-sensitive indicators have not been adequately developed or integrated into results reporting and that internal accountability and funding for GEWE results remain weak; notes that the least progress has been made on objective 20 of EU GAP II, on equal rights enjoyed by women to participate in and influence decision-making processes on climate and environmental issues, and calls on the Commission to increase efforts to implement this objective; recalls that the EU GAP II has put forward an EU foreign policy agenda with four thematic pillars, including the horizontal pillar on shifting the Commission services and the EEAS institutional culture to more effective delivery of EU commitments, in full respect of the principle of equality between men and women;

33. Recognises that improvements to technical guidance will not be sufficient on their own to transform the EU's effectiveness on GEWE;

34. Calls on the Commission to take the initiative to produce a comprehensive communication with the title 'Gender equality and climate change — building resilience and promoting climate justice in mitigation and adaptation strategies', with a view to addressing its strong institutional commitment to GEWE and the current weaknesses in institutional coordination;

35. Calls on its parliamentary committees to enhance gender mainstreaming when working within their areas of competence on the cross-cutting issues of climate change, sustainable development and human rights;

36. Stresses the need to make the financing of both adaptation to climate change and mitigation of its effects gender-responsive; welcomes the recent progress made with regard to gender policy in the field of multilateral finance mechanisms; welcomes, in addition, private-sector initiatives that aim to enhance corporate social responsibility by introducing a premium for projects that fulfil sustainability criteria, including promoting livelihoods and educational opportunities for women; notes, however, that according to the UN Development Programme (UNDP), only 0,01 % of all funding worldwide supports projects that address both climate change and women's rights; calls for the EU and its Member States to ensure that their climate change programmes comply with the highest international standards on human rights and do not undermine gender equality;

37. Considers that the three financial mechanisms under the UNFCCC — the Green Climate Fund (GCF), the Global Environment Facility (GEF) and the Adaptation Fund (AF) — should unlock additional finance for more gender-responsive climate investment policy;

38. Urges the EU, in particular, to make development aid conditional on the inclusion of human rights-based criteria, and to establish new gender-sensitive climate change policy criteria;

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39. Calls for gender-sensitive action to ensure that women are seen not only as beneficiaries of climate action, but also as clean energy technology entrepreneurs; welcomes the Commission's call for proposals on women and sustainable energy, making EUR 20 million available for the implementation of activities promoting women's entrepreneurship in the sustainable energy sector in developing countries, and encourages the Commission to increase this amount in future;

40. Calls for gender equality-focused training for EU officials, especially for those dealing with development and climate policies;

41. Requests that climate-induced displacement be taken seriously; is open to a debate on establishing a provision on 'climate migration'; calls for the establishment of a panel of experts to explore this matter at international level, and urges that the issue of climate migration be placed on the international agenda; calls for strengthened international cooperation in order to ensure climate resilience;

42. Welcomes the UN Women's Flagship Programming Initiatives and the Global Climate Change Alliance's projects and programmes, which create a cross-cutting link between gender and climate change;

43. Welcomes the work of the UN Special Representative on Human Rights and the Environment and of the UN Human Rights Council in this area, and calls on the Commission and the Member States to support these efforts, including through financial assistance;

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

Thursday 18 January 2018

P8_TA(2018)0013

Nigeria**European Parliament resolution of 18 January 2018 on Nigeria (2018/2513(RSP))**

(2018/C 458/04)

The European Parliament,

- having regard to its previous resolutions on Nigeria,
 - having regard to the African Charter on Human and Peoples' Rights of 1981, ratified by Nigeria on 22 June 1983,
 - having regard to the Constitution of the Federal Republic of Nigeria, in particular the provisions on the protection of freedom of religion contained in Chapter IV on the right to freedom of thought, conscience and religion,
 - having regard to the Council conclusions of 12 May 2014 on abductions in Nigeria and of 9 February 2015 on elections in Nigeria,
 - having regard to President Muhammadu Buhari's address to the European Parliament of 3 February 2016,
 - having regard to the decision to add Boko Haram to the EU list of designated terrorist organisations by means of Commission Implementing Regulation (EU) No 583/2014 of 28 May 2014 amending for the 214th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network, which entered into force on 29 May 2014,
 - having regard to the statement by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Federica Mogherini of 7 May 2017 on the release of girls kidnapped by Boko Haram in Nigeria,
 - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
 - having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
 - having regard to the UN Convention on the Rights of the Child of 1989, ratified by Nigeria in April 1991,
 - having regard to the second revision of the Cotonou Agreement, ratified by Nigeria on 27 September 2010,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the awarding of the European Parliament's Sakharov Prize for Freedom of Thought to human rights defender Hauwa Ibrahim in 2005,
 - having regard to the outcome of the Nigerian presidential elections of March 2015,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the UN estimates that Nigeria, Africa's most populous and culturally diverse nation (its population having grown from 33 million in 1950 to about 190 million today), is set to become the world's third most populous country, just behind China and India, by 2050;
- B. whereas Nigeria is home to Africa's largest Christian population;
- C. whereas Nigeria's population is almost evenly split between Muslims and Christians;

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- D. whereas an estimated 30 million Christians live in northern Nigeria, forming the largest religious minority in the predominantly Muslim region;
- E. whereas the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in November 2017 that in northeastern Nigeria 8,5 million people were in need of lifesaving assistance and that 6,9 million people were targeted for humanitarian assistance in 2017;
- F. whereas the country's Middle Belt has suffered years of economic and political tension between ethnic and religious communities, with the recent violence fuelled by competition for power and access to land between pastoralist and farming communities;
- G. whereas peace and stability in northern Nigeria have been threatened by the continuing attacks, murders and kidnappings perpetrated by the Islamist group Boko Haram since 2009;
- H. whereas over 20 000 people have been killed and more than 2 million displaced, including to neighbouring countries, since Boko Haram began its attacks;
- I. whereas in April 2014, Boko Haram kidnapped 276 girls from their school in Chibok, northern Nigeria, of which some have since been reunited with their families, but a significant number are still being held in an unknown location;
- J. whereas women and girls have been enslaved, raped, radicalised and forced into 'marriages' by Boko Haram; whereas many survivors of these horrific experiences are now pregnant by their rapists;
- K. whereas the security forces have also been accused of interrupting peaceful protests and meetings, in some cases with violence and excessive use of force;
- L. whereas numerous kidnappings of clergy and nuns have taken place in the past year, including that of six Sisters of the Eucharistic Heart of Jesus Convent who were abducted in Iguoriakhi on 13 November 2017, and were recently released;
- M. whereas over 14 people were killed, and many others wounded, in Omoku as they were returning from a church service in the early hours of New Year's Eve; whereas the number of Christian and Muslim deaths has been rising of late, which underlines the worrying situation of both faiths in the country;
- N. whereas pastoralist-farmer conflicts in Nigeria have increased in number, spread and intensified over the past decade and today pose a threat to national survival; whereas thousands of people have been killed, communities destroyed and a huge number of farmers and pastoralists have lost their lives and property in an escalation of killings and destruction that is not only destroying livelihoods but also affecting national cohesion;
- O. whereas in the long term, pastoralism is under threat owing to high population growth, expansion of farming, and loss of pasture and cattle routes; whereas at the same time, pastoralism cannot come to an end or be prohibited, as there are strong cultural, political and economic reasons for its existence;
- P. whereas the International Criminal Court (ICC) has stated that there are reasonable grounds to believe that crimes against humanity under Article 7 of the Rome Statute have been committed in Nigeria by Boko Haram, including murder and persecution;
- Q. whereas Nigeria has a complex legal system, which combines common, customary and religious law and several tiers of government, which creates a challenging environment for the proper enforcement of human rights;
- R. whereas accountability, justice, the rule of law and the fight against impunity constitute essential elements underpinning peace and conflict resolution, reconciliation and reconstruction efforts;

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- S. whereas the death penalty is legal in Nigeria; whereas in 2016, Nigeria sentenced 527 people to death, three times more than in 2015; whereas there has been a de facto moratorium on the death penalty since 2006, although this moratorium was broken in 2013 and 2016;
- T. whereas Nigeria's Independent National Electoral Commission has announced that presidential and national assembly elections will be held on 16 February 2019;
- U. whereas the organisation Transparency International ranked Nigeria 136th out of 175 countries in its Corruption Perceptions Index 2016;
- V. whereas pursuant to Article 8 of the Cotonou Agreement, the EU engages in regular political dialogue with Nigeria on human rights and democratic principles, including ethnic, religious and racial discrimination;
1. Is deeply concerned by the increasing interethnic conflicts between pastoralists and farmers in the Middle Belt region which have increased the security challenges already facing Nigeria, and regrets the lack of real progress in addressing these issues;
 2. Strongly condemns the increase in violence against Christians and Muslims in Nigeria, including the targeting of religious institutions and worshippers, such as the recent killing of at least 48 Christians in villages across Plateau State and the bombing of a mosque in Mubi, northeast Nigeria, in which at least 50 people died; calls on President Buhari and the Nigerian Government to increase their efforts to bring the violence to an end, defend Nigerians' right to worship freely and protect the rights of all their citizens more rigorously, in line with the country's laws and Constitution; extends its condolences to the families of all the victims of the ongoing violence; recalls, in addition, that until the 1970s, the coexistence of herdsmen and farmers was peaceful and regrets that the current violence, which concerns access to land and has been exacerbated by the disappearance of effective mediation schemes, is being depicted as a religious conflict, which oversimplifies the issue;
 3. Urges the Government to focus on upholding human rights and dignity in all policies to ensure peaceful coexistence among citizens irrespective of their religion, beliefs and political affiliations;
 4. Urges the Nigerian Government to negotiate a national policy framework that would protect the interests of both farmers and herders and calls on international partners to increase investment in preventing and resolving intercommunal conflicts between cattle pastoralists and farmers by supporting cooperation through shared economic and natural resource management initiatives;
 5. Deplores the ongoing violence and attacks in northern Nigeria, whose targets have been Christian communities; notes that Boko Haram has attacked Muslim, Christian and other faiths indiscriminately;
 6. Notes that the Nigerian military has recaptured territory from Boko Haram and arrested some of its members, but that the Government's non-military efforts to stop Boko Haram remain nascent;
 7. Urges the Buhari Government to defend its citizens from terrorism, but insists that such actions must be conducted in full accordance with respect for human rights and the rule of law; commends the progress made by the Buhari Government on the security challenges facing Nigeria and in addressing corruption; offers its support in achieving this objective and in seeking to sever the link between corrupt practices and terrorism;
 8. Recalls, however, that the actions taken by the Government against Boko Haram and other terrorist organisations should not fuel the violence further; calls, in this regard, for a reform of the Nigerian state security forces, including the police, and for the conduction of investigations into those who are responsible for any human rights violations, including extrajudicial killings, torture, arbitrary arrests and extortion-related abuses;
 9. Urges the Nigerian Government to address the root causes of the violence by ensuring equal rights for all citizens and non-discriminatory legislation;

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10. Condemns sexual and gender-based violence against women and girls and the targeting by Boko Haram and other terrorist groups of women and children for abductions, forced marriage, rape and use as suicide bombers; expresses concern, in addition, that inadequate humanitarian assistance in refugee camps has also led to high levels of exploitation and sexual abuse;
 11. Calls on the Nigerian authorities to provide the necessary psychosocial support to the victims of the scourge of radicalisation, especially women, children and young people, before reintegrating them back into society; calls for joint efforts by all international actors on the prevention of radicalisation leading to violent extremism and the development of rehabilitation and de-radicalisation programmes;
 12. Encourages greater progress in addressing the corruption which has blighted Nigerian society for decades and believes that without tough action to eradicate such crimes the Buhari Government's wider political, economic and social agenda cannot be fulfilled; urges the Nigerian authorities to strengthen measures to tackle corruption and stresses that failure to do so will mean more years of poverty, inequality, reputational damage, reduced external investment and fewer life opportunities for its citizens; recalls that corruption leads to dissatisfaction with public institutions and the decreased legitimacy of governments in the eyes of the citizens;
 13. Calls for improvements to the efficiency and independence of Nigeria's judiciary system to enable the effective use of criminal justice to combat violence, terrorism and corruption;
 14. Urges the Nigerian authorities to implement a moratorium on the death penalty with a view to its abolition;
 15. Reminds the Government of Nigeria of its responsibility to ensure that elections are held in conformity with its international human rights obligations and to take all necessary measures to ensure free, transparent and credible elections;
 16. Calls on the Commission, the European External Action Service (EEAS) and Member States to monitor the reintegration of Nigerian returnees from Libya and to ensure that the EU funding foreseen is spent effectively; calls on the Commission to keep Parliament informed about these reintegration measures;
 17. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President of the Federal Republic of Nigeria, the Chairperson of the African Union, the ACP-EU Joint Parliamentary Assembly, the Pan-African Parliament and representatives of the Economic Community of West African States (ECOWAS).
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P8_TA(2018)0014

The cases of human rights activists Wu Gan, Xie Yang, Lee Ming-che, Tashi Wangchuk and the Tibetan monk Choekyi**European Parliament resolution of 18 January 2018 on the cases of the human rights activists Wu Gan, Xie Yang, Lee Ming-che and Tashi Wangchuk, and the Tibetan monk Choekyi (2018/2514(RSP))**

(2018/C 458/05)

The European Parliament,

- having regard to its previous resolutions on China, in particular those of 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council ⁽¹⁾, of 16 December 2015 on EU-China relations ⁽²⁾, of 24 November 2016 on the case of Gui Minhai, jailed publisher in China ⁽³⁾, of 15 December 2016 on the cases of the Larung Gar Tibetan Buddhist Academy and Ilham Tohti ⁽⁴⁾, and of 6 July 2017 on the cases of Nobel laureate Liu Xiaobo and Lee Ming-che ⁽⁵⁾,
- having regard to the EU-China Strategic Partnership, launched in 2003, and to the joint communication from the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 22 June 2016 entitled ‘Elements for a new EU strategy on China’,
- having regard to the EU-China Summit, held in Brussels on 1 and 2 June 2017,
- having regard to the adoption of the new National Security Law by the Standing Committee of the Chinese National People’s Congress on 1 July 2015, and the publication of the second draft of a new Foreign NGO Management Law on 5 May 2015,
- having regard to Article 36 of the Constitution of the People’s Republic of China, which guarantees all citizens the right to freedom of religious belief, and to Article 4 thereof, which upholds the rights of minority nationalities,
- having regard to the EU-China dialogue on human rights, launched in 1995, and to the 35th round thereof, held in Brussels on 22 and 23 June 2017,
- having regard to the awarding of its Sakharov Prize for Freedom of Thought to Wei Jingsheng and Hu Jia in 1996 and 2008 respectively,
- having regard to the statement by the Spokesperson for Foreign Affairs and Security Policy/European Neighbourhood Policy and Enlargement Negotiations of the European External Action Service (EEAS) of 27 December 2017 on the verdicts of Wu Gan and Xie Yang in China,
- having regard to the Local Statement by the Delegation of the European Union on International Human Rights Day, 8 December 2017,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

⁽¹⁾ OJ C 378, 9.11.2017, p. 239.

⁽²⁾ OJ C 399, 24.11.2017, p. 92.

⁽³⁾ Texts adopted, P8_TA(2016)0444.

⁽⁴⁾ Texts adopted, P8_TA(2016)0505.

⁽⁵⁾ Texts adopted, P8_TA(2017)0308.

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- A. whereas the promotion of and respect for universal human rights, democracy and the rule of law should remain at the centre of the long-standing relationship between the EU and China, in accordance with the EU's commitment to uphold these very same values in its external action and China's expressed interest in adhering to them in its own development and international cooperation;
- B. whereas since President Xi Jinping assumed power, the human rights situation in China has deteriorated further, with the government stepping up its hostility toward peaceful dissent, the freedoms of expression and religion, and the rule of law; whereas the Chinese authorities have detained and prosecuted hundreds of human rights defenders, lawyers and journalists;
- C. whereas on 26 December 2017, a court in Tianjin sentenced activist Wu Gan to eight years in prison on charges of subverting state power; whereas Wu Gan routinely campaigned on sensitive issues relating to the government's abuse of power, both online and offline; whereas according to his lawyer, Wu Gan rejected a deal with the authorities which would have given him a suspended sentence if he were to have admitted his guilt;
- D. whereas on the very same day in Hunan, human rights lawyer Xie Yang was also convicted but exempted from criminal penalties after he earlier pleaded guilty to subversion charges; whereas Wu Gan was arrested months before an unprecedented crackdown on human rights lawyers and defenders in 2015 that saw hundreds of people, including Xie Yang, questioned or detained nationwide over a few weeks; whereas there are allegations that Xie Yang has been tortured, beaten and threatened by interrogators;
- E. whereas on 28 November 2017, Yueyang Intermediate Court sentenced democracy activist Lee Ming-che to five years in prison after finding him guilty on charges of 'subverting State power', and stripped him of all political rights in China for two years; whereas it is likely that Lee Ming-che's public confession was made under pressure from the Chinese authorities; whereas Lee Ming-che had gone missing on 19 March 2017, after he crossed from Macau into Zhuhai in China's Guangdong province;
- F. whereas Tashi Wangchuk, a Tibetan shopkeeper and language rights advocate, was detained on 27 January 2016 after he appeared in a New York Times video advocating the right of Tibetans to learn and study in their mother tongue; whereas in March 2016 Tashi Wangchuk was charged with 'inciting separatism' and faces up to 15 years in prison, although he told the newspaper explicitly that he was not calling for Tibetan independence;
- G. whereas in 2015 the Tibetan monk Choekyi, from Phurbu monastery in Sichuan's Seda county, was jailed for celebrating the birthday of exiled spiritual leader the Dalai Lama; whereas after being charged, Choekyi was briefly held in a prison in Kangding county in Ganzi prefecture, and was finally sent to Sichuan's Mianyang prison to serve a four-year term; whereas according to media sources, Choekyi had kidney problems, jaundice, and other health-related issues which got worse because of his detention;
- H. whereas human rights lawyers have continued to face intimidation and imprisonment, as in the cases of prominent lawyers Li Yuhan, who has been incommunicado since November 2017, and Wang Quanzhang, who was arrested in July 2015, held incommunicado for over 800 days and reportedly subjected to torture; whereas human rights defenders who are petitioners who travel to major cities to raise local issues face detention and imprisonment, as with Li Xiaoling, who has been in detention since June 2017 while continuing to suffer from a severe case of glaucoma; whereas human rights defenders who provide a platform for petitioners and other human rights defenders, such as Ding Lingjie, Liu Feiyue and Zhen Jianghua, have also been detained;
- I. whereas the Chinese Government has passed new laws, notably the State Security Law, the Counterterrorism Law, the Cybersecurity Law, and the Foreign NGO Management Law, that cast public activism and peaceful criticism of the government as state security threats, strengthen censorship, surveillance and the control of individuals and social groups, and deter individuals from campaigning for human rights;

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- J. whereas in the EU Strategic Framework and Action Plan on Human Rights and Democracy, the Council pledges that the EU will promote democracy, the rule of law and 'human rights in all areas of its external action without exception' and will 'place human rights at the centre of its relations with all third countries, including its strategic partners';
1. Remains highly concerned by the Chinese Government's approach towards human rights defenders, activists and lawyers; reminds China of its responsibilities as a global power and calls on the Beijing authorities to ensure in all circumstances respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other international human rights instruments signed or ratified by China; urges the Beijing authorities, moreover, to put an end to all acts of harassment against all human rights defenders in the country so that they are able to carry out their work without hindrance;
 2. Urges the Chinese authorities to release immediately and unconditionally all human rights defenders, activists, lawyers, journalists and petitioners being detained for their human rights work, and to end the ongoing crackdown against them, which is being perpetrated in the form of detention, judicial harassment and intimidation;
 3. Calls on the Government of the People's Republic of China to release Wu Gan immediately and unconditionally, as he has been imprisoned solely for peacefully exercising his right to freedom of expression and assembly, and — pending his release — to ensure that he has regular, unrestricted access to his family and lawyers of his choice, and is not subjected to torture or other ill-treatment; calls for a prompt, effective and impartial investigation into torture in China and for those responsible to be brought to justice;
 4. Emphasises the need to investigate the allegations of torture of Xie Yang;
 5. Calls on the Chinese authorities to release Lee Ming-che immediately and unconditionally, and — pending his release — to ensure that he is protected from torture and other ill-treatment, and allowed access to his family, lawyers of his choice and adequate medical care;
 6. Expresses its deep concern at the arrest and continued detention of Tashi Wangchuk, as well as his limited right to counsel, the lack of evidence against him and the irregularities in the criminal investigation; calls for the immediate and unconditional release of Tashi Wangchuk;
 7. Calls on the Chinese authorities to release the Tibetan monk Choekyi immediately and unconditionally; urges the Chinese Government to allow his relatives and the lawyers of his choice to visit him and, in particular, to provide him with adequate medical care;
 8. Calls on the Chinese Government to respect its own constitution, in particular with regard to Article 4, which protects national minorities; Article 35, which protects the freedoms of speech, the press, assembly, association, procession and demonstration; Article 36, which recognises the right to freedom of religious belief; and Article 41, which guarantees the right to criticise and make suggestions regarding any state organ or functionary;
 9. Reiterates its call on the Chinese Government to engage with His Holiness the Dalai Lama and his representatives, and expresses its support for a peaceful resolution of the issue of Tibet through dialogue and negotiations with a view to granting Tibet genuine autonomy within the framework of the Chinese Constitution;
 10. Condemns, moreover, the anti-Buddhism campaigns carried out via the 'patriotic education' approach, including measures to state-manage Tibetan Buddhist Monasteries; is concerned that China's criminal law is being abused to persecute Tibetans and Buddhists, whose religious activities are equated with 'separatism'; deplors the fact that the environment for practising Buddhism in Tibet has worsened significantly after the Tibetan protests of March 2008, with the Chinese Government adopting a more pervasive approach to 'patriotic education';

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11. Is worried about the adoption of the package of security laws and its impact on minorities in China, particularly the Counterterrorism Law, which could lead to the penalisation of peaceful expression of Tibetan culture and religion, and the Foreign NGO Management Law, which places human rights groups under the strict control of the government, as this constitutes a strictly top-down approach instead of encouraging partnership between local and central government and civil society;

12. Emphasises that the Chinese authorities must ensure that all those held incommunicado are immediately put in contact with their family members and lawyers, and the conditions of all those in detention must meet the standards set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988, including access to medical care;

13. Is highly concerned to learn about allegations of torture of human rights activists; calls on the Chinese Government, therefore, to wholeheartedly respect the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in accordance with Articles 2 and 16 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which was ratified by China on 4 October 1988;

14. Encourages the Chinese Government, as the 20th anniversary of its signature approaches, to ratify the International Covenant on Civil and Political Rights and to ensure its full implementation, including by ending all abusive practices and adapting its legislation as necessary;

15. Recalls that it is important that the EU raises the issue of human rights violations in China, in particular the case of minorities in Tibet and Xinjiang, at every political and human rights dialogue with the Chinese authorities, including the yearly human rights dialogues, in line with its commitment to project a strong, clear and unified voice in its approach to the country; regrets, however, the lack of concrete results from the yearly EU-China human rights dialogues; further recalls that in its ongoing reform process and increasing global engagement, China has opted into the international human rights framework by signing up to a wide range of international human rights treaties; calls, therefore, for dialogue to be pursued with China in order to honour these commitments;

16. Calls on all the Member States to adopt a firm, values-based approach towards China and expects them not to undertake unilateral initiatives or acts that might undermine the coherence, effectiveness and consistency of EU action; recalls with deep regret the failure of the EU to make a statement on human rights in China at the UN's Human Rights Council in Geneva in June 2017; welcomes the adoption of a statement at the following session, and expects the EU to continue to mention China as a country which requires the Human Rights Council's attention for as long as it refuses to engage in meaningful rights reforms; further calls for the EU and its Member States to raise robust concerns during the forthcoming Universal Periodic Review for China and to ensure, in particular, that Chinese civil society can freely participate in the process;

17. Invites the VP/HR and the Member States to adopt the Foreign Affairs Council's conclusions on China, which stress the critical importance of human rights in the EU-China relationship and convey a clear sense of concern about the negative trends in China in this regard, together with the expectation that the Chinese authorities take specific steps in response; stresses that such conclusions would serve to bind the 28 EU Member States and EU institutions to a common message and approach with regard to human rights in China;

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18. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, and the Government and Parliament of the People's Republic of China.

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P8_TA(2018)0015

Democratic Republic of the Congo

European Parliament resolution of 18 January 2018 on the Democratic Republic of the Congo (2018/2515(RSP))

(2018/C 458/06)

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), notably those of 14 June 2017⁽¹⁾, 2 February 2017⁽²⁾ and 1 December 2016⁽³⁾,
- having regard to the statements by the Vice-President of the Commission / High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, and by her spokesperson on the situation in the DRC,
- having regard to the statement by the EEAS spokesperson of 9 November 2017 on the publication of the election timetable on the DRC,
- having regard to the resolution adopted by the UN Human Rights Council on 29 September 2017 on technical assistance and capacity-building in the field of human rights in the DRC and to the report of the Secretary-General on the United Nations Organisation Stabilisation Mission in the DRC (MONUSCO) of October 2017,
- having regard to the final observations of 9 November 2017 of the fourth periodic review on the implementation of the UN International Covenant on Civil and Political Rights by the DRC,
- having regard to the UN Security Council resolution 2348 (2017) on renewing MONUSCO's mandate,
- having regard to Council Decision (CFSP) 2017/2282 of 11 December 2017 extending until 12 December 2018 the sanctions against individuals responsible for violence and serious human rights violations in the DRC,
- having regard to the Council conclusions of 6 March and 11 December 2017 on the DRC,
- having regard to the Council conclusions of 19 June 2017 on EU engagement with civil society in external relations,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the DRC,
- having regard to the awarding of the European Parliament's Sakharov Prize for Freedom of Thought to Dr Denis Mukwege in 2014,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the Cotonou Agreement,

⁽¹⁾ Texts adopted, P8_TA(2017)0264.

⁽²⁾ Texts adopted, P8_TA(2017)0017.

⁽³⁾ Texts adopted, P8_TA(2016)0479.

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- having regard to the African Charter on Human and People's Rights of 1981,
 - having regard to the Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples' Rights of May 2017,
 - having regard to the Constitution of the DRC, adopted on 18 February 2006,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas, one year after the signature of the Saint-Sylvestre agreement on 31 December 2016, the general situation in the DRC is continuing to deteriorate throughout the country, with violent repression, killings and widespread human rights violations; whereas 2017 has been one of the most violent years in the DRC's recent history;
- B. whereas the UN has classified the situation in the DRC as a Level 3 humanitarian emergency, the highest level; whereas on 8 March 2017 the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, called for the creation of a commission of inquiry to investigate violence in Kasai province;
- C. whereas the political crisis has deepened following President Kabila's refusal to step down in 2016 at the end of his constitutionally mandated term; whereas, under the Saint-Sylvestre agreement reached under the auspices of the National Episcopal Conference of Congo (CENCO), it was agreed to hold elections by December 2017; whereas this deadline was not met and whereas the Independent National Electoral Commission (CENI) has announced that the elections will be held on 23 December 2018;
- D. whereas the CENI is proceeding with logistical preparations for the elections, including budgetary arrangements and the electoral register;
- E. whereas protests against the political situation have been met with extremely violent resistance by government-backed forces;
- F. whereas the Office of the United Nations High Commissioner for Human Rights (OHCHR) has noted the 'deliberate intention to suppress civil and political rights' by security forces, including the use of live ammunition, tear gas and rubber bullets against civilians, including altar boys, denying the UN access to hospitals, morgues and detention facilities, and preventing the UN from observing the protests;
- G. whereas the DRC has not ratified the African Charter on Democracy, Elections and Governance;
- H. whereas armed clashes continue between the Congolese army and local militias, particularly in Kasai; whereas this has resulted in a severe humanitarian crisis, with killings, torture and rape, the destruction of homes, medical facilities and schools, and the discovery of 40 mass grave sites in Kasai; whereas there has been no progress in bringing the perpetrators to justice;
- I. whereas the DRC has the highest number of new internally displaced persons due to conflict recorded globally; whereas over 1,9 million people have been displaced inside the DRC since January 2017, bringing the total number of displaced people in the country to 4,25 million, mostly in Kasai, Tanganyika and Kivu provinces; whereas the DRC is also hosting refugees fleeing Burundi, the Central African Republic and South Sudan; whereas the EU has released EUR 5 million in emergency aid for the victims of violence in Kasai;
- J. whereas in March 2017 the troop numbers of the MONUSCO mission were reduced and in June 2017 its budget was cut by 8 %;

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- K. whereas the authorities in the DRC have undertaken systematic harassment against civil society organisations and human rights defenders, including *Lutte pour le Changement* (Lucha), Filimbi, the Catholic church and the *Comité Laïc de Coordination* (CLC); whereas, according to human rights groups, at least 358 political prisoners are being held in the DRC;
- L. whereas on 29 and 30 December 2017, seven human rights defenders — Carbone Beni, Mino Bompomi, Roger Katanga Mwenyemali, Bony Dickson Mputu, Grâce Tshiunza, Cedrick Kalonji and Arciel Beni, all affiliated with the civil society movement Filimbi — were arrested and detained without arrest warrants, and whereas the whereabouts of another human rights defender, Palmer Kabeya, is unknown;
- M. whereas abductions and attacks on aid workers and peacekeeping forces are increasing, thus forcing humanitarian organisations to delay the delivery of aid and suspend their activities;
- N. whereas three draft laws introduced in the Congolese National Assembly — on the regulation of non-governmental organisations, on human rights defenders and on counter-terrorism — are, in their current form, in conflict with regional and international human rights standards and pose an unprecedented threat to the independent operation of civil society in Congo;
- O. whereas the EU extended to December 2018 the restrictive measures against individuals adopted in response to the obstruction of the electoral process and human rights violations;
1. Reiterates its deep concern at the worsening humanitarian, political and security situation in the DRC; strongly condemns all human rights violations and acts of violence, in particular against peaceful demonstrators, including the ban on peaceful public demonstrations and the policies of intimidating, arresting and detaining any dissident voices; calls on the Congolese authorities to proceed with the immediate and unconditional release of all prisoners of conscience and to conduct an independent investigation into the violent repression of the demonstrations of December 2017 and the mass graves discovered;
 2. Recalls that the Government of the DRC bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from crimes against humanity and war crimes;
 3. Expresses extreme concern over the evidence from human rights organisations, in particular the December 2017 inquiry report of the International Federation for Human Rights (FIDH) on the massacres in Kasai, according to which a ‘deliberate strategy of terror and destruction, which led to crimes against humanity’ is being perpetrated by the Congolese security forces and government-backed militias in Kasai province; urges the International Criminal Court (ICC) and the UN to investigate these claims;
 4. Expresses its concern at the situation of women and children in the DRC; utterly condemns the use of rape, sexual violence and torture; is alarmed by allegations of unlawful recruitment and employment of child soldiers by Congolese-sponsored militias, and considers that ending the use of child soldiers must be a priority for the Congolese authorities and the international community;
 5. Strongly regrets that elections were not held by the 2017 deadline; recalls the responsibility of the Congolese authorities and institutions to effectively implement the new electoral calendar in accordance with the Congolese Constitution and the Saint-Sylvestre agreement; insists that transparent, free and fair presidential and legislative elections be held on 23 December 2018; recalls that CENI must be an independent, impartial and inclusive institution, and calls on the Government of the DRC to ensure that sufficient resources are provided; asks, furthermore, CENI and the Government to introduce quarterly deadlines for the electoral timetable in order to monitor progress, and as a demonstrable sign of the Government’s commitment to hold elections; recalls that only credible elections offer a way out of the crisis;

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6. Stresses that opponents in exile must be able to return safely and without conditions, and that every citizen must have the right to stand as a candidate in the elections; welcomes the creation, with the participation of the African Union (AU), the *Organisation internationale de la Francophonie* (OIF), the Southern African Development Community (SADC) and the UN, of a coordinated team of experts in charge of supporting the implementation of the electoral process and facilitating the mobilisation of financial, logistical and technical assistance to the DRC; supports the contribution of the EU to the DRC electoral process, and calls on the EU to condition any electoral funding on the realisation by the Congolese Government of concrete measures showing the demonstrable political will to hold elections on 23 December 2018, including — in particular — the publication of a realistic electoral budget, as well as guarantees concerning all fundamental rights and freedoms for all political parties and civil society organisations;

7. Strongly condemns all forms of harassment and threats against civil society and NGOs; is particularly concerned at the latest death threats made against representatives of FIDH and associated organisations; urges the DRC authorities and security forces to fully respect the requirements set out in the Cotonou Agreement as well as in the Saint-Sylvestre agreement, in particular the right of individuals to exercise freedom of expression and freedom of assembly and demonstration; calls on the Congolese authorities to ratify at the earliest opportunity the African Charter on Democracy, Elections and Governance;

8. Denounces the draft laws introduced in the Congolese National Assembly on the regulation of NGOs, human rights defenders and counter-terrorism; urges the Congolese authorities to fully respect legislative due process and to bring the draft laws into alignment with international and regional standards for the protection and promotion of human rights;

9. Urges the EU, its Member States and the international community to increase support to, and protection of, human rights defenders; calls on the DRC authorities to investigate and bring to justice those who attack human rights defenders and repress democratic protests;

10. Welcomes the announcement by the UN Secretary-General of an investigation into the attack on MONUSCO troops by the Allied Democratic Forces militia on 7 December 2017, which left 15 peacekeepers dead in North Kivu province;

11. Expresses its concern at the latest UN troop and budget cuts; calls on the UN Security Council and the UN member states to ensure that MONUSCO receives adequate funding to carry out the tasks entrusted to it in its mandate; recalls that the mandate of MONUSCO includes contributing to the protection of civilians and supporting the implementation of the political agreement;

12. Urges the EU and its Member States to give priority to human rights values; reiterates the importance of holding individuals to account for human rights abuses and other actions that undermine a peaceful solution to the DRC conflict; welcomes, in this regard, the use of EU-targeted sanctions, and calls on the EU to consider employing additional means, as provided for in the Cotonou Agreement, if the situation continues to deteriorate and no significant progress is made towards finding a peaceful solution;

13. Points out that in April 2015 Ibrahim Thiaw, the Deputy Executive Director of the UN Environment Programme, stated that the annual earnings from the exploitation of natural resources exceed USD 1 billion and that the bulk of the profits — up to 98 % — end up in the coffers of international concerns, with the remaining 2 % being used to fund armed groups in the DRC; calls on the Commission and the Member States to take the requisite measures against European companies that fail to comply with international standards or that do not adequately compensate victims of human rights violations for which they are directly or indirectly responsible; calls for the rapid implementation of the agreement reached by the Member States on 15 June 2016 on the EU regulation on conflict minerals (Regulation (EU) 2017/821 ⁽¹⁾) and for work to continue at EU and UN level to develop international legislation on this matter;

⁽¹⁾ OJ L 130, 19.5.2017, p. 1.

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14. Reiterates its support for the AU, the OIF and the SADC, as well as, notably, Angola, as facilitators of political dialogue in the DRC and the whole region;
 15. Expresses alarm at the escalating cholera epidemic and calls for increased humanitarian aid to tackle the outbreak; urges the EU and its Member States to increase financial and humanitarian aid through reliable organisations in order to meet the urgent needs of the population;
 16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the ACP-EU Council of Ministers and Joint Parliamentary Assembly, the African Union, the Pan-African Parliament, and the President, Prime Minister and Parliament of the Democratic Republic of the Congo.
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P8_TA(2018)0018

Implementation of the Youth Employment Initiative in the Member States**European Parliament resolution of 18 January 2018 on the implementation of the Youth Employment Initiative in the Member States (2017/2039(INI))**

(2018/C 458/07)

The European Parliament,

- 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 ⁽¹⁾,
- having regard to 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 ⁽²⁾,
- having regard to the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee ⁽³⁾,
- having regard to the Commission communication of 4 October 2016 entitled ‘The Youth Guarantee and Youth Employment Initiative three years on’ (COM(2016)0646),
- having regard to the European Court of Auditors’ (ECA) Special Report No 3/2015 of March 2015 entitled ‘EU Youth Guarantee: first steps taken but implementation risks ahead’,
- having regard to the ECA Special Report No 5/2017 of March 2017 entitled ‘Youth unemployment — have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative’,
- having regard to its resolution of 24 October 2017 on control of spending and monitoring of EU Youth Guarantee schemes’ cost-effectiveness ⁽⁴⁾,
- having regard to its Policy Department for Budgetary Affairs’ in-depth analysis of 3 February 2016 entitled ‘Assessment of Youth Employment Initiative’,
- having regard to the Commission proposal of 10 June 2016 for a Council Recommendation on establishing a Skills Guarantee (COM(2016)0382),
- having regard to its resolution of 24 May 2012 on the Youth Opportunities Initiative ⁽⁵⁾,
- having regard to the Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships,
- having regard to the European Social Charter, the Additional Protocol thereto and the revised version thereof, which entered into force on 1 July 1999,
- having regard to the 2030 Sustainable Development Goals (SDGs), in particular SDG 8, to ‘promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’, which were adopted by the UN in 2015 and which apply to the whole world, including the EU,
- having regard to the report by Jean-Claude Juncker in close cooperation with Donald Tusk, Jeroen Dijsselbloem, Mario Draghi and Martin Schulz of 22 June 2015 on completing Europe’s economic and monetary union (the ‘Five Presidents’ Report’), the Commission reflection papers of 26 April 2017 on the social dimension of Europe and of 31 May 2017 on deepening the European Monetary Union, and the Commission White Paper of 1 March 2017 on the future of Europe,

⁽¹⁾ OJ L 347, 20.12.2013, p. 470.

⁽²⁾ OJ L 126, 21.5.2015, p. 1.

⁽³⁾ OJ C 120, 26.4.2013, p. 1.

⁽⁴⁾ Texts adopted, P8_TA(2017)0390.

⁽⁵⁾ OJ C 264 E, 13.9.2013, p. 69.

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- having regard to the Commission communication of 26 April 2017 establishing a European Pillar of Social Rights (COM(2017)0250) and Commission Recommendation (EU) 2017/761 of 26 April 2017 on the European Pillar of Social Rights ⁽¹⁾,
 - having regard to the work and research of Eurofound, Cedefop, the International Labour Organisation (ILO), the Organisation for Economic Co-operation and Development (OECD), the European Trade Union Confederation (ETUC) and the European Trade Union Institute (ETUI), the Confederation of European Business (BusinessEurope), the European Association of Craft, Small and Medium-Sized Enterprises (UEAPME), the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP), Eurocities and the European Youth Forum,
 - having regard to President Juncker's State of the Union speech of 13 September 2017, the Roadmap for a More United, Stronger and More Democratic Union (Draft Commission Work Programme up to end 2018) and the letter of intent from the Commission to President Antonio Tajani and to Estonian Prime Minister Jüri Ratas of 13 September 2017,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Budgets, the Committee on Budgetary Control, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A8-0406/2017),
- A. whereas the financial and economic crisis caused the youth unemployment rate to rise from 15 % in 2008 to a peak of 24 % in early 2013, with this average rate masking huge divergences across Member States and regions; whereas youth unemployment rates in 2013 stayed close to 10 % in Germany, Austria and the Netherlands while peaking at close to or well over 40 % in Italy, Spain, Croatia and Greece;
- B. whereas measures to reduce public spending have shown a direct negative impact, in particular on young people, owing to cuts in education, training, employment creation and support services;
- C. whereas policies affecting young people have been developed without the involvement of the young people concerned and their representatives;
- D. whereas long spells of youth unemployment risk marginalising and excluding young people from society, make them feel isolated and can cause 'scarring effects', meaning that there is a higher probability that they will become unemployed again and face lower earnings and career prospects during their working lives; whereas the side-lining of young people represents a loss of public and private investment, leading to widespread job insecurity and skills erosion, given the unused and faltering human potential that it entails;
- E. whereas in 2012, one in three European employees were either over- or under-qualified for their jobs ⁽²⁾, and whereas young employees are typically more likely to be formally over-qualified, while also more likely than older workers to have jobs less matched to their skills;
- F. whereas young workers are at a higher risk of finding themselves in a position of precarious employment; whereas the odds of being in an occupation with multiple disadvantages are twice as high for workers under 25 than for workers aged 50 and over ⁽³⁾;
- G. whereas a successful school-to-work and inactivity-to-work transition and having a first real job empower and motivate young people, helping them develop their personal and professional skills so that they can become independent, self-confident citizens and get their careers off to a good start;

⁽¹⁾ OJ L 113, 29.4.2017, p. 56.

⁽²⁾ Commission report of December 2013 entitled 'Employment and Social Developments in Europe 2013'.

⁽³⁾ Eurofound report of August 2014 entitled 'Occupational profiles in working conditions: Identification of groups with multiple disadvantages'.

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- H. whereas having peaked at 24 % in 2013, the youth unemployment rate in the EU-28 has steadily dropped, reaching below 17 % in 2017; whereas the level of youth unemployment remains high, there being just a few Member States (Austria, the Czech Republic, the Netherlands, Malta, Hungary and Germany) with a youth unemployment rate of less than 11 %, and there are serious disparities between the Member States;
- I. whereas an analysis of the gender breakdown of full-time and part-time work across Europe reveals that the gender gap persisted between 2007 and 2017, where men continue to make up around 60 % of 15-24-year-olds in full-time employment, while consistently accounting for around 40 % of the same age group in part-time employment;
- J. whereas regrettably, as a statistical given, the youth unemployment rate is generally about twice the average overall unemployment rate, both during periods of economic growth and during recessions;

Youth Employment Initiative and Youth Guarantee

- K. whereas on 22 April 2013, the Council, by means of a Council Recommendation, established the Youth Guarantee (YG), by which the Member States commit themselves to offering young people a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education;
- L. whereas given that many Member States have not enjoyed great success with the regulations and opportunities hitherto available in the fight against youth unemployment, they should place more emphasis on effective use of the funding and tools available under the European Social Fund (ESF);
- M. whereas in February 2013, the Council agreed to create the Youth Employment Initiative (YEI), which was launched as the main EU budgetary instrument — linked to the ESF — to help Member State regions experiencing particularly high levels of youth unemployment, in particular by introducing YG schemes;
- N. whereas the YG is an EU-wide commitment, while the YEI is targeted to those Member States and regions where youth unemployment rates are above 25 %, with a total of 20 Member States either partly or totally eligible;
- O. whereas a quick mobilisation of funds was sought by frontloading the YEI budget for 2014 and 2015 in order to maximise the impact of YEI-funded measures; whereas owing to delays in implementation at national and regional level, frontloading in itself fell short as a measure; whereas in 2015, the pre-financing rate was raised conditionally from 1 % to 30 % and a majority of eligible Member States applied this measure successfully;
- P. whereas one main ambition of the YEI and YG is to reach out to those young people Not in Employment, Education or Training (NEETs), who are at the highest risk of exclusion, while taking into account that the term 'NEETs' covers various subgroups of young people with diverse needs;
- Q. whereas the YG is designed to achieve the sustainable integration of NEETs into the labour market by offering an individualised approach, leading to a good-quality offer and enhancing young people's employability, while in a broader context supporting young people in the school-to-work transition and helping to address skills mismatches on the labour market; whereas appropriate outreach strategies by the Member States are necessary in this regard;
- R. whereas in 2015, the ILO estimated the cost of implementing the YG throughout the EU-28 to be EUR 45 billion; whereas the YEI for the 2014-2020 programming period was endowed with a modest budget of EUR 6,4 billion, with the aim of complementing national funding and not replacing it;

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- S. whereas the Commission proposed that the YEI budget be increased by EUR 1 billion, to be matched by EUR 1 billion in ESF commitments, within the framework of the revision of the multiannual financial framework (MFF) for 2017-2020; whereas following an agreement between Parliament and the Council, the figure was raised to EUR 1,2 billion; whereas on 5 September 2017, Parliament adopted Draft amending budget No 3/2017 in order to provide an additional EUR 500 million for the YEI in 2017, financed by the Global Margin for Commitments, while also regretting the delay in the 2017 budgetary procedure owing to the blockage and late approval by the Council of the mid-term MFF revision;
- T. whereas in its first Special Report on the YG, the ECA raised concerns about the adequacy of (both EU and national) funding of the initiative, the definition of a 'good-quality offer', the lack of a strategy with clear milestones and objectives, and monitoring and reporting on the results; whereas it also raised concerns about the lack of success of the application of the partnership approach, as enshrined in the Council Recommendation of 22 April 2013, in the development of the YG;
- U. whereas truly effective mechanisms are required for the discussion and resolution of difficulties experienced when implementing YG schemes, together with a strong commitment by the Member States to implementing the YG in full, taking particular account of local conditions and enabling skills enhancement, and putting in place proper, flexible evaluation structures;
- V. whereas the ECA's Special Report on the YG identified some common criteria for what constitutes a 'good-quality offer', with Slovakia making its definition legally binding, covering provisions for minimum working time and sustainability of employment after cessation of YEI support, and taking into account the health status of the recipient;
- W. whereas in its recently published second Special Report on the YEI and the YG, conducted on the basis of a seven Member State sample, the ECA voiced concerns that it was difficult to access complete data and that limited progress had been made with YG implementation, with results falling short of initial expectations; whereas the YEI and the YG still represent one of the most innovative and ambitious policy responses to youth unemployment in the wake of the economic crisis, and should therefore have the continued financial and political support of EU, national and regional institutions in their delivery in the years to come;
- X. whereas the cost-effectiveness of the YEI and the ultimate goal of the YG to have young people entering sustainable employment can only be achieved if operations are properly monitored on the basis of reliable and comparable data, if programmes are result-oriented, and if adjustments are made in cases where ineffective and cost-intensive measures are detected;
- Y. whereas more efforts are required on the part of the Member States to support and target the young people furthest or entirely detached from the labour market, such as young people with disabilities;
- Z. whereas the YEI and the YG are meant to play a central role in the achievement of the key principles of the European Pillar of Social Rights;
- AA. whereas in his 2017 State of the Union speech, the President of the Commission, Jean-Claude Juncker, made no mention of the youth unemployment situation in Europe, which remains alarming; whereas the letter of intent accompanying the 2017 State of the Union speech acknowledged the role of the YG in helping to create jobs in the EU; whereas the fight against unemployment and youth unemployment in particular should remain a priority for EU action;
- AB. whereas it has been reported that young people have experienced delays in payment under YEI-funded measures, often caused by the late establishment of managing authorities or the insufficient administrative capacity of national or regional authorities;

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- AC. whereas YEI and YG measures such as internships and traineeships should help to facilitate transition into the labour market and should never be a substitute for regular employment contracts;
- AD. whereas for young women in rural areas, irregular employment arrangements or the failure to register as unemployed renders statistical data imprecise and creates disparities in their pensions; whereas this practice has a negative influence on society as a whole and, in particular, on women's well-being, other forms of social insurance, and career change or future employment opportunities;
- AE. whereas 16 million NEETs have entered YG schemes and the YEI has provided direct support to over 1,6 million young people in the EU;
- AF. whereas under the YEI, Member States have adopted more than 132 labour market measures targeting young people;
- AG. whereas 75 % of the total YEI budget has been committed and 19 % has already been invested by the Member States, making the YEI budget implementation rate the highest among the European Structural and Investment Funds (ESI Funds);
- AH. whereas several reports on YEI implementation show that despite the concerns about the adequacy of the funding and the estimates of the total investment required, the available resources are being channelled successfully to meet regional demand by targeting specific regions and groups of beneficiaries;
- AI. 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⁾; whereas since the crisis, the EU's efforts have been focused in particular on the YG and the YEI;
- AJ. 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 YEI intervention has no predefined duration, while the YG requires an offer to be made within four months;
- AK. whereas the YG has led to the implementation of structural reforms in the Member States, notably with a view to aligning their education and training models with the labour market so as to achieve YG objectives;
- AL. whereas external factors, such as the specific economic situation or the production model of each region, influence the achievement of the goals set out in the YG;

Introduction

1. Believes that the YG must be a first step towards the employment needs of young people; recalls that employers have an obligation to participate in the process of providing young people with accessible vocational training programmes, entry level jobs and quality internships;
2. Stresses that the qualitative aspect of decent work for young people must never be compromised; underlines that the core labour standards and other standards related to the quality of work, such as working time, the minimum wage, social security, and occupational health and safety, must be central considerations in the efforts made;

⁽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 initiative launched in January 2012.

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3. Notes the significant divergence in economic performance in terms of both economic and employment growth across the EU-28, which calls for a decisive policy response; recognises that certain Member States are lagging behind in the implementation of necessary structural reforms; notes that it is sound economic policies, as well as employment and investment policies, which are ultimately a Member State responsibility, that create jobs; expresses its concern about the long-term impact on the economic development of regions that are experiencing a brain drain of highly educated people;

4. Recalls that under the YEI implementing rules, Member States must choose between different ways of implementing the programme (as a dedicated programme, as priority axes within an existing operational programme or as part of several different priority axes); points out that given the various options for implementation and on the basis of the results obtained, an exchange of best practices is required with a view to taking them on board during future phases of the programme;

5. Notes with concern that ECA Special Report No 5/2017 states that there is a risk that EU funding is simply replacing national funding rather than creating added value; recalls that in line with the principle of additionality, the YEI aims to complement national funding and not to replace Member States' own policies and funding to fight youth unemployment; stresses that the YEI budget cannot and was never meant to single-handedly shoulder the ambition of providing all young people with a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education;

6. Stresses the need for the YEI to be a driver for policy reform in particular and for better coordination in the fields of employment and education, especially in Member States experiencing high rates of youth unemployment, with a view to ensuring that those Member States introduce integrated, comprehensive and long-term approaches to tackling youth unemployment which enhance the employability of young people, give them better prospects and lead to sustainable employment, as opposed to pursuing a range of fragmented (existing) policies; considers the YEI and the YG to be powerful instruments in the fight against the social exclusion of the groups of young people that are most marginalised; believes that it is important to work towards achieving the objectives of the Europe 2020 strategy on employment, school drop-out rates and social exclusion;

7. Recalls that in line with the Council Recommendation on establishing a Youth Guarantee, six guidelines were defined on which YG schemes were to be based: building up partnership-based approaches, early intervention and activation, supportive measures enabling labour market integration, use of Union funds, assessment and continuous improvement of the scheme, and its swift implementation; points out that according to the assessment reports, very few Member States have provided data on and full assessments of these aspects;

8. Stresses that more should be invested in both domestic mobility and cross-border mobility in order to reduce the youth unemployment rate and address skills mismatches; calls for the supply of work and skills to be better aligned with demand by facilitating mobility between regions (including cross-border regions); recognises that the Member States must devote special attention to providing a better link between education systems and labour markets in the cross-border regions, for example by promoting education in neighbouring languages;

9. Recalls that the high rate of youth unemployment is caused by: the effects of the global economic crisis on labour markets, early school leaving without sufficient qualifications, a lack of relevant skills and work experience, the increasing prevalence of precarious forms of short-term employment followed by periods of unemployment, limited training opportunities, and insufficient or inadequate active labour market programmes;

10. Takes the view that the monitoring of the YEI needs to be backed up by reliable data; considers the monitoring data and results available at present insufficient to carry out an overall assessment of the implementation and results of the YEI as the main EU financing vehicle for YG schemes, in particular as a result of the initial delays in the setting up of operational programmes by Member States and the fact that they are still in the relatively early stages of implementation; insists on the need to maintain youth employment as one of the priorities of EU action; is concerned, however, at the findings of the recent ECA report on the impact of the YEI and YG as Union policies aimed at tackling youth unemployment, while bearing in mind its limited territorial and temporal scope;

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11. Takes the view that in order to be truly effective, a strategy to boost youth employment should provide for round-table discussions involving those concerned, take account of the territorial context in which it is to be implemented and provide for targeted training that meets the needs of businesses while balancing them with the aspirations and skills of young people; stresses that the same strategy should ensure high-quality training and total transparency in the allocation of funding to training agencies, including through careful monitoring of its use;

12. Deplores the fact that the Member States have chosen to commit themselves only through the non-binding instrument of the Council Recommendation; points out that the aim of the YG is far from being achieved in many Member States;

Reaching out to the most excluded young people

13. Notes the risk that young people with disabilities fall within the scope of neither the YEI nor the YG; calls on the Commission and the Member States to adapt their operational programmes in order to ensure that YEI and YG measures are actually accessible to all people with disabilities, providing equity of access for disabled young people and matching individual needs;

14. Stresses that reaching out to NEETs requires strong and sustained efforts by national authorities and cross-sectoral cooperation, as NEETs are a heterogeneous group with diverse needs and skills; stresses the need, therefore, for accurate and comprehensive data on the entire NEET population, with the objective of registering them and reaching out to them more effectively, since more disaggregated data, including on a region-by-region basis, could identify which groups should be targeted and how to better tailor employment initiatives to recipients;

15. Believes that the YG and the YEI are no substitute for using macroeconomic instruments and other policies to promote youth employment; adds that when assessing the implementation and impact of the YG, it is important to bear in mind the differing macro-economic climates and budgetary situations in the Member States; considers that a long-term structural reform programme needs to be mapped out for the YG if its duration is to be extended; stresses the clear need for more effective coordination between the different Member States;

16. Supports the development of one-stop-shops that can ensure that all services and guidance are easily accessible, available and free of charge for young people in one location;

17. Is concerned about initial observations which show that improvements need to be made in the registration of and outreach to all NEETs, in particular inactive NEETs and those who are proving difficult to re-integrate; calls on the Member States to establish appropriate and tailored outreach strategies to reach all NEETs and to take an integrated approach towards making more individualised assistance and services available to support young people facing multiple barriers; urges the Member States to pay special attention to the needs of vulnerable NEETs and to eliminate prejudiced and negative attitudes towards them;

18. Stresses the need to tailor measures to local needs in order to increase their impact; calls on the Member States to implement special youth employment measures in rural areas;

19. Calls on the Member States to rapidly improve the communication of existing support programmes available to young people, especially to the groups furthest from the labour market, through awareness-raising campaigns, using both traditional and modern media channels such as social networks;

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Ensuring the quality of offers under the Youth Employment Initiative

20. Recognises the call to define what a ‘quality offer’ in the framework of the YEI should be; highlights the need to elaborate a comprehensive, commonly agreed definition which could take into account the work undertaken in the EMCO Committee in collaboration with the Commission, the ILO and the relevant stakeholders; points out that a good-quality offer is a multifaceted measure leading to sustainable, well-matched integration in the labour market for participants, achieved through the development of skills, and that it should match the participants’ qualification level and profile and take into account employment demand; urges the Member States to ensure that the relevant social protection, rules on working conditions and compensation levels are applied to participants; draws attention to the quality standards mentioned in the Guidance on evaluation of the Youth Employment Initiative published by the Commission in 2015, which establishes the characteristics of employment offers, their relevance to participant needs, the labour market outcomes produced by the offers and the proportion of offers not accepted or abandoned prematurely as valid indicators for the assessment of quality employment;

21. Recalls that the ILO defines ‘decent work’ as work that is ‘productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men’, and that this minimum standard remains unmet for young people in employment;

22. Is of the opinion that young people should also be involved in the monitoring of the quality of offers;

23. Stresses that a quality traineeship contract must respect a quality framework offering the following guarantees: a traineeship must be governed by a written contract containing transparent information on the rights and obligations of the contracting parties, establishing concrete objectives and outlining high-quality training; a mentor or supervisor must be allocated to assess the trainee’s performance at the end of the traineeship; the traineeship must have a specific duration and limits must be set on the length of traineeships with the same employer, and the contract should have clear provisions on coverage in social security systems and remuneration;

24. Encourages Member States to progressively update and revise their YEI operational programmes with the involvement of social partners and youth organisations in order to fine-tune their action based on the actual needs of young people and the labour market;

25. Stresses that establishing whether the YEI budget is well spent, and whether the ultimate YEI goal of helping young unemployed people into sustainable employment is attained, can only be achieved if operations are closely and transparently monitored on the basis of reliable and comparable data, and if Member States that have made no progress are addressed in a more ambitious manner; calls on the Member States to improve monitoring, reporting and the quality of data as a matter of urgency and to guarantee that reliable and comparable data and figures on current YEI implementation are gathered and made available in a timely manner and more frequently than is required under their annual reporting obligation, as defined in Article 19(2) of the ESF Regulation; calls on the Commission to revise its guidelines on data collection in line with the recommendation of the ECA in order to minimise the risk of overstatement of results;

26. Notes the proposals for and different types of programmes developed by Member States under the YEI; considers that in some Member States, national regulation has been vague in its objectives and approaches and unclear in its wording, and has offered a limited range of options for promoting employment; takes the view that the considerable margin of discretion and the lack of clear oversight mechanisms have occasionally led to the substitution of jobs for offers under the YEI;

27. Is concerned about reports of the inappropriate use of YEI-funded measures, including delayed payments to young people or the abuse of internships, for example their excessive use; expresses its willingness to combat such practices; takes the view that any repeated take-up of the YG should not go against the spirit of market activation and the aim of more permanent integration into the labour market;

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28. Calls on the Commission and the Member States to identify, exchange and disseminate best practices aimed at mutual policy learning and contributing to designing and implementing evidence-based policies; stresses that changes in the labour market and the digitalisation of the economy call for a new approach to youth employment policies; points out that the YEI needs to work on using effective tools to reduce youth unemployment and should not recycle ineffective employment policies;

29. Reiterates that the Council Recommendation on establishing a Youth Guarantee considers partnership-based approaches a key issue in implementing YG schemes and reaching NEETs; calls on the Member States to pursue a partnership approach by actively identifying and involving the relevant stakeholders and to better promote the YG programme among businesses, in particular SMEs and smaller, family-run companies; stresses that evidence from Member States that had already adopted YG-like approaches prior to the programme's introduction demonstrates that a successful stakeholder approach is important for successful implementation;

30. Underlines the important role of youth organisations as intermediaries between young people and the public employment services (PES); encourages the Member States, in this context, to work closely with youth organisations at national, regional and local level when communicating, planning, implementing and evaluating the YEI;

31. Stresses the importance of skilled and modernised PES in providing tailored services to NEETs; calls on the Member States, when implementing the YEI, to better coordinate their public employment services at EU level within the framework of the Public Employment Services (PES) Network; encourages the development of further synergies between public and private employment providers, businesses and education systems; encourages the widespread use of e-government to reduce red tape;

32. Calls on the Commission to provide a country-specific estimate of the yearly cost for each Member State to implement the YG effectively, taking into consideration the ILO estimate;

33. Stresses that it is essential to boost the number of apprenticeships available under the YG, since they account for only 4,1 % of offers accepted thus far;

Final remarks

34. Highlights the need for a strategy to transform the YEI from an anti-crisis instrument into a more stable EU financing instrument for tackling youth unemployment in the post-2020 period, while ensuring the quick and uncomplicated deployment of funds, and which establishes a co-financing requirement in order to underline the primary responsibility of the Member States; notes that the extension of the YEI should take into account the observations of the ECA; stresses that the programme's overall aim is the sustainable integration of young people into the labour market; highlights the need to set clear, measurable objectives; stresses that these elements should be discussed in the context of the next MFF to ensure continuity, cost-effectiveness and added value;

35. Reiterates its support for the YEI; stresses that further efforts and continued political and financial commitments to tackle youth unemployment are absolutely necessary; recalls, in particular, the importance of ensuring funding of at least EUR 700 million for the YEI for the period 2018-2020, as agreed in the mid-term revision of the MFF; calls also for the allocation of sufficient payment appropriations to ensure the proper and timely implementation of the YEI;

36. Emphasises the need to improve the quality of offers under the YEI and YG and calls for a future discussion about the eligible age bracket;

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37. Takes the view that for the youth employment quality framework to become operational, progress should be made towards adopting a recommendation with its legal basis in Articles 292 and 153 of the Treaty on the Functioning of the European Union and a range of information measures should be taken, such as the creation of an easily accessible website that is kept updated with relevant information on the rules governing traineeships in each Member State;

38. Recognises that the YEI is a financial instrument meant to complement Member States' initiatives to tackle high levels of youth unemployment and that greater efforts should be made by the Member States to provide a better link between education systems and labour markets, in order to integrate young people into the labour markets in a sustainable manner; welcomes the measures and policies in place to help to address existing skills mismatches; recognises that skills utilisation continues to present a challenge across Europe and considers it necessary, therefore, to ensure that the skills that are in demand and those on offer are better matched;

39. Considers the YEI and the YG essential in the effective delivery of the key principles of the European Pillar of Social Rights, in particular No 1 on education, training and life-long learning; No 4 on active support to employment; No 5 on secure and adaptable employment; No 6 on wages; No 8 on social dialogue and involvement of workers; No 10 on healthy, safe and well-adapted work environment and data protection; No 12 on social protection; No 13 on unemployment benefits; and No 14 on minimum income;

40. Calls on the Commission and Member States to redouble their joint efforts with the ILO to provide customised information and build national capacity to deliver and assess YG schemes in the following aspects: ensuring the full, sustainable implementation of the initiative, improving its ability to reach unregistered NEETs and young people with low skill levels, capacity building and improving the quality of offers;

41. Notes that pending the release by the Commission of the final figures provided by Member States, the number of young people having completed a YEI programme at the end of 2015 was estimated at 203 000, which represents 4 % of the participants; expresses concern at the high number of YEI participants who have failed to complete the programme in some Member States; believes that it is important to strengthen incentives so as to ensure that young people consider the YEI useful;

42. Recalls that the YEI should provide financial support for measures that foster the integration of NEETs into the labour market, including paid internships, traineeships and apprenticeships, but should not become a substitute for actual gainful employment;

43. Suggests the establishment of an EU hotline against the violation of the rights of young people, so that young people can report any negative experience of participation in YEI and YG measures to the Commission directly, enabling the collection of information and the investigation of reports of abusive practices in the deployment of EU-funded policies;

44. Welcomes the reference contained in the letter of intent attached to President Juncker's 2017 State of the Union speech to a proposal to establish a European Labour Authority to strengthen cooperation between labour market authorities at all levels and better manage cross-border situations, as well as further initiatives in support of fair mobility;

45. Recognises the success of the YEI in reducing youth unemployment rates and, in particular, ensuring gender balance, with the result that the YEI has reached around 48 % of men and 52 % of women;

46. Calls for the full implementation in the context of the YEI of both Directive 2000/78/EC on equal treatment in employment and occupation 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;

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47. Considers it necessary for the Commission and the Member States to come forward with positive measures to ensure that young women and girls receive good-quality offers of employment and are not employed or trapped in precarious, underpaid and temporary jobs with limited or no rights as workers;

48. Calls on the Member States to compile gender-disaggregated statistical data so that the Commission can launch an impact assessment of the YEI and its influence on gender balance to enable a thorough evaluation and analysis of its implementation;

49. Calls on the Member States to find ways to support young women's re-entry into the labour market, education or training by ensuring gender equality in access to employment, career progression, the reconciliation of work and private life, and the provision of childcare and adult care, and by promoting equal pay for female and male workers for equal work or work of equal value;

50. Urges the Member States to invest more effort in improving measures within education systems to help young people at risk to remain protected;

51. Notes with concern that the most recent assessment reports ⁽¹⁾ have highlighted that during its first implementation phase, the YEI tended to focus mostly on highly educated NEETs, rather than those who are low-skilled, inactive and not registered by the PES;

52. Calls on Member States to address this substantial shortcoming in YEI implementation by developing, inter alia, specific follow-up measures with a view to implementing more evidence-based, effective and sustained youth policies;

53. Calls on the Member States to make sure that their legislation enables all young people within the identified age group to register and participate effectively in the YEI ⁽²⁾;

54. Draws attention to the lack of regulation of traineeship offers on the open market as regards transparency of hiring, duration and recognition and points out that only a few Member States have established minimum quality criteria, including for the purposes of monitoring the YG and YEI;

55. Recognises that EU budget investments through the YEI have made an impact and have accelerated the expansion of the labour market for young people; considers that the YEI represents clear EU added value as many youth employment schemes could not have been implemented without an EU commitment;

56. Notes that the original financial allocation for the YEI in the 2014-2020 MFF was EUR 6,4 billion, of which EUR 3,2 billion came from a dedicated budget line, matched by the same amount from the ESF;

57. Underlines that in the context of the mid-term revision of the MFF, an additional allocation of EUR 1,2 billion for the YEI was politically endorsed for the period 2017-2020, to be matched by the same amount from the ESF; stresses, however, that the final allocation for this programme will be determined in the upcoming annual budgetary procedures;

⁽¹⁾ ECA Special Report No 5/2017 on the implementation of the Youth Guarantee and the Youth Employment Initiative; Final Report to the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission of June 2016 on first results of the Youth Employment Initiative; Commission communication of 4 October 2016 on the Youth Guarantee and Youth Employment Initiative three years on (COM(2016)0646); EPRS In-Depth Analysis of June 2016 entitled 'Youth Employment Initiative: European Implementation Assessment'.

⁽²⁾ The legislative framework of some countries defines some young people, in particular those with severe disabilities, as 'unable to work'. They are not able to register with PES and are therefore unable to participate in the YEI.

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58. Welcomes the fact that at Parliament's urging, the result of the conciliation process on the 2018 EU budget was to increase the specific allocation originally proposed for the YEI by EUR 116,7 million in fresh appropriations, bringing its total to EUR 350 million in 2018; notes the unilateral commitment by the Commission to proposing a further increase in YEI funding through an amending budget should the absorption capacity of the YEI allow for an increase;

59. Considers that the overall YEI budget is not sufficient to cover actual demand and the resources required to ensure that the programme reaches its targets; recalls that on average only 42 % of NEETs have been reached, with the figure dropping below 20 % in a number of Member States; calls, therefore, for a significant increase in the YEI allocation under the next MFF and for the Member States to make provisions for youth employment schemes in their national budgets;

60. Calls on the Commission to ensure consistency among youth employment investments by encouraging synergies between available sources and creating homogeneous rules presented in a holistic guide, with the aim of ensuring greater impact, synergies, effectiveness and simplification on the ground; recalls the priority of reducing the administrative burden for managing authorities; highlights the importance of country-specific reports on the financing of YG schemes that also monitor the synergies between national budgets and the EU budget, as well as the need for better coordination and closer cooperation among key stakeholders in the process;

61. Calls on the Commission to improve the planning of post-2020 youth employment investments by fully applying the approach used in programming the ESI Funds, where funding is subject to comprehensive preliminary planning and ex-ante evaluation followed by the conclusion of partnership agreements; considers that such an approach increases the impact of the EU budget; notes the successful implementation of the YEI in Member States, with dedicated operational programmes and significant contributions from national and regional budgets;

62. Calls, moreover, on the Commission to redesign the current evaluation mechanism by focusing on unified outcome criteria and performance audits in the annual and final reporting process in order to better monitor the impact of the EU budget; calls for the EU-wide application of indicators, such as the share of YEI participants who enter the primary labour market as a result of EU-funded interventions;

63. Stresses, however, that reformed planning and reporting should neither delay the implementation of the budget nor generate an excessive administrative burden for the managing authorities and the final beneficiaries in particular;

64. Recognises that the existing administrative burden undermines the investment capacity of the EU budget, especially in the case of instruments with shorter implementation periods such as the YEI; calls, therefore, for streamlined tendering procedures with a focus on faster preparation of tenders and shorter decision appeal procedures; notes the positive effect of the use of simplified cost options (SCOs) in YEI expenditure; calls for the EU-wide introduction of SCOs in YEI projects in order to cut red tape significantly and accelerate budgetary implementation;

65. Underlines that as of now the YEI is the best performing of all the ESI Funds in terms of financial implementation;

66. Welcomes the fact that YEI measures have provided support to more than 1,6 million young people and led to Member States consolidating operations amounting to more than EUR 4 billion;

67. Notes that a lack of information on the potential cost of implementing a scheme in a Member State can result in inadequate funding for its implementation and the achievement of its objectives; calls on the Member States to conduct an ex-ante analysis and draw up an overview of the cost of implementing the YG;

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68. 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;

69. Calls for a focus on YEI results through the definition of concrete indicators relating to new services and labour market support measures established through the programme in the Member States and the number of permanent contracts offered;

70. Believes that in order to assess the scheme's effectiveness, all aspects need to be evaluated, including the value for money of the scheme; takes note of previous ILO and Eurofound estimates and asks the Commission to confirm or update these projections;

71. Calls on the Commission and Member States to set realistic and achievable goals, assess disparities, analyse the market before implementing schemes, and improve supervision and notification systems;

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

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P8_TA(2018)0019

Implementation of the Professional Qualifications Directive and the need for reform in professional services

European Parliament resolution of 18 January 2018 on the implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services (2017/2073(INI))

(2018/C 458/08)

The European Parliament,

- having regard to Articles 45, 49 and 56 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 15 and 16 thereof,
 - having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ⁽¹⁾,
 - having regard to the Commission communication of 10 January 2017 on reform recommendations for regulation in professional services (COM(2016)0820),
 - having regard to the Commission communication of 2 October 2013 on evaluating national regulations on access to professions (COM(2013)0676),
 - having regard to the Commission communication of 28 October 2015 entitled 'Upgrading the Single Market: more opportunities for people and business' (COM(2015)0550),
 - having regard to its resolution of 26 May 2016 on the Single Market Strategy ⁽²⁾,
 - having regard to its resolution of 15 June 2017 on a European Agenda for the collaborative economy ⁽³⁾,
 - having regard to its resolution of 15 February 2017 on the Annual Report on the Single Market Governance within the European Semester 2017 ⁽⁴⁾,
 - having regard to the opinion of the European Economic and Social Committee of 31 May 2017 ⁽⁵⁾,
 - having regard to the final report of the Working Group on Bolstering the Business of Liberal Professions,
 - 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 the Internal Market and Consumer Protection (A8-0401/2017),
- A. whereas the free movement of workers, freedom of establishment and the freedom to provide services within the EU constitute the backbone of the single market and bring many benefits to citizens and businesses;

⁽¹⁾ OJ L 255, 30.9.2005, p. 22.

⁽²⁾ Texts adopted, P8_TA(2016)0237.

⁽³⁾ Texts adopted, P8_TA(2017)0271.

⁽⁴⁾ Texts adopted, P8_TA(2017)0040.

⁽⁵⁾ Not yet published in the Official Journal.

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- B. whereas although services account for 71 % of GDP and 68 % of total employment, the full potential of the single market in services still remains unfulfilled;
- C. whereas in the absence of harmonisation, Member States are free to decide on the regulation of professions, provided the national measures are transparent, non-discriminatory, justified and proportionate;
- D. whereas smart regulation, duly justified by the protection of legitimate public interest objectives, can have positive effects on the internal market, ensuring a high level of consumer protection and better quality of the services provided; whereas, therefore, deregulation should not be an end in itself;
- E. whereas in many cases regulation of professions is justified, but unjustified barriers to professional services are detrimental to citizens' fundamental rights and to the Member States' economies; whereas, consequently, professional regulation needs to be adjusted regularly in order to take into consideration technological, societal or market developments;
- F. whereas Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications provides for automatic recognition for a number of professions on the basis of harmonised minimum training requirements, a general system for the recognition of professional qualifications, an automatic recognition system for professional experience, and a new system of cross-border provision of services in the context of regulated professions;
- G. whereas Directive 2005/36/EC was amended in 2013, with the objective of achieving a proportionate regulatory framework justified by general interest objectives, introducing in Article 59 a transparency and mutual evaluation exercise for all regulated professions in the Member States, whether they are regulated on the basis of national rules or on the basis of rules harmonised at EU level;
- H. whereas not all the provisions Directive 2005/36/EC, and in particular Article 59, have been fully implemented as yet by the Member States, even after the passing of the deadline;
- I. whereas Member States were required to submit national action plans (NAPs) to the Commission by 18 January 2016 with information on decisions on maintaining or amending professional regulations; whereas there are still 6 Member States that have not submitted their NAPs;
- J. whereas according to Article 59 of Directive 2005/36/EC the Commission was expected to present by 18 January 2017 its conclusions on the mutual evaluation exercise, together with proposals for further initiatives where necessary;
- K. whereas on 10 January 2017 the Commission presented a communication on reform needs in professional services, analysing professional regulation in seven sectors of activity and addressing recommendations to Member States in this regard;
- L. whereas the mutual evaluation exercise revealed that the level of regulation of professions varies significantly between Member States; whereas further clarification is needed, especially in those cases where Member States have announced the introduction of new forms of professional regulation after the completion of the exercise;

Regulation of professions in the European Union and the state of play of the implementation of Article 59 of Directive 2005/36/EC

1. Stresses that regulated professions play a fundamental role in the EU economy, making a major contribution to the employment rate, as well as to labour mobility and added value in the Union; considers, furthermore, that high-quality professional services and an effective regulatory environment are of paramount importance for preserving the EU economic, social and cultural model and for strengthening the competitiveness of the EU in terms of growth, innovation and job creation;

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2. Recalls that there are over 5 500 regulated professions across the EU, with significant variations between Member States, representing 22 % of the labour force in all sectors of activities, such as health and social services, business services, construction, network services, transport, tourism, real estate, public services and education;
3. Welcomes the initiative of the Commission providing guidance for Member States in the context of the mutual evaluation exercise, including the organisation of in-depth discussions carried out with national authorities, also pointing out the need for national authorities to involve all parties concerned in order to gather the relevant information on the impact of regulations;
4. Believes that the Commission communication of 10 January 2017 might help Member States to better regulate professional services and to exchange best practices in order to understand the regulatory choices of other Member States, taking into consideration the fact that some Member States provide for more intensive state regulation of professions than others; stresses, however, the need for an assessment of the quality of regulations, since elements beyond mere economic analysis are needed for a holistic assessment of the performance of the regulatory environment in each Member State;
5. Regrets that some Member States have failed to notify information about the professions they regulate and the requirements for accessing those professions; calls on Member States to significantly improve the notification process in the context of the Professional Qualifications Directive;
6. Underlines that improving transparency and comparability of the national requirements governing access to or pursuit of regulated professions could enable greater professional mobility, and that, consequently and in line with Directive 2005/36/EC, all national requirements should be notified and made publicly available in the Regulated Professions Database, in a clear and intelligible manner;
7. Acknowledges the improvements to the database of regulated professions made by the Commission, including the creation of an interactive map allowing citizens to check professional access requirements across the EU and to visualise more easily which professions are regulated in a given Member State; calls on the Commission to further improve the database for regulated professions, in order to facilitate timely and accurate notification of the information by the competent authorities and thus enhance transparency for EU citizens;
8. Takes note of the divergences across Member States as to the number of regulated professions and scope of activities covered by similar professions, which explains the different forms of regulation of professions chosen by each Member State; calls on the Commission to improve the comparability of different professions and to define a common set of activities for each profession notified in the database, with a view to facilitating voluntary harmonisation across the EU;
9. Regrets that a number of Member States have not submitted a National Action Plan (NAP) as required by Directive 2005/36/EC, and calls on those Member States to proceed without undue delay; notes that the levels of depth, ambition and detail of the NAPs submitted differ;
10. Calls on the Member States to fully implement Article 59 of Directive 2005/36/EC and to step up their efforts to guarantee more transparency of their professional regulations, this being crucial for the mobility of professionals across the EU since only with complete information from all Member States can a full picture of the professions regulated at national or EU level be made available;
11. Regrets that some Member States did not consult the relevant stakeholders in an appropriate manner when preparing the NAPs; believes that a transparent flow of information between public institutions and stakeholders is necessary to effectively address the issues and challenges affecting professions; calls for a broader involvement of all stakeholders in the future, not only with a view to preparing NAPs but also before reforming the regulation of professions, in order to allow all parties concerned to express their views;

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12. Stresses that the effective regulation of professions should be beneficial for both consumers and professionals; recalls that Member States are free to introduce new regulations or to amend existing rules restricting access to or pursuit of regulated professions, reflecting their vision for society and their socio-economic context, as long as they are justified by public interest objectives; believes that regulation of professional services that is proportionate and adapted to market reality may result in improved market dynamics, lower prices for consumers and improved and more efficient sectoral performance;

13. Considers, at the same time, that discriminatory, unjustified and disproportionate requirements can be particularly unfair, especially for young professionals, and can hamper competition and negatively affect service recipients, including consumers;

14. Recognises the role of professional regulation in terms of achieving a high level of protection of public interest objectives, whether those explicitly mentioned in the Treaty, such as public policy, public security and public health, or those constituting overriding reasons in the public interest, including those recognised by the case-law of the Court of Justice, such as preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the safeguarding of the proper administration of justice, fairness of trade transactions, combating fraud, prevention of tax evasion and avoidance, effectiveness of fiscal supervision, road transport safety, guaranteeing the quality of craft work, promotion of research and development, protection of the environment and the urban environment, the health of animals, intellectual property, the safeguarding and conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives; acknowledges the margin of appreciation of Member States in determining the ways to achieve the above, in line with the principles of non-discrimination and proportionality;

15. Notes that, in view of the risks for consumers, professionals or third parties, Member States may reserve certain activities for qualified professionals only, in particular where there are no less restrictive means to achieve the same result; highlights that in such cases profession-specific regulations must ensure effective supervision of the lawful practice of the regulated profession and of, where relevant, its ethical rules;

16. Acknowledges in this regard the relationship between the proposal for the proportionality test, laying down rules on a common framework for conducting proportionality assessments before introducing new or amending existing measures governing regulated professions, and the reform recommendations which are based on assessment of the national regulations in seven sectors of activities; calls on the Member States to assess and, where necessary, to adapt their regulation of professions in line with the specific reform recommendations;

17. Stresses that reform recommendations cannot replace enforcement action, and calls on the Commission as guardian of the Treaties to take action and initiate infringement procedures where it identifies discriminatory, unjustified or disproportionate regulation;

Usefulness of the restrictiveness indicator and the need to promote high quality of services in Europe

18. Takes note of the fact that the Commission has issued a new restrictiveness indicator, and welcomes the improvement compared to the OECD's existing PMR restrictiveness indicator through the detailed analysis of the sectors concerned;

19. Underlines that this indicator, showing the overall regulatory intensity in Member States solely on the basis of quantitative data related to existing barriers to free movement, should be seen as a purely indicative tool, and not as one permitting the drawing of conclusions as to whether what may be stricter regulation in some Member States is disproportionate;

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20. Recalls that the overall analysis of the impact of the regulations in Member States should be subject not only to a quantitative but also to a qualitative assessment encompassing the general interest objectives and the quality of the service provided, including the possible indirect benefits for citizens and the labour market; notes that the restrictiveness indicator is accompanied by further analysis which provides additional information on the reality on the ground, and encourages Member States to consider this indicator, together with qualitative data so as to compare their performance in the selected sectors of activity;

Future for regulated professions

21. Highlights the need not only for an effective regulatory framework in the EU and the Member States, but also for effective and coordinated policies aimed at supporting professionals in the EU and strengthening competitiveness, innovation capacity and the quality of professional services in the EU;

22. Stresses that professionals can exercise regulated professions either as natural persons or as legal persons in the form of a professional company, and that consideration from both perspectives is important when implementing new policies; in this light, is convinced that economic tools should be combined with policies aimed at strengthening entrepreneurship and human capital in the professional services;

23. Calls on the Commission and the Member States, together with professional organisations in their respective areas of competence, to follow up adequately the recommendations of the Working Group on Bolstering the Business of Liberal Professions;

24. Highlights the importance of education, skills development and entrepreneurial training in order to ensure that professionals in the EU remain competitive and able to face the transformational changes that are affecting the liberal professions as a consequence of innovation, digitalisation and globalisation; stresses the close connection between the knowledge of a professional and the quality of service provided; notes the important role that should be played by higher education and research institutions in this regard, including through digital literacy projects;

25. Points out that better comparability of the level of professional qualifications is needed in order to increase the homogeneity of the evidence of formal qualifications across the EU and thus create a more level playing field for young graduates entering the professions, thereby facilitating their mobility across the EU;

26. Calls on the Member States to undertake proper market analysis with a view to ensuring faster adaptation of providers of services to market needs, as well as to develop policies for making EU professional services globally competitive in future decades;

Innovation and digitalisation in professional services

27. Notes that scientific progress, technological innovation and digitalisation have a considerable impact on the professional services, bringing new opportunities for professionals but also challenges for the labour market and the quality of services;

28. Welcomes the acknowledgement by the Commission of the need to reflect on the impact of new technologies on professional services, especially in the legal and accounting sectors, where procedures could be improved; notes in particular that close attention needs to be paid to the consequent risks for service recipients, including consumers, of such a transformational change, who must not be excluded from new technologies;

29. Stresses that new technologies will be unlikely to replace human beings in making ethical and moral decisions; points out, in this regard, that rules on the organisation of professions, including rules on supervision by public bodies or professional associations could play an important role and contribute to the more equitable sharing of the benefits of digitalisation; notes that in certain areas market-driven mechanisms such as consumer feedback can also contribute to improving the quality of a particular service;

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30. Stresses that regulations on professional services must be fit for purpose and should be reviewed regularly in order to take account of technical innovation and digitalisation;

31. Calls on the Commission to continue to keep Parliament regularly informed on the state of play regarding compliance with Directive 2005/36/EC by the Member States;

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

Thursday 18 January 2018

OPINIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0012

Non-objection to an implementing measure: establishing a Union Registry

European Parliament decision to raise no objections to the draft Commission regulation amending Commission Regulation (EU) No 389/2013 establishing a Union Registry (D054274-02 — 2017/3013(RPS))

(2018/C 458/09)

The European Parliament,

- having regard to the draft Commission regulation amending Commission Regulation (EU) No 389/2013 establishing a Union Registry (D054274-02),
 - having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC ⁽¹⁾, and in particular Articles 12 and 19 thereof,
 - having regard to the opinion delivered on 30 November 2017 by the committee referred to in Article 23(1) of the above directive,
 - having regard to the Commission's letter of 5 December 2017 asking Parliament to declare that it will raise no objections to the draft regulation,
 - having regard to the letter from the Committee on the Environment, Public Health and Food Safety to the Chair of the Conference of Committee Chairs of 11 January 2018,
 - having regard to Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,
 - having regard to the recommendation for a decision by the Committee on the Environment, Public Health and Food Safety,
 - having regard to Rules 106(4)(d) and 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 17 January 2018,
- A. whereas in order to protect the environmental integrity of the EU emissions trading system ('EU ETS'), aircraft operators and other operators in the EU ETS are prohibited from using allowances that are issued by a Member State in respect of which there are obligations lapsing for aircraft operators and other operators, and to that end, the necessary safeguard measures should be adopted;

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

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- B. whereas Article 19 of Directive 2003/87/EC empowers the Commission to adopt measures with respect to the standardised and secured system of registries, in accordance with the regulatory procedure with scrutiny (RPS);
 - C. whereas on 8 December 2017 the Commission formally submitted to Parliament the draft Commission regulation amending Commission Regulation (EU) No 389/2013 establishing a Union Registry ('the draft RPS measure'), which opened the three-month scrutiny period for Parliament to object to that draft act;
 - D. whereas the safeguard measures in the draft RPS measure should enter into force as a matter of urgency in order for the measures to take effect so that allowances can be allocated for free, received in exchange for international credits or auctioned in 2018, and whereas full use of the three-month scrutiny period available to Parliament would not allow sufficient time for the draft RPS measure to enter into force before the allowances for 2018 are issued;
 - 1. Declares that it has no objections to the draft Commission regulation;
 - 2. Instructs its President to forward this decision to the Commission, and, for information, to the Council.
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Tuesday 16 January 2018

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2018)0001

Management, conservation and control measures applicable in the Convention Area of the South Pacific Regional Fisheries Management Organisation *I**

Amendments adopted by the European Parliament on 16 January 2018 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 South Pacific Regional Fisheries Management Organisation (SPRFMO) (COM(2017)0128 — C8-0121/2017 — 2017/0056(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 458/10)

Amendment 1**Proposal for a regulation****Recital 7 a (new)***Text proposed by the Commission**Amendment*

- (7a) **When implementing the conservation and management measures adopted by SPRFMO, the Union and Member States should endeavour to promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, including gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.**

Amendment 2**Proposal for a regulation****Article 1 — paragraph 1***Text proposed by the Commission**Amendment*

This Regulation lays down management, conservation and control provisions relating to fishing for straddling **species** in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO).

This Regulation lays down management, conservation and control provisions relating to fishing for straddling **fish stocks** in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO).

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0377/2017).

Tuesday 16 January 2018

Amendment 3**Proposal for a regulation****Article 2 — paragraph 1 — point c***Text proposed by the Commission*

- (c) Third country fishing vessels upon requesting access or being the object of an inspection in Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

Amendment

- (c) Third country fishing vessels upon requesting access **to**, or being the object of an inspection in, Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

Amendment 4**Proposal for a regulation****Article 3 — paragraph 1 — point 1***Text proposed by the Commission*

- (1) 'SPRFMO Convention Area' means the **high seas** geographical area **south of 10° N, north of the CCAMLR Convention Area as defined in the Convention on the Conservation of Antarctic Marine Living Resources, east of the SIOFA Convention Area as defined in the Southern Indian Ocean Fisheries Agreement, and west of the areas of fisheries jurisdictions of South American States;**

Amendment

- (1) 'SPRFMO Convention Area' means the geographical area **marked out in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;**

Amendment 5**Proposal for a regulation****Article 3 — paragraph 1 — point 2***Text proposed by the Commission*

- (2) 'fishing vessel' means any vessel of any size used or intended for **use for the purposes of commercial exploitation of fishery resources**, including **support ships**, fish processing vessels, **vessels engaged in transshipment and** carrier vessels **equipped for the transportation of fishery products, except container vessels;**

Amendment

- (2) 'fishing vessel' means any vessel used or intended for **fishing**, including fish processing vessels, **support ships**, carrier vessels **and any other vessel directly engaged in fishing operations;**

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Amendment 6

Proposal for a regulation

Article 3 — paragraph 1 — point 7

Text proposed by the Commission

(7) 'bottom fishing footprint' means the spatial extent of bottom fishing during **a defined period of time in the SPRFMO Convention Area**;

Amendment

(7) 'bottom fishing footprint' means the spatial extent of bottom fishing **in the SPRFMO Convention Area** during **the period 1 January 2002 to 31 December 2006**;

Amendment 7

Proposal for a regulation

Article 3 — paragraph 1 — point 10

Text proposed by the Commission

(10) '**established fishery**' means a fishery that has not been closed and that has been subject to fishing or has been subject to fishing with a particular gear type or technique in the previous ten years;

Amendment

deleted

Amendment 8

Proposal for a regulation

Article 3 — paragraph 1 — point 10 a (new)

Text proposed by the Commission

Amendment

(10a) '**large-scale pelagic driftnets**' (drift gillnets) means a gillnet or other net, or a combination of nets, which is more than 2,5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water.

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Amendment 9**Proposal for a regulation****Article 3 — paragraph 1 — point 10 b (new)***Text proposed by the Commission**Amendment*

(10b) *'deepwater gillnets' (trammel net, set nets, anchored nets, sink nets) means strings of single, double or triple netting walls, held vertically, on or near the bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. Those nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.*

Amendment 10**Proposal for a regulation****Article 3 — paragraph 1 — point 11***Text proposed by the Commission**Amendment*

(11) 'IUU fishing **activities**' means any illegal, unreported or unregulated fishing activity as defined in Article 2 of Regulation (EC) No 1005/2008;

(11) 'IUU fishing' means fishing activities defined in **point 1 of** Article 2 of Regulation (EC) No 1005/2008;

Amendment 11**Proposal for a regulation****Article 3 — paragraph 1 — point 16***Text proposed by the Commission**Amendment*

(16) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from physical contact with bottom gears in the normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds.

(16) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity (***i.e. ecosystem structure or function***) is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from physical contact with bottom gears in the normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds.

Tuesday 16 January 2018

Amendment 12
Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Allocation of fishing opportunities for jack mackerel

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities for jack mackerel stocks available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fishing, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Amendment 13
Proposal for a regulation
Article 7 — paragraph 6

Text proposed by the Commission

Amendment

6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not feasible, vessels shall batch waste for two hours or longer.

6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not feasible **and when it is necessary to discharge biological waste due to operational safety concerns**, vessels shall batch waste for two hours or longer.

Amendment 14
Proposal for a regulation
Article 8 — paragraph 4

Text proposed by the Commission

Amendment

4. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.

4. **Where possible**, Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.

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Amendment 15
Proposal for a regulation
Article 8 — paragraph 5

Text proposed by the Commission

5. Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where this is not feasible, fishing vessels shall batch waste for two hours or longer.

Amendment

5. **Where possible and appropriate**, Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where this is not feasible, fishing vessels shall batch waste for two hours or longer.

Amendment 16
Proposal for a regulation
Article 8 — paragraph 6

Text proposed by the Commission

6. Nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.

Amendment

6. **Where possible**, nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.

Amendment 17
Proposal for a regulation
Article 9 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) any observed seabird interaction data.

Amendment 18
Proposal for a regulation
Article 10 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) the average catch level over the period 1 January 2002 to 31 December 2006;

(b) the average **annual** catch level over the period 1 January 2002 to 31 December 2006;

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Amendment 19
Proposal for a regulation
Title 3 — Chapter II a (new)

Text proposed by the Commission

Amendment

Chapter II a**Gillnets**

Amendment 20
Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a**Gillnets**

- 1. The use of large-scale pelagic driftnets and all deepwater gillnets is prohibited throughout the SPRFMO Convention Area.**
- 2. Flag Member States whose vessels seek to transit the SPRFMO Convention Area with gillnets on board shall:**
 - (a) give at least 36 hours advance notice to the SPRFMO Secretariat prior to entering the SPRFMO Convention Area, including the expected entry and exit dates and length of gillnet carried on board;**
 - (b) ensure their vessels operate a vessel monitoring system (VMS) polling once every two hours while in the SPRFMO Convention Area;**
 - (c) submit VMS position reports to the SPRFMO Secretariat within 30 days of the vessel leaving the SPRFMO Convention Area; and**
 - (d) if gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position and length (metres) of gillnets lost to the SPRFMO Secretariat as soon as possible and in any event within 48 hours of the gear being lost.**

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Amendment 21**Proposal for a regulation****Article 18 — paragraph 5***Text proposed by the Commission*

5. Notwithstanding Article 15(1) of Regulation (EU) No 1380/2013, Union fishing vessels not included in the SPRFMO Record of vessels shall not be permitted to engage in fishing activities for species **harvested in** the SPRFMO Convention Area.

Amendment

5. Notwithstanding Article 15(1) of Regulation (EU) No 1380/2013, Union fishing vessels not included in the SPRFMO Record of vessels shall not be permitted to engage in fishing activities for species **under the responsibility of** the SPRFMO **in the** Convention Area.

Amendment 22**Proposal for a regulation****Article 19 — paragraph 4***Text proposed by the Commission*

4. This Article shall be without prejudice **of** Articles 21 and 22 of Regulation (EC) No 1224/2009 and Article 4 (3) and (4) of Regulation (EC) No 1005/2008.

Amendment

4. This Article shall be without prejudice **to** Articles 21 and 22 of Regulation (EC) No 1224/2009 and Article 4(3) and (4) of Regulation (EC) No 1005/2008.

Amendment 23**Proposal for a regulation****Article 25 — paragraph 1 — point c***Text proposed by the Commission*

(c) designate a point of contact for the purposes of **transmitting** inspection reports pursuant to Article 11(3) of Council Regulation (EC) No 1005/2008.

Amendment

(c) designate a point of contact for the purposes of **receiving** inspection reports pursuant to Article 11(3) of Council Regulation (EC) No 1005/2008.

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Amendment 24**Proposal for a regulation****Article 30 — paragraph 1***Text proposed by the Commission*

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least **120** days in advance of the annual meeting. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least **90** days in advance of the annual meeting.

Amendment

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least **150** days in advance of the annual meeting. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least **120** days in advance of the annual meeting.

Amendment 25**Proposal for a regulation****Article 30 a — paragraph 2***Text proposed by the Commission*

2. **The authorities of a fishing** vessel flagged to a Member State **notified by** the Commission **of its inclusion in the Draft IUU Vessel List** shall notify the vessel owner of its inclusion in the Draft SPRFMO IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the SPRFMO.

Amendment

2. **When the Commission is notified that a** vessel flagged to a Member State **is included in the draft SPRFMO IUU vessel list**, the Commission **shall notify the authorities of the Member State concerned to that effect, which** shall **in turn** notify the vessel owner of its inclusion in the Draft SPRFMO IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the SPRFMO.

Amendment 26**Proposal for a regulation****Article 32 c — paragraph 1 — point e***Text proposed by the Commission*

(e) Position date and time (UTC);

Amendment

(e) Position (**latitude and longitude**), date and time (UTC);

Tuesday 16 January 2018

P8_TA(2018)0003

Conservation of fishery resources and protection of marine ecosystems through technical measures ***I

Amendments adopted by the European Parliament on 16 January 2018 on the proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (COM(2016)0134 — C8-0117/2016 — 2016/0074(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 458/11)

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and **Regulations (EU) No 1343/2011 and (EU) No 1380/2013** of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

Amendment

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and **Regulation (EU) No 1380/2013** of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 **and Commission Regulation (EC) No 494/2002**

Amendment 2

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) ***Simplification of the existing rules is necessary for a better understanding and compliance by operators, national authorities and stakeholders. The consultation process of the Advisory Councils should be respected in accordance with Regulation (EU) No 1380/2013, and attention should be paid to ensure that all objectives on conservation and sustainability are fully respected.***

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0381/2017).

Tuesday 16 January 2018

Amendment 3
Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission

Amendment

- (2b) ***Simplification of the current rules on technical measures should not result in a weakening of the standards of conservation and sustainability.***

Amendment 4
Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

- (3) There is a need to develop a framework for the regulation of technical measures. That framework should establish general rules to apply across all Union waters and provide for the creation of technical measures that take account of the regional specificities of fisheries through the process of regionalisation introduced by the CFP.

- (3) There is a need to develop a framework for the regulation of technical measures. That framework should establish general rules to apply across all Union waters and provide for the creation of technical measures that take account of the regional specificities of fisheries through the process of regionalisation introduced by the CFP. ***That process should make it possible to combine effectively the common rules and local situations and situations per zone. However, the process should not result in a kind of renationalisation of the CFP, and it is important that the Advisory Councils should continue to ensure that regionalisation takes place under a Union approach in accordance with Recital 14 of Regulation (EU) No 1380/2013.***

Amendment 5
Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

- (4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gears and the interaction of fishing activities with marine ecosystems.

- (4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gears and the interaction of fishing activities with marine ecosystems ***and also take into account socio-economic dynamics.***

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Amendment 6
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) **Technical measures where relevant should apply to recreational fisheries which can have a significant impact on the stocks of fish and shellfish species.**

Amendment

- (6) Recreational fisheries can have a significant impact on the **marine environment**, stocks of fish and **other** species, **and should therefore be subject to technical measures.**

Amendment 7
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) **Fish caught by recreational anglers (hook and line fishing) are released with a high survival rate, until proven otherwise by scientific evidence.**

Amendment 8
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

- (6b) **The landing obligation applies, pursuant to Regulation (EU) No 1380/2013, to all catches of species which are subject to catch limits. However, where specimens of those species are caught and immediately released in recreational fisheries and scientific evidence demonstrates high survival rates for those species, as may be the case for fish caught by recreational fishermen using angling equipment, it should be possible to exclude the fisheries concerned from the landing obligation by applying procedures set out in that Regulation, in particular by adopting measures to that effect under multiannual plans and/or discard plans.**

Tuesday 16 January 2018

Amendment 9
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) Technical measures should contribute to achieving the CFP objectives **to fish at maximum sustainable yield levels, reduce unwanted catches and eliminate discards and to contribute to the achievement of good environmental status (GES) as set out in Directive 2008/56/EC of the European Parliament and of the Council** ⁽¹⁸⁾.

⁽¹⁸⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (OJ L 164, 25.6.2008, p. 19).

Amendment

- (7) Technical measures should contribute to achieving the CFP objectives.

Amendment 10
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

-
- (7a) **Technical measures should be proportionate to the objectives pursued. Their potential economic and social impact should be considered before they are adopted.**

Amendment 11
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

-
- (7b) **The enforcement and implementation of technical measures, operational programmes and, where relevant, the issuing of licences, restrictions on the construction and operation of vessels and certain gear, should not be prejudicial to achieving better health and safety standards for vessels conducting fishing operations and fishing activities.**

Tuesday 16 January 2018

Amendment 12
Proposal for a regulation
Recital 7 c (new)

Text proposed by the Commission

Amendment

- (7c) *Technical measures adopted under this Regulation should be coherent with the Strategic Plan for Biodiversity 2011 — 2020, adopted under the UN Convention on Biological Diversity, and support the implementation of the EU 2020 Biodiversity Strategy, in particular the target to ensure the sustainable use of fisheries resources and the actions relating thereto.*

Amendment 13
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) Technical measures should specifically **provide** protection **for** juveniles and spawning aggregations of fish through the use of selective fishing gears and avoidance measures. Technical measures should also **minimise** and **eliminate** where possible, the impacts of fishing gears on the marine ecosystem and in particular on sensitive species and habitats. **They** should also contribute to having in place management measures for the purposes of complying with obligations under Council Directive 92/43/EEC ⁽¹⁹⁾, Directive 2009/147/EC of the European Parliament and of the Council ⁽²⁰⁾ and Directive 2008/56/EC.

⁽¹⁹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽²⁰⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

(8) Technical measures should specifically **contribute to the** protection **of** juveniles and spawning aggregations of fish through the use of selective fishing gears and avoidance measures. Technical measures should also **contribute to minimising** and, where possible, **eliminating** the **negative** impacts of fishing gears on the marine ecosystem and in particular on sensitive species and habitats. **Incentives should be granted to encourage the use of gear and practices that have a low impact on the environment.** Technical measures should also contribute to having in place management measures for the purposes of complying with obligations under Council Directive 92/43/EEC ⁽¹⁹⁾, Directive 2009/147/EC of the European Parliament and of the Council ⁽²⁰⁾ and Directive 2008/56/EC.

⁽¹⁹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽²⁰⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

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Amendment 14
Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) *The incidental catching of sensitive species should be addressed in a comprehensive manner across all fisheries and gear types in view of the strict level of protection they are afforded under Directives 92/43/EEC, 2009/147/EC and 2008/56/EC, their high level of vulnerability and the obligation to achieve a good environmental status by 2020.*

Amendment 15
Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

- (9) To evaluate the effectiveness of technical measures, **targets** relating to the **levels of unwanted catches; to the level of bycatches** of sensitive species **and** to the **extent of seabed** habitats **adversely affected by** fishing; should be established that reflect the objectives of the CFP, Union environmental legislation (in particular **Council** Directive 92/43 and Directive 2000/60/EC of the European Parliament and of the Council)⁽²¹⁾, **and international best practice.**

⁽²¹⁾ 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).

- (9) To evaluate the effectiveness of technical measures, **performance indicators** relating to the **reduction of catches of fish below the minimum conservation reference size and incidental catches** of sensitive species **as well as** to the **reduction of negative environmental impacts on marine** habitats **as a result of** fishing should be established that reflect the objectives of the CFP **and** Union environmental legislation (in particular Directive 92/43/EEC, **Directive 2009/147/EC** and Directive 2000/60/EC of the European Parliament and of the Council)⁽²¹⁾.

⁽²¹⁾ 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).

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Amendment 16
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) **Member States should make the broadest possible use of the available measures in Regulation (EU) No 508/2014 of the European Parliament and of the Council ^(1a) to support fishermen in implementing technical measures and ensure that the socio-economic objectives of the CFP are taken into account.**

^(1a) **Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).**

Amendment 17
Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

(11) Certain destructive fishing gears or methods which use explosives, poisons, stupefying substances, electric current, pneumatic hammers or other percussive instruments; towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns should be prohibited ***except in the specific case of the electric pulse trawl which may be used under certain strict conditions.***

(11) Certain destructive fishing gears or methods which use explosives, poisons, stupefying substances, electric current, pneumatic hammers or other percussive instruments; towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns should be prohibited. ***In this regard it is necessary to ensure that there is appropriate knowledge about the impacts of innovative fishing gear including cumulative effects, before use of the gear is widely adopted. Additionally, a system for monitoring, control and evaluation should be in place, serving for enforcement and research as well as evaluation purposes. Finally, current licences should be made subject to scientific reassessment, before being given a permanently 'non-prohibited' status.***

Tuesday 16 January 2018

Amendment 18
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

- (11a) *There is a need for detailed and quantified knowledge concerning the impacts of innovative fishing gear including their cumulative effects on the marine environment and species, before their use is widely adopted on a commercial scale. An effective programme of monitoring and evaluation should be established.*

Amendment 20
Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

- (15) For certain **rare** fish species, **such as species of sharks and rays**, even limited fishing activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.
- (15) For certain fish species **that are rare or whose biological characteristics make them especially vulnerable to overexploitation**, even limited fishing activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.

Amendment 21
Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

- (21) In order to assist the catching sector **implement** the landing obligation, Member States should put in place measures to facilitate the storage and the finding of outlets for marine species which are below the minimum conservation reference size. These measures should include support for investment in the construction and adaptation of landing sites and shelters or support for investment to add value to fishery products.
- (21) In order to assist the catching sector **with the implementation of, and ensure a level playing field by having full compliance with**, the landing obligation, Member States should put in place measures to facilitate the storage and the finding of outlets for marine species which are below the minimum conservation reference size. These measures should include support for investment in the construction and adaptation of landing sites and shelters or support for investment to add value to fishery products.

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Amendment 22
Proposal for a regulation

Recital 23

Text proposed by the Commission

- (23) In cases where scientific advice indicates that there are significant unwanted catches of species **which are not subject to catch limits and therefore not subject to the application of the landing obligation**, Member States should carry out pilot projects with the aim of exploring ways to reduce such catches and with a view to introducing appropriate technical measures to achieve this aim.

Amendment

- (23) In cases where scientific advice indicates that there are significant unwanted catches of species, Member States should carry out pilot projects with the aim of exploring ways to reduce such catches and with a view to introducing appropriate technical measures to achieve this aim.

Amendment 23
Proposal for a regulation

Recital 24

Text proposed by the Commission

- (24) Where no technical measures are in place at regional level **then** defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to **mitigate against bycatches** of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment

- (24) Where no technical measures are in place at regional level, defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to **minimise, and, where possible, eliminate incidental catches** of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment 24
Proposal for a regulation

Recital 25

Text proposed by the Commission

- (25) Member States in **conjunction with stakeholders can** develop joint recommendations for appropriate technical measures that deviate from the baselines in accordance with the regionalisation process set out in the CFP.

Amendment

- (25) Member States, in **close cooperation with the relevant Advisory Councils, should be able to** develop joint recommendations for appropriate technical measures, **based on the best available scientific advice**, that deviate from the baselines **to adapt the technical measures to regional specificities of fisheries** in accordance with the regionalisation process set out in the CFP, **even if there is no multiannual plan**.

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Amendment 25
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) Such regional technical measures should as a minimum **be equivalent in terms of** exploitation patterns and protection **for sensitive species and habitats** as the baseline standards.

Amendment

(26) **Regionalisation should be used to create tailor-made measures that consider the specificities of each fisheries area including safeguarding their sensitive species and habitats.** Such regional technical measures should **be sustainable and** as a minimum **ensure the same** exploitation patterns and **level of** protection as the baseline standards. **The adoption of any regional technical measure should be based on the best available scientific advice.**

Amendment 26
Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

(26a) **Decisions taken by regional groups of Member States under regionalisation should meet the same standards of democratic oversight as those in the Member States concerned.**

Amendment

Amendment 27
Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission

(26b) **Regionalisation should be used as a tool to encourage the participation of all relevant stakeholders, including non-governmental organisations, and empower fishermen and their engagement so that they can work in close cooperation with Member States, Advisory Councils and scientists, to create tailor-made measures that consider the specificities of each fishing area and safeguard their environmental conditions.**

Amendment

Tuesday 16 January 2018

Amendment 28
Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

- (27a) **Where there is a direct management interest concerning a single Member State, proposals for individual technical measures may be submitted, to modify existing conservation measures, subject to consultation of the relevant Advisory Councils.**

Amendment 29
Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

- (28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes **in multiannual plans** regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

- (28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes, regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

Amendment 30
Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

- (29) In developing joint recommendations to amend or establish new closed or restricted areas **in multiannual plans** to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

- (29) In developing joint recommendations to amend or establish new closed or restricted areas to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

Tuesday 16 January 2018

Amendment 31
Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes **in multiannual plans**, regional groups of Member States should **ensure** the objectives of the CFP **are not jeopardised** by ensuring that the protection of juveniles of marine species **should be** respected while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes, regional groups of Member States should **contribute to achieving** the objectives of the CFP by ensuring that the protection of juveniles of marine species **is fully** respected while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment 32
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.

Amendment

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations **or sensitive species** should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas, **including exemptions where appropriate**, as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.

Tuesday 16 January 2018

Amendment 33
Proposal for a regulation
Recital 32

Text proposed by the Commission

- (32) On the basis of scientific assessment of the impacts of innovative gears, duly evaluated by the STECF, the use **of such** or extension **to the** use of **novel** gears, **such as the electric pulse trawl** could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative impacts on sensitive habitats **and** non-target species.

Amendment

- (32) On the basis of scientific assessment of the impacts of innovative gears, duly evaluated by the STECF, **including the potential negative impact of certain gears**, the use or **the** extension **of** use of **innovative** gears could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative **direct or cumulative** impacts on **marine habitats, especially** sensitive habitats **or** non-target species, **or compromise the achievement of a good environmental status of marine waters**.

Amendment 268
Proposal for a regulation
Recital 32 a (new)

Text proposed by the Commission

Amendment

- (32a) **Regional groups should develop additional mitigation measures based on gear type, using scientific advice and best practice to minimise and, where possible, eliminate bycatches of seabirds and marine mammals, aligned with Council Directive 92/43/EEC and Council Directive 79/409/EEC^(1a) and the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas of 17 March 1992, as amended (ASCOBANS).**

^(1a) Council Directive of 2 April 1979 on the conservation of wild birds (79/409/EEC) (OJ L 103, 25.4.1979, p. 1).

Tuesday 16 January 2018

Amendment 34
Proposal for a regulation
Recital 33

Text proposed by the Commission

- (33) In order to minimise **the bycatches** of sensitive species and impacts of fishing gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

Amendment

- (33) In order to minimise **and, where possible, eliminate the incidental catches** of sensitive species and impacts of fishing gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region **to safeguard the marine environment, local fish stocks and the local coastal communities concerned**. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

Amendment 35
Proposal for a regulation
Recital 35

Text proposed by the Commission

- (35) ***In order to maintain existing detailed recommendations agreed by the North East Atlantic Fisheries Commission (NEAFC) 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 lists of vulnerable marine ecosystems and also specific technical measures related to defined measures to protect blue ling and redfish. The Commission should also be empowered to adopt delegated acts in respect of the incorporation into Union law of future amendments of those measures adopted by NEAFC which form the subject matter of certain expressly defined non-essential elements of this Regulation and which become binding upon the Union in accordance with the terms of this Convention. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.***

Amendment

deleted

Tuesday 16 January 2018

Amendment 36
Proposal for a regulation
Recital 36

Text proposed by the Commission

- (36) In order not to hinder scientific research, **artificial** restocking and transplantation, the provisions of this Regulation should not apply to operations which may be necessary for the conducting of such activities.

Amendment

- (36) In order not to hinder scientific research, **direct** restocking and transplantation, the provisions of this Regulation should not apply to operations which may be necessary for the conducting of such activities.

Amendment 37
Proposal for a regulation
Recital 37

Text proposed by the Commission

- (37) Where available scientific advice indicates that immediate action is required to protect marine species, the Commission should be able in duly justified cases to adopt immediately applicable delegated acts establishing technical measures to alleviate such threats, in addition to or by way of derogation to this Regulation or technical measures otherwise fixed in accordance with Union law. Those measures should be designed in particular to address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock, to provide protection for spawning fish or shellfish when stocks are at very low levels or other changes in the conservation status of fish stocks which may threaten the status of a stock. **They** could include restrictions on the use of towed or static gears or on fishing activities in certain areas or during certain periods.

Amendment

- (37) Where **the best** available scientific advice indicates that immediate action is required to protect marine species **and habitats**, the Commission should be able in duly justified cases to adopt immediately applicable delegated acts establishing technical measures to alleviate such threats, in addition to or by way of derogation to this Regulation or technical measures otherwise fixed in accordance with Union law. Those measures should be designed in particular to address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock, **or incidental catches of sensitive species**, to provide protection for spawning fish or shellfish when stocks are at very low levels or other changes in the conservation status of fish stocks **or sensitive species**, which may threaten the status of a stock, **as well as to address deterioration of species populations and habitats due to fishing impacts and to provide for any other necessary conservation measures.** **Such measures** could include restrictions on the use of towed or static gears or on fishing activities in certain areas or during certain periods.

Tuesday 16 January 2018

Amendment 38
Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part of multiannual plans; and to adopt technical measures as part of temporary discard plans. 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.

Amendment

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission **to define, for the purpose of establishing performance indicators for technical measures in relation to catches of fish below the minimum conservation reference size, key fisheries and the levels of such catches that apply to those key fisheries**, to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part of **multiannual plans or, where necessary, outside the framework** of multiannual plans; and to adopt technical measures as part of temporary discard plans. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level **and based on STECF assessment**. 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.

Amendment 39
Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) By **the end of 2020** and every third year thereafter the Commission should report to the European Parliament and to the Council on the implementation of this Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF. This report should assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives and in reaching the **targets** of this Regulation. On the basis of that report, where at regional level there is evidence that the objectives **and targets** have not been met, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives **and targets** can be met. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

Amendment

(40) By ... **[three years after the date of entry into force of this Regulation]** and every third year thereafter the Commission should report to the European Parliament and to the Council on the implementation of this Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF. This report should assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives and in reaching the **performance indicator levels** of this Regulation. On the basis of that report, where at regional level there is evidence that the objectives have not been met **or that the performance indicators remain at an unsatisfactory level**, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives can be met and **to improve the performance indicator levels**. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

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Amendment 40
Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Council Regulations (EC) No 1967/2006⁽²⁹⁾, (EC) No 1098/2007⁽³⁰⁾, (EC) No 1224/2009⁽³¹⁾ and **Regulations (EU) No 1343/2011⁽³²⁾ and** (EU) No 1380/2013⁽³³⁾ of the European Parliament and of the Council should be amended accordingly.

⁽²⁹⁾ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

⁽³⁰⁾ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

⁽³¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽³²⁾ **32 Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).**

⁽³³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Amendment

(42) Council Regulations (EC) No 1967/2006⁽²⁹⁾, (EC) No 1098/2007⁽³⁰⁾, (EC) No 1224/2009⁽³¹⁾ and **Regulation (EU) No 1380/2013⁽³³⁾** of the European Parliament and of the Council should be amended accordingly.

⁽²⁹⁾ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

⁽³⁰⁾ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

⁽³¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽³³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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Amendment 41
Proposal for a regulation
Recital 43

Text proposed by the Commission

Amendment

(43) *In order to supplement or amend existing detailed rules transposing recommendations agreed by the General Fisheries Commission for the Mediterranean (GFCM) 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 technical measures in Regulation (EU) No 1343/2011. The Commission should also be empowered to adopt delegated acts in respect of the incorporation into Union law of future amendments of those measures adopted by GFCM which form the subject matter of certain expressly defined non-essential elements of this Regulation and which become binding upon the Union in accordance with the terms of the GFCM Agreement. Regulation (EU) No 1343/2011 should be amended accordingly. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.*

deleted

Amendment 42
Proposal for a regulation
Article 1 — paragraph 1 — point b

Text proposed by the Commission

Amendment

(b) the operation of fishing gears **and the interaction of fishing activities with marine ecosystems.**

(b) the operation of fishing gears.

Amendment 43
Proposal for a regulation
Article 1 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) the interaction of those gears with marine ecosystems.

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Amendment 44**Proposal for a regulation****Article 2 — paragraph 1**

Text proposed by the Commission

1. This Regulation shall apply to activities pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

Amendment

1. **Without prejudice to Article 29**, this Regulation shall apply to **all fishing** activities (**recreational and commercial**) pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

Amendment 45**Proposal for a regulation****Article 2 — paragraph 2**

Text proposed by the Commission

2. **Articles 7 and 14 and Part A of Annexes V to X** shall also apply to recreational fisheries.

Amendment

2. **This Regulation** shall also apply to recreational fisheries.

Amendment 46**Proposal for a regulation****Article 3 — paragraph 1**

Text proposed by the Commission

1. **As tools to support the implementation of the Common Fisheries Policy (CFP)**, technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013 **and in particular in paragraphs 2, 3 and 5(a) and (j) of that Article**.

Amendment

1. Technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013.

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Amendment 47

Proposal for a regulation

Article 3 — paragraph 2 — introductory part

Text proposed by the Commission

Amendment

2. **In addition**, technical measures shall in particular:

2. Technical measures shall in particular **contribute to achieving the following objectives**:

Amendment 48

Proposal for a regulation

Article 3 — paragraph 2 — point a

Text proposed by the Commission

Amendment

(a) **optimise** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species;

(a) **ensuring sustainable** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species; **and providing appropriate safeguards**;

Amendment 49

Proposal for a regulation

Article 3 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) **ensure that bycatches of** marine species listed under Directives 92/43/EEC and 2009/147/EC **and other sensitive** species that result from fishing are minimised and where possible eliminated **such that they do not represent a threat to the conservation status of these species**;

(b) **ensuring that incidental catches of sensitive** marine species, **in particular those** listed under Directives 92/43/EEC and 2009/147/EC, that result from fishing are minimised and where possible eliminated;

Amendment 50

Proposal for a regulation

Article 3 — paragraph 2 — point c

Text proposed by the Commission

Amendment

(c) **ensure** that the environmental impacts of fishing on marine habitats are minimised and where possible eliminated **such that they do not represent a threat to the conservation status of those habitats**;

(c) **ensuring, including by using appropriate incentives**, that the **negative** environmental impacts of fishing on marine habitats are minimised and where possible eliminated;

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Amendment 51**Proposal for a regulation****Article 3 — paragraph 2 — point d***Text proposed by the Commission*

(d) **contribute to** having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Amendment

(d) having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Amendments 294 and 300**Proposal for a regulation****Article 3 — paragraph 2 — point d a (new)***Text proposed by the Commission**Amendment*

(da) **ensuring that the conditions described in Descriptors 1, 3, 4 and 6 of Commission Decision 2010/477/EU are fulfilled.**

Amendment 52**Proposal for a regulation****Article 4 — title***Text proposed by the Commission**Amendment***Targets****Performance indicators****Amendment 53****Proposal for a regulation****Article 4 — paragraph 1 — introductory part***Text proposed by the Commission**Amendment*

1. Technical measures **shall aim to achieve** the following **targets**:

1. **In order to assess whether** technical measures **contribute to achieving the objectives referred to in Article 3**, the following **performance indicators shall be used**:

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Amendment 54

Proposal for a regulation

Article 4 — paragraph 1 — point a

Text proposed by the Commission

(a) **ensure that** catches of marine species below minimum conservation reference sizes **do not exceed 5 % by volume in accordance with Article 2(2) and Article 15 of Regulation (EU) No 1380/2013.**

Amendment

(a) **the extent to which** catches of marine species below minimum conservation reference sizes **are progressively reduced to specific levels for key fisheries;**

Amendment 55

Proposal for a regulation

Article 4 — paragraph 1 — point b

Text proposed by the Commission

(b) **ensure that bycatches** of marine mammals, marine reptiles, seabirds and other non-commercially exploited species **do not exceed levels provided for in Union legislation and international agreements.**

Amendment

(b) **the extent to which incidental catches** of marine mammals, marine reptiles, seabirds and other non-commercially exploited species **are progressively reduced and, where possible, eliminated;**

Amendment 56

Proposal for a regulation

Article 4 — paragraph 1 — point c

Text proposed by the Commission

(c) **ensure that the** environmental impacts of fishing activities on seabed habitats **do not exceed** the levels needed to achieve good environmental status for each habitat **type** assessed in the framework of Directive 2008/56/EC in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

Amendment

(c) **the extent to which the negative** environmental impacts of fishing activities on **marine habitats, including sensitive** seabed habitats, **are minimised and maintained below** the levels needed to achieve good environmental status, **in particular** for each **of the** habitat **types** assessed in the framework of Directive 2008/56/EC, in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

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Amendment 57**Proposal for a regulation****Article 4 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. *The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 supplementing this Regulation by defining, for the purpose of point (a) of paragraph 1 of this Article:*

- (a) the key fisheries referred to in that point;*

- (b) the levels of current catches of marine species below minimum conservation reference sizes for each of those key fisheries, based on data supplied by Member States for the reference years 2013-2015;*

- (c) the specific levels to which catches of marine species below minimum conservation reference sizes for each of those key fisheries are to be reduced in order to achieve the objective of ensuring sustainable exploitation patterns and to provide protection for juveniles.*

When establishing the specific levels referred to in point (c) of the first subparagraph, account shall be taken of the best available scientific advice, including by STECF, as well as of existing and future technical possibilities in relation to the avoidance of catches of marine species below minimum conservation reference size.

Amendment 58**Proposal for a regulation****Article 4 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. *For the purpose of the delegated acts referred to in paragraph 1a, the Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation].*

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Amendment 59**Proposal for a regulation****Article 4 — paragraph 1 c (new)***Text proposed by the Commission**Amendment*

1c. *Where no joint recommendation has been submitted by the deadline set out in paragraph 1b of this Article, or if a joint recommendation submitted by Member States is deemed not to be compatible with the objectives of this Regulation, the Commission shall by ... [18 months after the date of entry into force of this Regulation], and by way of derogation from Article 18(6) of Regulation (EU) No 1380/2013, adopt delegated acts supplementing this Regulation by defining the elements referred to in the first subparagraph of paragraph 1a of this Article, in accordance with Article 32 of this Regulation.*

Amendment 60**Proposal for a regulation****Article 4 — paragraph 1 d (new)***Text proposed by the Commission**Amendment*

1d. *In order to achieve a progressive reduction of catches of marine species below minimum conservation reference sizes to levels which ensure sustainable exploitation patterns, the specific levels referred to in point (c) of the first subparagraph of paragraph 1a shall be reviewed every three years, using the procedure set out in paragraphs 1a, 1b and 1c, and they shall be further reduced, where appropriate, in accordance with the best available scientific advice and existing and future technical possibilities in relation to the avoidance of such catches.*

Amendment 61**Proposal for a regulation****Article 4 — paragraph 2***Text proposed by the Commission**Amendment*

2. *The extent to which these targets have been achieved shall be reviewed as part of the reporting process set out in Article 34.*

2. *The assessment referred to in paragraph 1 shall be undertaken in the context of the reporting process set out in Article 34.*

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Amendment 346
Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Socio-economic objectives

In order to take into account the socio-economic objectives set out in points (c), (f) and (i) of Article 2(5) of Regulation (EU) No 1380/2013, when adopting and implementing technical and conservation measures, Member States shall make extensive use of the measures set out in Articles 38, 39 and 40 of Regulation (EU) No 508/2014.

Amendment 62
Proposal for a regulation
Article 5 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) 'North Sea' means ICES divisions ⁽³⁴⁾ IIa, IIIa and IV;

(a) 'North Sea' means **Union waters in** ICES divisions ⁽³⁴⁾ IIa, IIIa and IV;

⁽³⁴⁾ ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

⁽³⁴⁾ ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

Amendment 63
Proposal for a regulation
Article 5 — paragraph 1 — point c

Text proposed by the Commission

Amendment

(c) 'North Western waters' means **ICES sub-areas V (excluding Va and non-Union waters of Vb)**, VI and VII;

(c) 'North Western waters' means **Union waters in ICES sub-areas V, VI and VII**;

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Amendment 64

Proposal for a regulation

Article 5 — paragraph 1 — point g

Text proposed by the Commission

- (g) '**Outermost Regions**' means waters around **the outermost regions as referred to in the first paragraph of Article 349 of the Treaty divided into three sea basins: West Atlantic, East Atlantic and Indian Ocean;**

Amendment

- (g) '**Union waters in the Indian Ocean and the West Atlantic**' means waters around **Guadeloupe, French Guyana, Martinique, Mayotte, Réunion and Saint Martin under the sovereignty or jurisdiction of a Member State.**

Amendment 65

Proposal for a regulation

Article 6 — paragraph 1 — point 1

Text proposed by the Commission

- (1) 'exploitation pattern' means how fishing **pressure** is distributed across the age profile of a stock;

Amendment

- (1) 'exploitation pattern' means how fishing **mortality** is distributed across the age **and size** profile of a stock;

Amendment 66

Proposal for a regulation

Article 6 — paragraph 1 — point 2

Text proposed by the Commission

- (2) 'selectivity' means **a quantitative expression represented as a probability of capture of a certain size of fish in a certain size of mesh (or hook);**

Amendment

- (2) 'selectivity' means **the** probability of capture of a certain **species or** size of fish **with** certain **gear characteristics;**

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Amendment 67

Proposal for a regulation

Article 6 — paragraph 1 — point 3

Text proposed by the Commission

Amendment

(3) *'selective fishing' means a fishing method's ability to target and capture fish or shellfish by size and species type during the fishing operation allowing non-target species to be avoided or released unharmed;*

deleted

Amendment 68

Proposal for a regulation

Article 6 — paragraph 1 — point 4

Text proposed by the Commission

Amendment

(4) *'directed fishing' means fishing for a defined species or combination of species where the total catch of that/those species makes up more than 50% of the economic value of the catch;*

(4) *'directed fishing' means fishing effort targeted towards a specific species or group of species where the exact composition varies across fisheries and the specific rules governing the minimum technical specifications of mesh sizes and selective devices by fishery is established at regional level;*

Amendment 69

Proposal for a regulation

Article 6 — paragraph 1 — point 5 a (new)

Text proposed by the Commission

Amendment

(5a) *'conservation status of a species' means the conservation status of species as defined in point (i) of Article 1 of Directive 92/43/EEC;*

Amendment 70

Proposal for a regulation

Article 6 — paragraph 1 — point 5 b (new)

Text proposed by the Commission

Amendment

(5b) *'conservation status of a habitat' means the conservation status of a natural habitat as defined in point (e) of Article 1 of Directive 92/43/EEC;*

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Amendment 71

Proposal for a regulation

Article 6 — paragraph 1 — point 7

Text proposed by the Commission

(7) 'sensitive species' means a species whose conservation status, including its habitat, distribution, population size **and** population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

Amendment

(7) 'sensitive species' means a species whose conservation status, including its habitat, distribution, population size **or** population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

Amendment 72

Proposal for a regulation

Article 6 — paragraph 1 — point 8

Text proposed by the Commission

(8) 'small pelagic species' means mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, boarfish;

Amendment

(8) 'small pelagic species' means ***inter alia*** mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, boarfish, ***bogue, Sardinella aurita and Sardinella maderensis***;

Amendment 73

Proposal for a regulation

Article 6 — paragraph 1 — point 9 a (new)

Text proposed by the Commission

Amendment

(9a) '***traditional (subsistence) fisheries with passive fishing gears***' means ***non-commercial fishing activities exploiting marine living aquatic resources on a limited scale at local level, exclusively for personal needs and using only traditional fishing gear and techniques***;

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Amendment 74

Proposal for a regulation

Article 6 — paragraph 1 — point 10

Text proposed by the Commission

- (10) 'Advisory Councils' means stakeholder groups established under **the CFP to promote a balanced representation of all stakeholders and to contribute to the achievement of the objectives of the CFP;**

Amendment

- (10) 'Advisory Councils' means stakeholder groups established under **Article 43 of Regulation (EU) No 1380/2013, conducting their activity according to Article 44 and 45 of and Annex III to that Regulation;**

Amendment 75

Proposal for a regulation

Article 6 — paragraph 1 — point 11

Text proposed by the Commission

- (11) 'trawl' means fishing gear which is actively towed by one or more fishing vessels and **consisting of a net having a cone- or pyramid-shaped body (as trawl body) closed at the back by a codend; 'towed gear' means any trawls, Danish seines and similar gear with a cone- or pyramid shaped body** closed at the back by a bag (codend) **or comprising two long wings, a body and a bag (codend) and which are actively moved in the water;**

Amendment

- (11) 'trawl' means **a** fishing gear **comprising a net** which is actively towed by one or more fishing vessels and closed at the back by a bag (codend);

Amendment 76

Proposal for a regulation

Article 6 — paragraph 1 — point 11 a (new)

Text proposed by the Commission

Amendment

- (11a) **'towed gear' means any trawls, Danish seines and similar gear which are actively moved in the water by one or more vessels or any other mechanical system;**

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Amendment 77

Proposal for a regulation

Article 6 — paragraph 1 — point 12

Text proposed by the Commission

(12) 'demersal trawl' means a trawl designed and rigged to operate on or near the seabed;

Amendment

(12) 'demersal **bottom** trawl' means a trawl designed and rigged to operate on or near the seabed;

Amendment 78

Proposal for a regulation

Article 6 — paragraph 1 — point 13

Text proposed by the Commission

(13) 'demersal pair trawl' means a **demersal** trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;

Amendment

(13) 'demersal pair **bottom** trawl' means a **bottom** trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;

Amendment 79

Proposal for a regulation

Article 6 — paragraph 1 — point 15

Text proposed by the Commission

(15) 'beam trawl' means gear with a trawl net open horizontally by a **steel or wooden tube, the beam, and netting with ground chains, chain mats or tickler chains actively towed on the bottom;**

Amendment

(15) 'beam trawl' means gear with a trawl net open horizontally by a **beam, wings or other similar devices;**

Amendment 80

Proposal for a regulation

Article 6 — paragraph 1 — point 16

Text proposed by the Commission

(16) 'electric pulse trawl' means a **fishing technique** which uses **an electric field to catch fish. The pulse trawl gear consists of a number of electrodes, attached to the gear in the towing direction, that emit short electric pulses;**

Amendment

(16) 'electric pulse trawl' means a **trawl** which uses electric **pulse current to catch marine biological resources;**

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Amendment 81**Proposal for a regulation****Article 6 — paragraph 1 — point 17 a (new)***Text proposed by the Commission**Amendment*

(17a) **'shore seines' means surrounding nets and towed seines set from a boat and towed from the shore or from a boat moored or anchored to the shore;**

Amendment 82**Proposal for a regulation****Article 6 — paragraph 1 — point 20***Text proposed by the Commission**Amendment*

(20) 'static nets' means any type of gillnet, entangling net or trammel net that is **either** anchored to the seabed (gill nets or set nets) **or allowed to drift with the tide (drift nets)** for fish to swim into and become entangled or enmeshed in the netting;

(20) 'static nets' means any type of gillnet, entangling net or trammel net that is anchored to the seabed (gill nets or set nets) for fish to swim into and become entangled or enmeshed in the netting;

Amendment 83**Proposal for a regulation****Article 6 — paragraph 1 — point 21***Text proposed by the Commission**Amendment*

(21) 'driftnet' means a net **made up of one or more walls of netting, hung jointly in parallel on the headline(s)**, held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift **such as a sea-anchor or an anchor on the bottom attached at one single end of the net;**

(21) 'driftnet' means a net held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift;

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Amendment 84

Proposal for a regulation

Article 6 — paragraph 1 — point 22

Text proposed by the Commission

- (22) **'bottom-set** gillnet' means a net made up of a single piece of net and held vertically in the water by floats and weights. **It catches living aquatic resources by enmeshing them and is fixed, or capable of being fixed by any means to the seabed;**

Amendment

- (22) 'gillnet' means a **static** net made up of a single piece of net and held vertically in the water by floats and weights;

Amendment 85

Proposal for a regulation

Article 6 — paragraph 1 — point 23

Text proposed by the Commission

- (23) **'bottom-set** entangling net' means a **single** wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet. **Entangling nets usually have less floatation on the head rope and do not stand as high when fishing, as the average bottom set gill net and are fixed, or capable of being fixed by any means to the seabed;**

Amendment

- (23) 'entangling net' means a **static net consisting of a** wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet;

Amendment 86

Proposal for a regulation

Article 6 — paragraph 1 — point 24

Text proposed by the Commission

- (24) **'bottom-set** trammel net' means a net made up of two or more layers of netting with two outer layers of a large mesh size with a sheet of **fine** small mesh sandwiched between them **and is fixed, or capable of being fixed by any means to the seabed;**

Amendment

- (24) 'trammel net' means a **static** net made up of two or more layers of netting with two outer layers of a large mesh size with a sheet of small mesh sandwiched between them;

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Amendment 87**Proposal for a regulation****Article 6 — paragraph 1 — point 26***Text proposed by the Commission*

(26) 'longline' means a fishing gear consisting of a main line, **sometimes of considerable** length, to which **snoods** with **baited or unbaited** hooks are fixed at **regular** intervals. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;

Amendment

(26) 'longline' means a fishing gear consisting of a main line of **variable** length, to which **branch lines (snoods)** with hooks are fixed at intervals **determined by the target species**. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;

Amendment 88**Proposal for a regulation****Article 6 — paragraph 1 — point 27***Text proposed by the Commission*

(27) 'pots and creels' means traps in the form of cages or baskets **made with various materials** designed to catch crustaceans or fish that are set on the seabed either singly or in rows connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment

(27) 'pots and creels' means traps in the form of cages or baskets designed to catch crustaceans, **molluscs** or fish that are set on the seabed **or suspended on it**, either singly or in rows connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment 89**Proposal for a regulation****Article 6 — paragraph 1 — point 28***Text proposed by the Commission*

(28) 'handline' means **a fishing technique where** a single fishing line **is held in the hands**. One or more lures or baited hooks are attached **to the line**;

Amendment

(28) 'handline' means a single **hand-held** fishing line **to which** one or more lures or baited hooks are attached;

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Amendment 90

Proposal for a regulation

Article 6 — paragraph 1 — point 29

Text proposed by the Commission

(29) 'St Andrews cross' means a grab which **employs** a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

Amendment

(29) 'St Andrews cross' means a grab which **may employ** a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

Amendment 91

Proposal for a regulation

Article 6 — paragraph 1 — point 30

Text proposed by the Commission

(30) 'codend' means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) **of the same mesh size** attached to one another along their sides **in the axis of the trawl by a seam where a side rope may be attached**. For regulatory purposes this shall be taken as the last 50 meshes of the net;

Amendment

(30) 'codend' means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) attached to one another along their sides. For regulatory purposes this shall be taken as the last 50 meshes of the net;

Amendment 92

Proposal for a regulation

Article 6 — paragraph 1 — point 31

Text proposed by the Commission

(31) 'mesh size' means **the mesh size of any codend of a towed gear as measured in accordance with the procedure set out in Commission Regulation (EC) No 517/2008⁽⁴⁰⁾**;

Amendment

(31) 'mesh size' means:

(a) **in knotted nets: the greatest distance between two opposite knots on the same mesh when it is fully extended;**

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Text proposed by the Commission

Amendment

- (b) *in knotless nets: the greatest distance between two opposite corners along the longest axis on the same mesh when it is fully extended;*

⁽⁴⁰⁾ Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets (OJ L 151, 11.6.2008, p. 5).

Amendment 93

Proposal for a regulation

Article 6 — paragraph 1 — point 32

Text proposed by the Commission

Amendment

- (32) 'square mesh' means *the mesh shape originating from mounting netting with 45° deviation from the N-direction such that the bars run parallel and at 90° to the trawl axis;*

- (32) 'square mesh' means *a four-sided mesh consisting of two sets of parallel bars with the same nominal length, where one set is parallel, and the other is at a right angle to the longitudinal axis of the net;*

Amendment 94

Proposal for a regulation

Article 6 — paragraph 1 — point 33

Text proposed by the Commission

Amendment

- (33) 'diamond mesh' means *normal rhomboid shape of meshes in sheet* netting;

- (33) 'diamond mesh' means *four bars of the same length, in which the diagonals of the mesh are perpendicular and one diagonal is parallel to the longitudinal axis of the netting;*

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Amendment 95

Proposal for a regulation

Article 6 — paragraph 1 — point 36

Text proposed by the Commission

(36) 'sieve net' means a device attached to the full circumference of the shrimp trawl near the beam, and tapering to an apex where it is attached to the bottom sheet of the shrimp trawl. An exit hole is cut where the sieve net and codend join, allowing species or individuals too large to pass through the sieve to escape, whereas the shrimp can pass through the sieve and into the codend;

Amendment

deleted

Amendment 96

Proposal for a regulation

Article 6 — paragraph 1 — point 38

Text proposed by the Commission

(38) 'immersion time' means the period from the point of time when **the nets are** first put in the water until the point of time when **the nets are** fully recovered on board the fishing vessel;

Amendment

(38) 'immersion time' means the period from the point of time when **a gear is** first put in the water until the point of time when **it is** fully recovered on board the fishing vessel;

Amendment 97

Proposal for a regulation

Article 6 — paragraph 1 — point 39

Text proposed by the Commission

(39) 'gear monitoring sensors' means remote electronic sensors that **can be placed on trawls or purse seine** to monitor key **performance** parameters such as the distance between trawl doors or **size** of the catch;

Amendment

(39) 'gear monitoring sensors' means remote electronic sensors that **are attached** to monitor key parameters such as the distance between trawl doors or **volume** of the catch;

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Amendment 98**Proposal for a regulation****Article 6 — paragraph 1 — point 39 a (new)***Text proposed by the Commission**Amendment*

(39a) **'weighted line'** means a line of baited hooks with added weight to increase its sinking speed and thereby reduce its time of exposure to seabirds;

Amendment 99**Proposal for a regulation****Article 6 — paragraph 1 — point 40***Text proposed by the Commission**Amendment*

(40) 'acoustic deterrent device' means remote devices **used to make** species such as marine mammals **aware and warn them of the presence of** fishing gears **by emitting acoustic signals**;

(40) 'acoustic deterrent device' means remote devices **that emit acoustic signals to deter** species such as marine mammals **from** fishing gears;

Amendment 100**Proposal for a regulation****Article 6 — paragraph 1 — point 42***Text proposed by the Commission**Amendment*

(42) 'high grading' means the practice of discarding low priced fish that are subject to catch limits, even though they **could** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour.

(42) 'high grading' means the practice of discarding low priced fish that are subject to catch limits, even though they **should** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour;

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Amendment 101**Proposal for a regulation****Article 6 — paragraph 1 — point 43 a (new)**

Text proposed by the Commission

Amendment

(43a) *'significant adverse impacts' means significant adverse impacts as defined in point (c) of Article 2 of Regulation (EC) No 734/2008;*

Amendment 102**Proposal for a regulation****Article 6 — paragraph 1 — point 45 a (new)**

Text proposed by the Commission

Amendment

(45a) *'performance indicators' means a set of parameters aimed at assessing the efficiency of technical measures.*

Amendments 303 and 349**Proposal for a regulation****Article 7 — paragraph 1 — point b**

Text proposed by the Commission

Amendment

(b) electric current *except for the use of the electric pulse trawl as set out in Article 24 and Part E of Annex V;*

(b) electric current;

Amendment 103**Proposal for a regulation****Article 7 — paragraph 1 — point g**

Text proposed by the Commission

Amendment

(g) any type of projectile;

(g) any type of projectile, *with the exception of those used to kill caged or trapped tuna and of handheld spears and spear guns used in recreational fishing without an aqualung, from dawn until dusk;*

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Amendment 296**Proposal for a regulation****Article 7 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

Notwithstanding the provisions of Article 2, this Article shall apply in international waters and the waters of third countries.

Amendment 104**Proposal for a regulation****Article 9 — paragraph 1**

Text proposed by the Commission

Amendment

1. No part of any towed gear shall be **constructed** of a mesh size smaller than the codend mesh size. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors.

1. No part of any towed gear shall be of a mesh size smaller than the codend mesh size. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors ***or to selectivity devices to improve size or species selectivity for marine species.***

Amendment 105**Proposal for a regulation****Article 9 — paragraph 3**

Text proposed by the Commission

Amendment

3. ***It shall be prohibited to construct any codend or attach*** any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear. This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears.

3. ***The use and transport on board fishing vessels of*** any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear ***shall be prohibited.*** This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears, ***or the installation of catch control devices.***

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Amendment 106
Proposal for a regulation
Article 10 — title

Text proposed by the Commission

General restrictions on the use of static nets

Amendment

General restrictions on the use of static nets **and driftnets**

Amendment 107
Proposal for a regulation
Article 10 — paragraph 4 — indent 1

Text proposed by the Commission

— Albacore (*Thunnus alalunga*),

Amendment

(Does not affect English version.)

Amendment 108
Proposal for a regulation
Article 10 — paragraph 5

Text proposed by the Commission

5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than **600** metres.

Amendment

5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than **200** metres.

Amendment 109
Proposal for a regulation
Article 10 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Notwithstanding paragraph 5:

(a) specific derogations as specified in Annex V Part C point 6, Annex VI Part C points 6 and 9 and Annex VII Part C point 4 shall apply where the charted depth is between 200 and 600 metres;

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Text proposed by the Commission

Amendment

(b) *the deployment of bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres shall be allowed in the fishing zone defined in point (e) of Article 5.*

Amendment 272

Proposal for a regulation

Article 10 — paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. *It shall be prohibited to deploy any bottom set gillnet, entangling net or trammel net in sites designated in accordance with Directives 92/43/EEC, 2009/147/EC and 2008/56/EC where this has an adverse effect on the conservation status of the sensitive species and habitats.*

Amendment 111

Proposal for a regulation

Article 11 — paragraph 3

Text proposed by the Commission

Amendment

3. When caught *as bycatches*, species referred to in paragraph 1 *and* 2 shall not be harmed and specimens shall be promptly released back into the sea.

3. When caught *accidentally*, species referred to in paragraph 2 shall not be harmed and specimens shall be promptly released back into the sea.

Amendment 112

Proposal for a regulation

Article 11 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Paragraph 3 shall not apply when the flag Member State has an official programme that addresses the collection and scientific study of specimens of the species listed in Annex I.*

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Amendment 113

Proposal for a regulation

Article 11 — paragraph 4

Text proposed by the Commission

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary through the addition of new species which require protection, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Amendment

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary through the addition of new species which require protection **or the deletion of species which no longer need to remain on the list**, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Amendment 114

Proposal for a regulation

Article 11 — paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to paragraph 4 of this Article **shall aim at achieving the target set out** in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article **should be preceded by an assessment of the performance indicators set out** in Article 4(1)(b).

Amendment 115

Proposal for a regulation

Article 12 — title

Text proposed by the Commission

Bycatches of marine mammals, seabirds and marine reptiles

Amendment

Catches of marine mammals, seabirds and marine reptiles

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Amendment 116
Proposal for a regulation
Article 12 — paragraph 2

Text proposed by the Commission

2. When caught **as bycatch**, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.

Amendment

2. When caught **accidentally**, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released. **Fishing vessel operators shall record and transmit to the relevant authorities information on those incidental catches, in accordance with Regulation (EU) 2017/1004 of the European Parliament and of the Council ^(1a).**

^(1a) **Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).**

Amendment 117
Proposal for a regulation
Article 12 — paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught **as bycatch**, shall be **authorised** as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned **have been** fully informed in advance.

Amendment

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught **accidentally**, shall be **permitted** as far as this activity is necessary to secure assistance for the recovery of the individual animals. **The retention on board, transshipment or landing of specimens of marine species shall be permitted where the specimen is dead** and provided that **it can be used for scientific purposes**. The competent national authorities concerned **shall be** fully informed in advance.

Amendment 118
Proposal for a regulation
Article 12 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraphs 1 and 2 shall not apply when the flag Member State has an official programme that addresses the collection and scientific study of specimens of seabirds, reptiles or marine mammals.

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Amendment 119
Proposal for a regulation
Article 12 — paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to **in** paragraph 4 of this Article shall aim at achieving the **target** set out in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the **objectives of this Regulation in relation to the performance indicators** set out in Article 4(1)(b).

Amendment 120
Proposal for a regulation
Article 12 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall monitor the effectiveness of measures adopted under this Article on minimising incidental catches and report to the Commission on progress by ... [two years after the date of entry into force of this Regulation] and every three years thereafter.

Amendment 121
Proposal for a regulation
Article 13 — paragraph 1

Text proposed by the Commission

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.

Amendment

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex. **Appropriate assessment shall be carried out by Member States when fishing gears are deployed in special areas of conservation under Directive 92/43/EEC and special protection areas under Directive 2009/147/EC.**

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Amendment 122**Proposal for a regulation****Article 13 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The deliberate disturbance, deterioration or destruction of sensitive habitats and of breeding sites or resting places of sensitive species shall be prohibited.

Amendment 123**Proposal for a regulation****Article 13 — paragraph 2**

Text proposed by the Commission

Amendment

2. Where the best available scientific advice recommends an amendment of the list of areas in Annex II, **including the addition of new areas**, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) 1380/2013. When **adopting** such amendments, the Commission shall give particular attention to the mitigation of negative effects of the displacement of fishing activity to other **sensitive** areas.

2. Where the best available scientific advice recommends an **urgent** amendment of the list of areas in Annex II, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) **No** 1380/2013. When **presenting a proposal with** such amendments, the Commission shall **provide a full map of the vulnerable area** and give particular attention to the mitigation of negative **social, economic and environmental** effects of the displacement of fishing activity to other areas.

Amendment 124**Proposal for a regulation****Article 13 — paragraph 3**

Text proposed by the Commission

Amendment

3. Where **such habitats occur** in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to establish closed areas or other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as measures under Union law.

3. Where **the areas referred to in Annex II are** in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to establish closed areas or other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) **No** 1380/2013 and be at least as stringent as measures under Union law.

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Amendment 125

Proposal for a regulation

Article 13 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall adopt measures to protect areas where vulnerable marine ecosystems as defined in point (b) of Article 2 of Regulation (EC) No 734/2008 occur or are likely to occur in waters falling under their sovereignty or jurisdictions and close those areas to bottom fishing activities unless the best available scientific advice demonstrates that such activities do not have significant adverse impacts on those ecosystems. Such measures shall be consistent with the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, and shall as a minimum be equivalent in terms of level of protection provided for vulnerable marine ecosystems under Regulation (EC) No 734/2008.

Amendment 126

Proposal for a regulation

Article 14 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) ensuring the protection of juveniles of marine species pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

(a) ensuring the protection of juveniles of marine species **so that the majority of the fish caught have reached spawning age before being caught** and pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

Amendment 127

Proposal for a regulation

Article 14 — paragraph 1 — point a a (new)

Text proposed by the Commission

Amendment

(aa) **prohibiting the placing on the market for human consumption of juveniles of marine species pursuant to point (b) of Article 2(5) and Article 15(11) of Regulation (EU) No 1380/2013;**

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Amendment 128
Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Imported fisheries products intended for human consumption

Imported fisheries products intended for human consumption that have been caught outside Union waters in the areas, subareas and divisions referred to in Article 5 shall comply with the minimum conservation reference sizes laid down in the Annexes to this Regulation.

Amendment 129
Proposal for a regulation
Article 15 — paragraph 1

Text proposed by the Commission

Member States shall have in place measures to facilitate the storage of or find outlets for catches below minimum conservation reference sizes landed in accordance with Article 15 (1) of Regulation (EU) No 1380/2013. Those measures **may** include support for investment in the construction and adaptation of landing sites and shelters, **or** support for investments to add value to fishery products.

Amendment

Member States shall have in place **adequate** measures to facilitate the storage of or find outlets for catches below minimum conservation reference sizes landed in accordance with Article 15 (1) of Regulation (EU) No 1380/2013. Those measures **shall** include support for investment in the construction and adaptation of landing sites and shelters, **as well as** support for investments to add value to fishery products.

Amendment 130
Proposal for a regulation
Article 16 — paragraph 1

Text proposed by the Commission

1. The **practices** of high grading **and slipping** shall be prohibited.

Amendment

1. The **practice** of high grading shall be prohibited.

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Amendment 131

Proposal for a regulation

Article 16 — paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment

2. Paragraph 1 shall not apply to **fishing activities in the Mediterranean Sea or** catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment 132

Proposal for a regulation

Article 17 — title

Text proposed by the Commission

Species not subject to catch limits

Amendment

Pilot projects for the avoidance of unwanted catches

Amendment 133

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission

1. Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches **of the species not subject to catch limits**. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.

Amendment

1. Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.

Tuesday 16 January 2018

Amendment 134**Proposal for a regulation****Article 17 — paragraph 2***Text proposed by the Commission*

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches of species which are not subject to catch limits are significant, Member States **may** establish technical measures to reduce those unwanted catches in accordance with the procedure set out in Article 19 of Regulation (EU) 1380/2013. **Those technical measures shall apply solely to fishing vessels flying the flag of that Member State.**

Amendment

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches of species which are not subject to catch limits are significant, Member States **shall** establish technical measures to **avoid or as far as possible** reduce those unwanted catches in accordance with the procedure set out in Article 19 of Regulation (EU) No 1380/2013 **or in Article 18 of this Regulation.**

Amendment 135**Proposal for a regulation****Article 17 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. In cases where other Member States wish to establish similar technical measures, a joint recommendation may be submitted in accordance with Article 18.

Amendment 137**Proposal for a regulation****Article 17 a (new)***Text proposed by the Commission**Amendment***Article 17a****Documentation**

In accordance with Article 49 of Regulation (EC) No 1224/2009, Member States may introduce electronic monitoring arrangements in order to document catches, discards and fishing activity.

Tuesday 16 January 2018

Amendment 138
Proposal for a regulation
Chapter 2 — section 5 a (new)

Text proposed by the Commission

Amendment

SECTION 5a

ADAPTATION OF FISHING VESSELS

Article 17b

Adaptation of tonnage

On new and existing fishing vessels, increases in the tonnage of the vessel intended to improve safety on board, working conditions and the hygiene and quality of products, as well as increases in the tonnage of the vessel intended to store unwanted catches subject to the landing obligation in accordance with Article 15 of Regulation (EU) No 1380/2013 shall be authorised, provided that they do not result in an increase in the vessel's catch potential. The corresponding volumes shall not be taken into account for the purpose of assessing fishing capacity in the light of the ceilings imposed in Annex II to Regulation (EU) No 1380/2013 or in the entry/exit schemes referred to in Article 23 of that Regulation.

Amendment 139
Proposal for a regulation
Article 18 — title

Text proposed by the Commission

Amendment

Guiding principles

Regional technical measures

Amendment 140
Proposal for a regulation
Article 18 — paragraph 1 — point g

(g) in Annex XI for the **Outermost Regions**.

(g) in Annex XI for the **Union waters in the Indian Ocean and the West Atlantic**.

Tuesday 16 January 2018

Amendment 141**Proposal for a regulation****Article 18 — paragraph 1 — subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

However, the provisions on mesh sizes set out in Part B of Annexes V to XI shall only apply in so far as, by ... [18 months after the date of entry into force of this Regulation], no delegated act has been adopted pursuant to paragraph 2 of this Article covering the same subject-matter for the fisheries concerned. In the event that Part B of an Annex to this Regulation becomes applicable, the Commission shall, notwithstanding point 4 of Article 6(1), by the same date adopt a delegated act in accordance with Article 32 supplementing this Regulation by providing a definition of 'directed fishing' for the purpose of applying Part B in the relevant fishing zone and to the fisheries concerned.

Until the date of expiry of the deadline set out in the second subparagraph of this paragraph or until the date of adoption of the delegated act referred to in that subparagraph, whichever is earlier, the provisions applicable to mesh sizes on ... [the day before the date of entry into force of this Regulation ()] shall continue to apply in respect of the fishing areas concerned.*

() If this approach is accepted, Articles 35-41 are to be adapted in the course of the negotiations with Council, after having identified the measures that will remain applicable after the date indicated here.*

Amendment 142**Proposal for a regulation****Article 18 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. *Where appropriate in order to achieve the objectives of the CFP and to take into account the specificities of a region, technical measures that deviate from the measures referred to in paragraph 1 of this Article may be adopted in the context of a multiannual plan referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013.*

Tuesday 16 January 2018

Amendment 143

Proposal for a regulation

Article 18 — paragraph 2

Text proposed by the Commission

2. In accordance with **the procedure set out in** Article 18 of Regulation (EU) No 1380/2013 **Member States may submit joint recommendations** defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1.

Amendment

2. **Where no multiannual plan is in place for the fisheries in question or where the relevant multiannual plan does not establish technical measures or a procedure for the adoption of such technical measures, the Commission is empowered to adopt delegated acts** in accordance with **Article 32 of this Regulation and** Article 18 of Regulation (EU) No 1380/2013 **supplementing this Regulation by** defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1, **in particular by establishing mesh sizes to be applied at regional level. For the purpose of adopting such delegated acts, Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation]. The Commission shall make those joint recommendations public immediately after their submission by the Member States and shall make public any scientific assessment carried out to ensure their compliance with Article 18(5) of Regulation (EU) No 1380/2013.**

Amendment 144

Proposal for a regulation

Article 18 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. **The measures adopted pursuant to paragraphs 1a and 2 shall:**

- (a) **aim at achieving the objectives set out in Article 3 of this Regulation, taking particular account of the performance indicators set out in Article 4 hereof;**
- (b) **be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;**
- (c) **provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, including through the allocation of fishing opportunities; and**
- (d) **be at least equivalent to the measures referred to in paragraph 1 or, in the case of rules on mesh sizes, to the measures applicable on... [the day before the date of entry into force of this Regulation] in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.**

Tuesday 16 January 2018

Amendment 145**Proposal for a regulation****Article 18 — paragraph 3***Text proposed by the Commission*

3. **Technical measures recommended** in accordance with paragraph 2 shall **as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1.**

Amendment

3. In accordance with **Article 18(5) of Regulation (EU) No 1380/2013, Member States shall base the joint recommendations referred to in paragraph 2 of this Article on the best available scientific advice. That scientific advice shall take into account the impact of such measures on the targeted species and sensitive species and habitats, demonstrating the benefits for the conservation of the marine ecosystem.**

Amendment 146**Proposal for a regulation****Article 18 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. Notwithstanding Article 18(1), (3) and (6) of Regulation (EU) No 1380/2013, the Commission may adopt such delegated acts also in the absence of a joint recommendation referred to in these paragraphs.

Amendment 147**Proposal for a regulation****Article 19***Text proposed by the Commission**Amendment***Article 19****deleted****Regional measures under multiannual plans**

1. **The Commission shall be empowered to establish technical measures at regional level with the aim of achieving objectives of multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013. Such measures shall be established by means of delegated acts adopted in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013.**

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Text proposed by the Commission

Amendment

2. *Measures established in accordance with paragraph 1 may:*

- (a) *amend or supplement the measures set out in Annexes V to XI;*
- (b) *derogate from the measures set out in Annexes V to XI for a specific area or time period, provided it can be demonstrated that those measures have no conservation benefit in that area or period or that the alternative measures achieve the same objectives.*

3. *A multiannual plan may define the kind of technical measures that may be adopted pursuant to paragraphs 1 and 2 for the relevant region.*

4. *The measures adopted pursuant to paragraphs 1 and 2 shall*

- (a) *aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;*
- (b) *be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; and*
- (c) *provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact through the allocation of fishing opportunities.*

5. *Where Member States submit joint recommendations for the establishment of technical measures as referred to in paragraph 1, they shall provide scientific evidence to support the adoption of those measures.*

6. *The Commission may require the STECF to assess the joint recommendations referred to in paragraph 5.*

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Amendment 148**Proposal for a regulation****Article 20 — paragraph 1 — introductory part**

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article **19** to define size selective and species selective gears, they shall provide evidence demonstrating that those gears meet at least one of the following criteria:

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to define size selective and species selective gears, they shall provide evidence demonstrating that those gears meet at least one of the following criteria:

Amendment 149**Proposal for a regulation****Article 21 — paragraph 1 — introductory part**

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article **19** to amend the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI **or** establish new closed or restricted areas they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:

Amendment

When Member States submit joint recommendations in accordance with Article **18** to amend the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI, establish new closed or restricted areas, **or do away with them**, they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:

Amendment 150**Proposal for a regulation****Article 21 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

If Member States do not adopt joint recommendations, the Commission may adopt delegated acts in accordance with Article 32 establishing closed or restricted areas on the basis of the best available scientific advice.

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Amendment 151

Proposal for a regulation

Article 22 — paragraph 1

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article 19 to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species.

Amendment

1. When Member States submit joint recommendations in accordance with Article 18 to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species. **Joint recommendations shall be based on the best available scientific evidence and shall take into account biological grounds, in particular the maturity size of the species. Joint recommendations shall not jeopardise the control and enforcement provisions relating to the landing and marketing of fishery products.**

Amendment 152

Proposal for a regulation

Article 23 — paragraph 1 — introductory part

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article 19 to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species, they shall include the following elements:

Amendment

When Member States submit joint recommendations in accordance with Article 18 to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species **or sensitive species**, they shall include the following elements:

Amendment 153

Proposal for a regulation

Article 23 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

- 1a. In the event that the vessels of only one Member State are affected by the real-time closures or the displacements, measures based on the best available scientific advice shall be adopted to reduce the impact on the affected vessels.**

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Amendments 304 and 154**Proposal for a regulation****Article 24 — paragraph 1***Text proposed by the Commission*

1. When Member States submit joint recommendations in accordance with Article **19** to allow for the use or extend the use of innovative fishing gears **including the pulse trawl as described in Part E of Annex V** within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats.

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to allow for the use or extend the use of innovative fishing gears within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats.

Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to no more than 5 % of the vessels currently in that metier for a period of at least four years.

Amendment 155**Proposal for a regulation****Article 24 — paragraph 3***Text proposed by the Commission*

3. The use of innovative fishing gears shall **not** be permitted where **those assessments indicate that** their use will lead to negative impacts on sensitive habitats **and** non-target species.

Amendment

3. The use of innovative fishing gears shall **only** be permitted **on a commercial scale** where **the assessment referred to in paragraph 1 indicates that in comparison with existing regulated fishing gear and techniques**, their use will **not** lead to **direct or cumulative** negative impacts on **marine habitats**, **including** sensitive habitats **or** non-target species.

Amendment 156**Proposal for a regulation****Article 25 — paragraph 1 — indent 2 a (new)***Text proposed by the Commission**Amendment*

— **provide information on the effectiveness of existing mitigation measures and monitoring arrangements;**

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Amendment 158
Proposal for a regulation
Article 25 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the fishermen directly concerned by these measures are appropriately consulted.

Amendment 159
Proposal for a regulation
Article 26 — paragraph 1 — point d a (new)

Text proposed by the Commission

Amendment

(da) derogations adopted on the basis of Article 15(4) of Regulation (EU) No 1380/2013;

Amendment 160
Proposal for a regulation
Article 26 — paragraph 2

Text proposed by the Commission

Amendment

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species.

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species. ***They shall be at least as stringent as technical measures applicable under Union law.***

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Amendment 161
Proposal for a regulation
Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Pilot projects on full documentation of catches and discards

1. *The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013, supplementing this Regulation by defining pilot projects that develop a system of full documentation of catches and discards based on measurable targets and objectives, for the purpose of a results-based management of fisheries.*
2. *The pilot projects referred to in paragraph 1 of this Article may derogate from the measures set out in Part B of Annexes V to XI for a specific area and for a maximum period of one year, provided that it can be demonstrated that such pilot projects aim at achieving the objectives set out in Article 3 and complying with the performance indicators set out in Article 4 and, in particular, aim at improving the selectivity of the fishing gear or practice concerned or otherwise reduce its environmental impact. That one-year period may be extended by one more year under the same conditions. It shall be limited to no more than 5 % of the vessels in that metier per Member State.*
3. *Where Member States submit joint recommendations for the establishment of pilot projects as referred to in paragraph 1, they shall provide scientific evidence to support their adoption. STECF shall assess those joint recommendations and shall make that assessment public. Within six months of the conclusion of the project, the Member States shall submit a report to the Commission outlining the results, including a detailed assessment of the changes in selectivity and other environmental impacts.*
4. *STECF shall assess the report referred to in paragraph 3. Where STECF concludes that the new gear or practice successfully achieves the objectives set out in paragraph 2, the Commission may submit a proposal in accordance with the TFEU to allow for the generalised use of that gear or practice. The STECF assessment shall be made public.*
5. *The Commission shall adopt delegated acts in accordance with Article 32 supplementing this Regulation by defining the technical specifications of a system for the full documentation of catches and discards referred to in paragraph 1.*

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Amendment 162
Proposal for a regulation
Chapter IV

Text proposed by the Commission

Amendment

CHAPTER IV

deleted

REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

Article 28

North East Atlantic Fisheries Commission (NEAFC)

The Commission shall be empowered to adopt delegated acts in accordance with Article 32 in order to

- (a) *transpose into Union law certain technical measures agreed by the North East Atlantic Fisheries Commission (NEAFC), including lists of vulnerable marine ecosystems and specific technical measures related to fisheries for blue ling and redfish defined in NEAFC Recommendations 05:2013, 19:2014, 01:2015, 02:2015; and*
- (b) *adopt other technical measures supplementing or amending certain non-essential elements of legislative acts which transpose NEAFC recommendations.*

Amendment 163

Proposal for a regulation

Article 29 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted **solely for the purpose** of scientific investigations subject to the following conditions:

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted **in the context** of scientific investigations subject to the following conditions:

Amendment 164

Proposal for a regulation

Article 29 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) they are sold for purposes other than direct human consumption.

(b) **in the case of fish below the minimum conservation reference size**, they are sold for purposes other than direct human consumption.

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Amendment 165
Proposal for a regulation
Article 30 — title

Text proposed by the Commission

Artificial restocking and transplantation

Amendment

Direct restocking and transplantation

Amendment 166
Proposal for a regulation
Article 30 — paragraph 1

Text proposed by the Commission

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of **artificial** restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.

Amendment

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of **direct** restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.

Amendment 167
Proposal for a regulation
Article 30 — paragraph 2

Text proposed by the Commission

2. Where the **artificial** restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least one month in advance of the intention to conduct such fishing operations.

Amendment

2. Where the **direct** restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least one month in advance of the intention to conduct such fishing operations.

Amendment 168
Proposal for a regulation
Article 31 — paragraph 1

Text proposed by the Commission

1. Where available scientific advice indicates that immediate action is required to protect marine species, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods.

Amendment

1. Where available scientific advice indicates that immediate action is required to protect marine species **or marine habitats**, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods, **or any other conservation measure needed**.

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Amendment 273

Proposal for a regulation

Article 31 — paragraph 2 — point b a (new)

Text proposed by the Commission

Amendment

(ba) provide protection for sensitive species and habitats, where there is evidence of a serious threat to their conservation.

Amendment 169

Proposal for a regulation

Article 31 — paragraph 3

Text proposed by the Commission

Amendment

3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than **three** years without prejudice to paragraph 6 of Article 32.

3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than **two** years without prejudice to paragraph 6 of Article 32.

Amendment 170

Proposal for a regulation

Article 34 — paragraph 1

Text proposed by the Commission

Amendment

1. By **the end of 2020** and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives **set out** in Article 3 **and in reaching the targets** set out in Article 4.

1. By ... [**three years after the date of entry into force of this Regulation**] and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives **referred to** in Article 3 **on the basis of the performance indicators** set out in article 4.

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Amendment 171**Proposal for a regulation****Article 34 — paragraph 2***Text proposed by the Commission*

2. On the basis of that report, where at regional level there is evidence that the objectives **and targets** have not been met, within **six** months after the submission of the report **as** referred to in paragraph 1 Member States within that region shall submit a plan setting out the corrective actions to be taken to ensure **those** objectives **and targets** can be met.

Amendment

2. On the basis of that report, where at regional level there is evidence that the objectives have not been met **or the specific levels of catches below minimum conservation size for key fisheries as referred to in point (a) of Article 4(1) have been exceeded**, within **twelve** months after the submission of the report referred to in paragraph 1 Member States within that region shall submit a plan setting out the corrective actions to be taken to ensure **the** objectives **set out in Article 3** can be met **and catches of marine species below minimum conservation reference sizes can be reduced to the levels referred to in point (a) of Article 4(1)**.

Amendment 172**Proposal for a regulation****Article 34 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. The Commission shall assist Member States in establishing a national action plan in order to address identified difficulties in implementing new technical measures to achieve the requirements set out in Article 4. Member States shall take all measures necessary to implement that action plan.

Amendment 173**Proposal for a regulation****Article 34 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. Where the report shows that a Member State has failed to comply with its obligations regarding control and data collection, the Commission may interrupt or suspend the EMFF funding for that Member State, in accordance with Articles 100 and 101 of Regulation (EU) No 508/2014.

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Amendment 174
Proposal for a regulation
Article 35 — paragraph 1 — point a

Text proposed by the Commission

(a) Articles 3, 8, 9, 10, 11, 12, 14, 15, 16 and 25 are deleted;

Amendment

(a) Articles 3, 8, 9, 10, 11, 12, **the second subparagraph of Article 13(3), and Articles 14, 15, 16 and 25** are deleted;

Amendment 175
Proposal for a regulation
Article 36

Text proposed by the Commission

Article 36

Amendment

deleted

Amendments to Regulation (EC) No 1098/2007

In Regulation (EC) No 1098/2007, Articles 8 and 9 are deleted.

Amendment 176
Proposal for a regulation
Article 37 — paragraph 1 — point b
 Regulation (EC) No 1224/2009
Article 54 c — paragraph 2 — point a

Text proposed by the Commission

(a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than **80** mm or one or more purse seines or similar fishing gears; or

Amendment

(a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than **70** mm or one or more purse seines or similar fishing gears; or

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Amendment 177**Proposal for a regulation****Article 37 — paragraph 1 — point b**

Regulation (EC) No 1224/2009

Article 54 c — paragraph 2 — point b — indent 2

Text proposed by the Commission

the graded fish are frozen **immediately** after grading and no graded fish are returned to the sea; and

Amendment

the graded fish are frozen after grading and no graded fish are returned to the sea; and

Amendment 178**Proposal for a regulation****Article 37 — paragraph 1 — point b**

Regulation (EC) No 1224/2009

Article 54 c — paragraph 2 — point b — indent 3

Text proposed by the Commission

(the equipment is installed and located on the vessel in such a way as to ensure **immediate** freezing and not to allow the return of marine species to the sea.

Amendment

the equipment is installed and located on the vessel in such a way as to ensure freezing and not to allow the return of marine species to the sea.

Amendment 179**Proposal for a regulation****Article 37 — paragraph 1 — point b**

Regulation (EC) No 1224/2009

Article 54 c — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The competent authority of the flag State shall certify the freezer trawler plans to ensure that they are in accordance with the applicable rules.

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Amendment 180
Proposal for a regulation
Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

Amendment to Regulation (EU) No 1343/2011

Article 26 of Regulation (EC) No 1343/2011, is amended as follows:

(1) the following point is added:

‘(h) technical measures in Articles 4, 10, 12, 15, 15a, 16, 16b, 16c, 16d, 16f, 16 g, 16h, 16i, 16j and 16k.;

(2) the following paragraph is added:

‘The Commission shall also be empowered to adopt delegated acts, in accordance with Article 27, in order to transpose into Union law other technical measures established by the GFCM that become obligatory for the Union and to supplement or amend certain non-essential elements of legislative acts which transpose GFCM recommendations on technical measures.’

Amendment 181

Proposal for a regulation
Article 40 — paragraph 1

Text proposed by the Commission

Amendment

Regulations (EC) No 894/97, (EC) No 850/98, ((EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 are repealed.

Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 **as well as Commission Regulation (EC) No 494/2002 ^(1a)** are repealed.

^(1a) **Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ L 77, 20.3.2002, p. 8).**

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Amendment 182
Proposal for a regulation
Annex I — point n a (new)

Text proposed by the Commission

Amendment

(na) houting (*Coregonus oxyrhynchus*) in ICES sub-area IVb (Union waters);

Amendment 183
Proposal for a regulation
Annex I — point n b (new)

Text proposed by the Commission

Amendment

(nb) the Adriatic sturgeon (*Acipenser naccarii*) and common sturgeon (*Acipenser sturio*) in Union waters;

Amendment 184
Proposal for a regulation
Annex I — point o

Text proposed by the Commission

Amendment

(o) berried female crawfish (*Palinuridae* spp.) and berried female lobster (*Homarus gammarus*) in all Union waters except when used for direct restocking or transplantation purposes;

(Does not affect the English version.)

Amendment 185
Proposal for a regulation
Annex I — point p

Text proposed by the Commission

Amendment

(p) date shell (*Lithophaga lithophaga*) and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean.

(p) date shell (*Lithophaga lithophaga*), **fan mussel (*Pinna nobilis*)** and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean;

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Amendment 186
Proposal for a regulation
Annex I — point p a (new)

Text proposed by the Commission

Amendment

(pa) hatpin urchin (Centrostephanus longispinus).

Amendment 187
Proposal for a regulation
Annex IV — point 5 a (new)

Text proposed by the Commission

Amendment

5a. The size of a spinous spider crab shall be measured, as shown in Figure 5a, as the length of the carapace, along the mid-line, from the edge of the carapace, between the rostrums to the posterior edge of the carapace.

Amendment 188
Proposal for a regulation
Annex IV — point 5 b (new)

Text proposed by the Commission

Amendment

5b. The size of an edible crab shall be measured, as shown in Figure 5b, as the maximum width of the carapace measured perpendicular to the anteroposterior midline of the carapace.

Amendment 189
Proposal for a regulation
Annex IV — point 5 c (new)

Text proposed by the Commission

Amendment

5c. The size of a whelk shall be measured, as shown in Figure 5c, as the length of the shell.

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Amendment 190**Proposal for a regulation****Annex IV — point 5 d (new)**

Text proposed by the Commission

Amendment

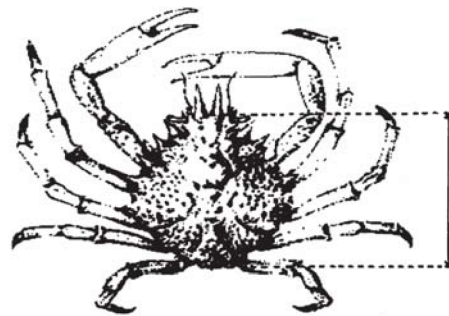
5d. *The size of any swordfish shall be measured, as shown in Figure 5d, as the length from the fork of the caudal fin to the tip of the lower jaw.*

Amendment 191**Proposal for a regulation****Annex IV — Figure 5 a (new)**

Text proposed by the Commission

Amendment

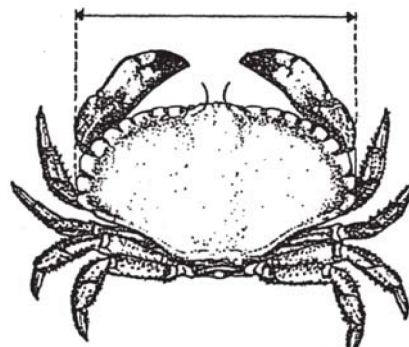
Figure 5a Spinous spider crab (*Maia squinada*)

**Amendment 192****Proposal for a regulation****Annex IV — Figure 5 b (new)**

Text proposed by the Commission

Amendment

Figure 5b Edible crab (*Cancer pagarus*)



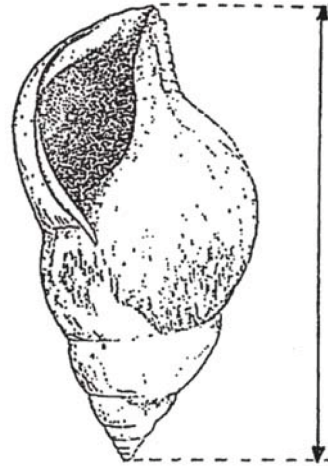
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Amendment 193
Proposal for a regulation
Annex IV — Figure 5 c (new)

Text proposed by the Commission

Amendment

Figure 5c Whelk (*Buccinum spp*)



Amendment 194
Proposal for a regulation
Annex IV — Figure 5 d (new)

Text proposed by the Commission

Amendment

Figure 5d Swordfish (*Xiphias gladius*)



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Amendment 195**Proposal for a regulation****Annex V — Part A — table 1 — row 14***Text proposed by the Commission*Mackerel (*Scomber* spp.) 20 cm*Amendment*Mackerel (*Scomber* spp.) 30 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 196**Proposal for a regulation****Annex V — Part A — table 1 — row 15***Text proposed by the Commission*Herring (*Clupea harengus*) 20 cm*Amendment*Herring (*Clupea harengus*) 20 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 197**Proposal for a regulation****Annex V — Part A — table 1 — row 16***Text proposed by the Commission*Horse mackerel (*Trachurus* spp.) 15 cm

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Amendment

Horse mackerel (*Trachurus* spp.)

15 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 198

Proposal for a regulation

Annex V — Part A — table 1 — row 17

Text proposed by the Commission

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo

Amendment

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

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Amendment 199**Proposal for a regulation****Annex V — Part A — table 1 — row 19***Text proposed by the Commission*Sardine (*Sardina pilchardus*) 11 cm*Amendment*Sardine (*Sardina pilchardus*) 11 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 200**Proposal for a regulation****Annex V — Part A — table 1 — row 20***Text proposed by the Commission*Lobster (*Homarus gammarus*) 87 mm*Amendment*Lobster (*Homarus gammarus*) 87 mm (*carapace length*)**Amendment 201****Proposal for a regulation****Annex V — Part A — table 1 — row 34***Text proposed by the Commission*Crawfish (*Palinurus* spp.) 95 mm*Amendment*Crawfish (*Palinurus* spp.) 95 mm (*carapace length*)

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Amendment 202**Proposal for a regulation****Annex V — Part A — table 2 — row 13***Text proposed by the Commission*Norway lobster (*Nephrops norvegicus*)

Total length 105mm

Carapace length 32mm

*Amendment*Norway lobster (*Nephrops norvegicus*)

Total length 105mm

Carapace length 32mm

Norway lobster tails 59 mm**Amendment 203****Proposal for a regulation****Annex V — Part A — table 2 — row 14***Text proposed by the Commission*Mackerel (*Scomber* spp.)

20 cm

*Amendment*Mackerel (*Scomber* spp.)20 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

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Amendment 204**Proposal for a regulation****Annex V — Part A — table 2 — row 15**

Text proposed by the Commission

Herring (*Clupea harengus*) 18 cm

Amendment

Herring (*Clupea harengus*) 18 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 205**Proposal for a regulation****Annex V — Part A — table 2 — row 16**

Text proposed by the Commission

Horse mackerel (*Trachurus* spp.) 15 cm

Amendment

Horse mackerel (*Trachurus* spp.) 15 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

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Amendment 206**Proposal for a regulation****Annex V — Part B — paragraph 1 — table — row 2 b (new)***Text proposed by the Commission**Amendment***At least 90 mm****Skagerrak and Kattegat**

A panel with a mesh size of at least 270 mm (diamond mesh) or of 140mm^(1a) (square mesh) shall be fitted.

^(1a) **In the Kattegat subdivision, a square mesh panel of 120 mm shall be fitted (on the trawl between 1 October and 31 December and on the purse seine between 1 August and 31 October).**

Amendments 305 and 355**Proposal for a regulation****Annex V — Part B — paragraph 1 — table –row 4***Text proposed by the Commission*

At least 80mm

ICES Division IVb south of 54° 30'N and ICES Division IVc

Directed fishing for sole with beam trawls **or [Pulse Trawls]**. A panel with a mesh size of at least 180mm fitted in the upper half of the anterior part of the net.

Amendment

At least 80mm

ICES Division IVb south of 54° 30'N and ICES Division IVc

Directed fishing for sole with beam trawls. A panel with a mesh size of at least 180mm fitted in the upper half of the anterior part of the net.

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Amendment 208**Proposal for a regulation****Annex V — Part B — paragraph 1 — table — row 4 b (new)***Text proposed by the Commission**Amendment***At least 40mm****Whole area*****Directed fishing for squid (85 % of catches) (Lolignidae, Ommastrephidae).*****Amendment 209****Proposal for a regulation****Annex V — Part B — paragraph 1 — table — row 6***Text proposed by the Commission*

At least 16mm

Whole area

Directed fishing for small pelagic species.

Directed fishing for Norway pout. A sorting grid with a maximum bar spacing of **22** mm in the Norway Pout fishery shall be fitted.Directed fishing for ***Crangon crangon***. ***A sorting grid, sieve net or equivalent selectivity device*** shall be fitted.*Amendment*

At least 16mm

Whole area

Directed fishing for small pelagic species (***80 % of catches***).Directed fishing for Norway pout (***50 % of catches***). A sorting grid with a maximum bar spacing of **35** mm in the Norway Pout fishery shall be fitted.Directed fishing for ***common shrimp and Aesop shrimp (90 % of catches)***. ***A selective net or a sorting grid*** shall be fitted ***in accordance with nationally agreed standards***.

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Amendment 210
Proposal for a regulation
Annex V — Part B — paragraph 2 — title

Text proposed by the Commission

2. Baseline mesh sizes for static nets

Amendment

2. Baseline mesh sizes for static nets **and driftnets**

Amendment 211
Proposal for a regulation
Annex V — Part B — paragraph 2 — introductory part

Text proposed by the Commission

The following mesh sizes for static nets shall apply in the North Sea and Skagerrak/Kattegat.

Amendment

The following mesh sizes for static nets **and driftnets** shall apply in the North Sea and Skagerrak/Kattegat.

Amendment 212
Proposal for a regulation
Annex V — Part C — paragraph 1 — point 1.1

Text proposed by the Commission

1.1 Fishing for sandeels with any towed gear with a codend mesh size less than **80 mm or any static net with a mesh size of less than 100 mm** shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Amendment

1.1 Fishing for sand eels with any towed gear with a codend mesh size less than **32 mm** shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

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Amendment 213**Proposal for a regulation****Annex V — Part C — paragraph 2 — point 2.2 — indent 1***Text proposed by the Commission*

— vessels whose engine power does not exceed 221kW using **demersal** trawls or Danish seines;

Amendment

— vessels whose engine power does not exceed 221 kW using **bottom** trawls or Danish seines;

Amendment 214**Proposal for a regulation****Annex V — Part C — paragraph 2 — point 2.2 — indent 2***Text proposed by the Commission*

— paired vessels whose combined engine power does not exceed 221kW at any time using **demersal** pair trawls;

Amendment

— paired vessels whose combined engine power does not exceed 221 kW at any time using pair **bottom** trawls;

Amendment 215**Proposal for a regulation****Annex V — Part C — paragraph 2 — point 2.2 — indent 3***Text proposed by the Commission*

— vessels whose engine power exceeds 221kW shall be permitted to use demersal trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use **demersal** pair trawls provided that such vessels do not engage in directed fishing for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

Amendment

— vessels whose engine power exceeds 221 kW shall be permitted to use demersal trawls or Danish seine, and paired vessels whose combined engine power exceeds 221 kW shall be permitted to use pair **bottom** trawls provided that such vessels do not engage in directed fishing for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

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Amendment 216

Proposal for a regulation

Annex V — Part C — paragraph 6 — point 6.2

Text proposed by the Commission

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EC) No 2347/2002 ⁽¹⁾ in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 **tonne** then those vessels may no longer avail of the derogations set out in point 6.1.

⁽¹⁾ Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).

Amendment

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EU) 2016/2336 of the European Parliament and of the Council ⁽¹⁾ in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks **for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits** shall be retained on board. Such catches shall be landed and counted against quotas. **In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.** Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 **tonnes** then those vessels may no longer avail of the derogations set out in point 6.1.

⁽¹⁾ Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ L 354, 23.12.2016, p. 1).

Amendment 274

Proposal for a regulation

Annex V — Part D — subheading

Text proposed by the Commission

Measures to reduce incidental catches of **cetaceans** in ICES division IIIa and sub-area IV

Amendment

Measures to reduce incidental catches of **marine mammals** in ICES division IIIa and sub-area IV

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Amendment 275
Proposal for a regulation
Annex V — Part D — paragraph 1 a (new)

Text proposed by the Commission

Amendment

- 1a. Measures to minimise incidental catches of seabirds**
1. *Scientific research programmes shall be established in the North Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.*
 2. *Spatial measures shall be applied in the North Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.*
 3. *Vessels fishing with longlines in the North Sea shall use a combination of scientifically tested technical solutions such as tori lines, changes to line weights, hook shielding and setting longline gear during the hours of darkness with the minimum of deck lighting necessary for safety. The combinations should be determined on the basis of gear configurations and the susceptible species likely to be caught by fleets. Specification should comply with the standards as set out in international agreed guidelines.*
 4. *Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.*

Amendments 306, 314, 315 and 356

Proposal for a regulation

Annex V — Part E

Text proposed by the Commission

Amendment

Part E

~~deleted~~

Innovative fishing methods

The use of electric pulse trawls in ICES divisions IVb and IVc

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Text proposed by the Commission

Amendment

Notwithstanding Article 13, fishing with an electric pulse trawl shall be allowed in ICES divisions IVb and IVc under conditions defined in accordance with the second indent of paragraph 1 of Article 27 of this Regulation, regarding the characteristics of the pulse used and control monitoring measures in place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on east coast of the United Kingdom at latitude 55°N
- east to latitude 55°N, longitude 5°E
- north to latitude 56°N
- east to a point on the west coast of Denmark at latitude 56°N

Amendment 324

Proposal for a regulation

Annex VI — part A — table — row 14

Text proposed by the Commission

Mackerel (Scomber spp.)

20 cm

Amendment

Mackerel (Scomber spp.)

20 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % may not be exceeded during transshipment, landing, transportation, storage, display or sale.

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Amendment 218
Proposal for a regulation
Annex VI — Part A— table — row 15

Text proposed by the Commission

Herring (*Clupea harengus*) 20 cm

Amendment

Herring (*Clupea harengus*) 20 cm ^(1a)

^(1a) *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.*

Amendment 219
Proposal for a regulation
Annex VI — Part A — table — row 16

Text proposed by the Commission

Horse mackerel (*Trachurus* spp.) 15 cm ⁽³⁾

⁽³⁾ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VII d, e, f, a minimum conservation reference size of 130 mm shall apply.

Amendment

Horse mackerel (*Trachurus* spp.) 15 cm ⁽³⁾, ^(3a)

⁽³⁾ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VII d, e, f, a minimum conservation reference size of 130 mm shall apply.

^(3a) *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.*

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Amendment 220

Proposal for a regulation

Annex VI — Part A — table — row 17

Text proposed by the Commission

Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kilo
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Amendment

Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kilo ^(1a)
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^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 221

Proposal for a regulation

Annex VI — Part B — paragraph 1 — table — row 2

Text proposed by the Commission

At least 120 mm	Whole area	None
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Amendment

At least 100 mm ^(1a)	Whole area	None
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^(1a) To be phased in over a two year period from the date of entry into force of this Regulation. For ICES Divisions VIIId and VIIe a mesh size of at least 100 mm shall apply.

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Amendment 223
Proposal for a regulation
Annex VI — part B — paragraph 2 — title

Text proposed by the Commission

Amendment

2. Baseline mesh sizes for static nets

2. Baseline mesh sizes for static nets **and driftnets**

Amendment 224
Proposal for a regulation
Annex VI — part B — paragraph 2 — introductory part

Text proposed by the Commission

Amendment

The following mesh sizes for static nets shall apply in North Western waters.

The following mesh sizes for static nets **and driftnets** shall apply in North Western waters.

Amendment 225
Proposal for a regulation
Annex VI — Part B — paragraph 2 — table- row 2

Text proposed by the Commission

At least 120 mm ⁽¹⁾

Whole area

None

⁽¹⁾ For directed fishing for anglerfish (30 % of catches) a mesh size of at least 220 mm shall be used. A mesh size of at least 110 mm for directed fishing for pollock and hake (50 % of catches) in ICES divisions VIIId and VIIe

Amendment

At least 120 mm ⁽¹⁾

Whole area

None

⁽¹⁾ For directed fishing for anglerfish (30 % of catches) a mesh size of at least 220 mm shall be used. A mesh size of at least 110 mm for directed fishing for pollock and hake (50 % of catches) in ICES divisions VIIId and VIIe

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Amendment 226
Proposal for a regulation
Annex VI — Part B — table — row 4

Text proposed by the Commission

At least 50mm	Whole area	Directed fishing for small pelagic species
<i>Amendment</i>		

At least 50mm	Whole area	Directed fishing for small pelagic species (80 % of catches)
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Directed fishing for red mullet (50 % of catches)

Amendment 227
Proposal for a regulation
Annex VI — Part C — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any towed gears or static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

Amendment

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any **bottom** towed gears or **bottom** static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

Amendment 228
Proposal for a regulation
Annex VI — Part C — paragraph 3 — point 3.2

Text proposed by the Commission

3.2 By way of derogation from point 1, within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF). **Where bycatches of cod caught by the vessels of any Member State operating within the areas referred to in point 3.1 exceed 10 tonnes then those vessels may no longer fish within that area.**

Amendment

3.2 By way of derogation from point 1, within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF).

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Amendment 229
Proposal for a regulation
Annex VI — Part C — paragraph 9 — title

Text proposed by the Commission

9. Use of static nets in ICES divisions Vb, VIa, VII b, **c, j, k**

Amendment

9. Use of static nets in ICES divisions Vb, VIa, **VIb**, VII b, **c, h, j, k**

Amendment 230
Proposal for a regulation
Annex VI — Part C — paragraph 9 — point 9.2

Text proposed by the Commission

9.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (EC) No 2347/2002 in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then vessels may no longer avail of the derogations *as described* in point 9.1.

Amendment

9.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (EU) 2016/2336 in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks **for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits** shall be retained on board. Such catches shall be landed and counted against quotas. **In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.** Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then **those** vessels may no longer avail of the derogations **set out** in point 9.1.

Amendment 276
Proposal for a regulation
Annex VI — Part D — paragraph 1 — title

Text proposed by the Commission

1. Measures to reduce incidental catches of **cetaceans** in ICES divisions **VIa** and VII **d, e, f, g, h and j**

Amendment

1. Measures to reduce incidental catches of **marine mammals** in ICES divisions **VI** and VII

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Amendment 277

Proposal for a regulation

Annex VI — Part D — paragraph 2 — point 2.1 (new)

Text proposed by the Commission

Amendment

- 2.1. Scientific research programmes shall be established in North Western Waters to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.**

Amendment 278

Proposal for a regulation

Annex VI — Part D — paragraph 2 — point 2.2 (new)

Text proposed by the Commission

Amendment

- 2.2. Spatial measures shall be applied in North Western Waters where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.**

Amendment 279

Proposal for a regulation

Annex VI — Part D — paragraph 2 — point 2.3 (new)

Text proposed by the Commission

Amendment

- 2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.**

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Amendment 231**Proposal for a regulation****Annex VII — Part A — table — row 15***Text proposed by the Commission*Herring (*Clupea harengus*) 20 cm*Amendment*Herring (*Clupea harengus*) 20 cm ^(1a)

^(1a) The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 232**Proposal for a regulation****Annex VII — Part A — table — row 18***Text proposed by the Commission*Bass (*Dicentrarchus labrax*) 42 cm*Amendment*Bass (*Dicentrarchus labrax*) 36 cm**Amendment 233****Proposal for a regulation****Annex VII — Part A — table — row 23***Text proposed by the Commission*Queen scallop (*Chlamys spp.*) 40 mm*Amendment*Queen scallop (*Chlamys spp.*, ***Mimachlamys spp.***) 40 mm

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Amendment 234**Proposal for a regulation****Annex VII — Part A — table — row 26***Text proposed by the Commission*Short-necked clam (*Venerupis philippinarum*) 35 mm*Amendment*Short-necked clam (*Ruditapes philippinarum*) 35 mm**Amendment 235****Proposal for a regulation****Annex VII — Part A — table — row 34***Text proposed by the Commission*Octopus (*Octopus vulgaris*) 750 grammes ⁽³⁾

⁽³⁾ In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region a gutted weight of 450 grammes shall apply.

*Amendment*Octopus (*Octopus vulgaris*) 1 000 grammes ⁽³⁾

⁽³⁾ In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region a gutted weight of 450 grammes shall apply.

Amendment 242**Proposal for a regulation****Annex VII — Part C — paragraph 4 — point 4.2***Text proposed by the Commission*

4.2. Directed fishing for the deepwater sharks listed in Annex I of Regulation (EC) No 2347/2002 that have a charted depth of less than 600 metres. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations **as described** in point 1.

Amendment

4.2. Directed fishing for the deepwater sharks listed in Annex I of Regulation (EU) 2016/2336 that have a charted depth of less than 600 metres. When accidentally caught deepwater sharks **for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits** shall be retained on board. Such catches shall be landed and counted against quotas. **In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.** Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations **set out** in point 1.

Tuesday 16 January 2018

Amendment 243**Proposal for a regulation****Annex VII — Part C — paragraph 4 — point 4.2 a (new)***Text proposed by the Commission**Amendment*

4.2a. *The Commission may decide, after consulting STECF, to exclude certain types of fisheries in ICES zones VIII, IX and X from the scope of paragraph 4.1 if it is demonstrated by means of information provided by Member States or the implementation of specific management making use of regionalisation, which could involve reducing the vessels operating in the area, reducing fishing months etc., or of multiannual plans that those fisheries have a very low level of shark bycatches or discards.*

Amendment 280**Proposal for a regulation****Annex VII — Part D — paragraph 1 — title***Text proposed by the Commission**Amendment*

1. Measures to reduce incidental catches of **cetaceans** in ICES sub-areas VIII and **IXa**

1. Measures to reduce incidental catches of **marine mammals** in ICES sub-areas VIII and **IX**

Amendment 281**Proposal for a regulation****Annex VII — part D — paragraph 2 — point 2.1 (new)***Text proposed by the Commission**Amendment*

2.1. *Scientific research programmes shall be established in South Western Waters to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.*

Tuesday 16 January 2018

Amendment 282

Proposal for a regulation

Annex VII — Part D — paragraph 2 — point 2.2 (new)

Text proposed by the Commission

Amendment

2.2. Spatial measures shall be applied in South Western Waters where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.

Amendment 283

Proposal for a regulation

Annex VII — Part D — paragraph 2 — point 2.3 (new)

Text proposed by the Commission

Amendment

2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.

Amendment 247

Proposal for a regulation

Annex VIII — Part B — paragraph 2 — table — row 2

Text proposed by the Commission

At least 157 mm

Whole area

Directed fishing for salmon

Amendment

deleted

Amendment 284

Proposal for a regulation

Annex VIII — Part D — paragraph 1 — title

Text proposed by the Commission

Amendment

1. Measures to reduce incidental catches of **cetaceans**

1. Measures to reduce incidental catches of **marine mammals**

Tuesday 16 January 2018

Amendment 285
Proposal for a regulation
Annex VIII — Part D — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Measures to minimise incidental catches of seabirds

- 1.1. Scientific research programmes shall be established in the Baltic Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.**
- 1.2. Spatial measures shall be applied in the Baltic Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.**
- 1.3 Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.**

Amendment 251
Proposal for a regulation
Annex IX — Part B — paragraph 1 — table — row 2

Text proposed by the Commission

At least 40 mm square mesh codend

Whole area

A diamond mesh codend of 50 mm ⁽²⁾ may be used as an alternative to the **44** mm square mesh cod end at the justified request of the vessel owner

⁽²⁾ Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.

Tuesday 16 January 2018

Amendment

At least 40 mm square mesh codend

Whole area

A diamond mesh codend of 50 mm ⁽²⁾ may be used as an alternative to the **40** mm square mesh cod end at the justified request of the vessel owner

⁽²⁾ Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.

Amendment 254

Proposal for a regulation

Annex IX — Part B — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The existing derogations to the provisions set out in paragraphs 1, 1a and 2 of this Part for encircling gears affected by a management plan referred to in Article 19 of Regulation (EC) No 1967/2006 and adopted pursuant to Article 9 of that Regulation shall remain in effect unless otherwise provided for under Article 18 of this Regulation.

Amendment 255

Proposal for a regulation

Annex IX — Part C — paragraph 5

Text proposed by the Commission

Amendment

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch **deepwater** crustacean (including *Plesionika* spp., *Pasiphaea* spp. or similar species).

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch **deep-water** crustacean.

Amendment 256

Proposal for a regulation

Annex IX — Part C — paragraph 5 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Highly localised fleets using artisanal gear shall be authorised to catch deep-water crustacean (including *Plesionika* spp., *Pasiphaea* spp. or similar species).

Tuesday 16 January 2018

Amendment 257
Proposal for a regulation
Annex IX — Part C — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Restrictions on underwater spear fishing

It is prohibited to fish with underwater spears using an aqualung and at night, from dusk until dawn.

Amendment 286
Proposal for a regulation
Annex IX — Part D — paragraph 1 — title

Text proposed by the Commission

Amendment

1. Measures to reduce incidental catches of *cetaceans*

1. Measures to reduce incidental catches of *marine mammals*

Amendment 287
Proposal for a regulation
Annex IX — Part D — paragraph 2 — point 2.1 (new)

Text proposed by the Commission

Amendment

2.1. Scientific research programmes shall be established in the Mediterranean to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

Amendment 288
Proposal for a regulation
Annex IX — Part D — paragraph 2 — point 2.2 (new)

Text proposed by the Commission

Amendment

2.2. Spatial measures shall be applied in the Mediterranean where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.

Tuesday 16 January 2018

Amendment 289**Proposal for a regulation****Annex IX — Part D — paragraph 2 — point 2.3 (new)***Text proposed by the Commission**Amendment*

2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.

Amendment 259**Proposal for a regulation****Annex X — Part B — paragraph 1 — table — row 2***Text proposed by the Commission*At least **50** mm

Whole area

40 mm square mesh codends may be used as an alternative*Amendment*At least **40** mm

Whole area

50 mm diamond mesh codends ^(1a) may be used as an alternative **to the 40 mm square mesh codend at the duly substantiated request of the vessel owner.**

^(1a) **Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) may be carried on board or deployed.**

Amendment 260**Proposal for a regulation****Annex X — Part B — paragraph 2 — table — row 2***Text proposed by the Commission*

At least 400 mm

Whole area

Directed fishing for turbot*Amendment*

At least 400 mm

Whole area

Fishing for turbot **with bottom set gillnets**

Tuesday 16 January 2018

Amendment 261
Proposal for a regulation
Annex X — Part C

Text proposed by the Commission

Amendment

Part C

deleted

Closed or restricted areas

Seasonal Closure to protect turbot

Directed fishing, transshipment, landing and first sale of turbot shall be permitted from 15 April to 15 June annually in Union waters of the Black Sea.

Amendment 290
Proposal for a regulation
Annex X — Part D — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Measures to minimise incidental catches of seabirds

- 1a.1. Scientific research programmes shall be established in the Black Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.***
- 1a.2. Spatial measures shall be applied in the Black Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.***
- 1a.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.***

Amendment 262
Proposal for a regulation
Annex XI — Part A — title

Text proposed by the Commission

Amendment

Baseline mesh sizes for towed gears

1. Baseline mesh sizes for towed gears

Tuesday 16 January 2018

Amendment 263**Proposal for a regulation****Annex XI — Part A — paragraph 1 — introductory part***Text proposed by the Commission*

The following codend mesh sizes shall apply in the **Outermost Regions**.

Amendment

The following codend mesh sizes shall apply in **Union waters in the Indian Ocean and in the West Atlantic**

Amendment 264**Proposal for a regulation****Annex XI — Part A — table — row 3***Text proposed by the Commission*

At least 45 mm

All waters off the coast of the French Department of Guyana that come under the sovereignty or jurisdiction of France
Directed fishing for shrimp (*Penaeus subtilis*, *Penaeus brasiliensis*, *Xiphopenaeus kroyeri*)

Amendment

At least 45 mm

All waters off the coast of the French Department of Guyana that come under the sovereignty or jurisdiction of France
Directed fishing for shrimp (*Penaeus subtilis*, *Penaeus brasiliensis*, *Xiphopenaeus kroyeri*) **(15 % of catches)**

Amendment 265**Proposal for a regulation****Annex XI — Part A — table — row 4***Text proposed by the Commission***At least 14 mm****Whole area****Directed fishing for small pelagic species with encircling nets***Amendment***deleted**

Tuesday 16 January 2018

Amendment 266
Proposal for a regulation
Annex XI — Part A — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Baseline mesh size for purse seines

The following mesh sizes for purse seines shall apply in Union waters in the Indian Ocean and in the West Atlantic

Amendment 267
Proposal for a regulation
Annex XI — Part A — paragraph 1 a (new) — table (new)

Text proposed by the Commission

Amendment

Mesh size	Geographical areas	Conditions
At least 14 mm	Whole area	Directed fishing for small pelagic species with purse seines

Amendment 291
Proposal for a regulation
Annex XI — Part B a (new)

Text proposed by the Commission

Amendment

Part Ba

Mitigation measures for sensitive species

1. Measures to reduce incidental catches of marine mammals

- 1.1. It shall be prohibited for vessels to deploy static nets, driftnets, pelagic trawls or high vertical opening trawls or other fisheries where evidence identifies bycatch in Outermost Regions, without the simultaneous use of proven mitigation technology. Exemptions should be made only for those fisheries with demonstrated negligible cumulative bycatch.**

Tuesday 16 January 2018

Text proposed by the Commission

Amendment

- 1.2. *Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.*
- 1.3. *Member States, through dedicated annual monitoring schemes, shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.*
2. *Measures to minimise incidental catches of seabirds*
 - 2.1. *Scientific research programmes shall be established in the Outermost Regions to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.*
 - 2.2. *Spatial measures shall be applied in the Outermost Regions where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.*

Wednesday 17 January 2018

P8_TA(2018)0006

Control of exports, transfer, brokering, technical assistance and transit of dual-use items *I**

Amendments adopted by the European Parliament on 17 January 2018 on the proposal for a regulation of the European Parliament and of the Council setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items (recast) (COM(2016)0616 — C8-0393/2016 — 2016/0295(COD)) ⁽¹⁾

(Ordinary legislative procedure: — recast)

(2018/C 458/12)

Amendment 1**Proposal for a regulation****Recital 3**

Text proposed by the Commission

- (3) An effective common system of export controls on dual-use items is therefore necessary to ensure that the international commitments and responsibilities of the Member States and of the Union, especially regarding non-proliferation, are complied with.

Amendment

- (3) An effective common system of export controls on dual-use items is therefore necessary to ensure that the international commitments and responsibilities of the Member States and of the Union, especially regarding non-proliferation **and human rights**, are complied with.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0390/2017).

Wednesday 17 January 2018

Amendment 2
Proposal for a regulation
Recital 5

Text proposed by the Commission

- (5) **Considering the emergence of new categories** of dual-use items, and in response to calls from the European Parliament and **indications** that certain cyber-surveillance **technologies exported from the Union** have been misused by persons complicit in or responsible for directing or committing **serious** violations of human rights or international humanitarian law in **situations of armed conflict or internal repression**, it is appropriate to control the export of those **technologies in order to protect public security as well as public morals**. These measures should not go beyond what is proportionate. They should, in particular, not prevent the export of information and communication technology used for legitimate purposes, including law enforcement and internet security research. The Commission, in close consultations with the Member States and stakeholders, **will develop** guidelines to support the practical applications of those controls.

Amendment

- (5) **Certain cyber-surveillance items have emerged as a new category** of dual-use items **that have been used to directly interfere with human rights, including the right to privacy, the right to data protection, freedom of expression and freedom of assembly and association, by monitoring or exfiltrating data without obtaining a specific, informed and unambiguous authorization of the owner of the data and/or by incapacitating or damaging the targeted system**. In response to calls from the European Parliament, and **evidence** that certain cyber-surveillance **items** have been misused by persons complicit in or responsible for directing or committing violations of **international** human rights **law** or international humanitarian law in **countries where such violations have been established**, it is appropriate to control the export of those **items**. **Controls should be based on clearly defined criteria**. These measures should not go beyond what is **necessary and** proportionate. They should, in particular, not prevent the export of information and communication technology used for legitimate purposes, including law enforcement **and network** and internet security research **for the purposes of authorised testing or the protection of information security systems**. The Commission, in close consultations with the Member States and stakeholders, **should make available** guidelines to support the practical applications of those controls **upon entry into force of this Regulation**. **Serious violations of human rights refer to situations as described in point 2.6 of Section 2 of Chapter 2 of the User's Guide to Council Common Position 2008/944/CFSP^(1a) as endorsed by the Foreign Affairs Council on 20 July 2015**.

^(1a) Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

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Amendment 3
Proposal for a regulation
Recital 6

Text proposed by the Commission

- (6) As a result, it is also appropriate to **revise the definition of dual-use items, and to** introduce a definition of cyber-surveillance **technology**. It should also be clarified that assessment criteria for the control of exports of **dual-use** items **include considerations regarding their possible misuse in connection with acts of terrorism or human rights violations**.

Amendment

- (6) As a result, it is also appropriate to introduce a definition of cyber-surveillance **items**. It should also be clarified that assessment criteria for the control of exports of **cyber-surveillance** items **take into account the direct and indirect impact of these items on human rights, as reflected in the User's Guide to Council Common Position 2008/944/CFSP. A technical working group should be set up for the development of the assessment criteria, in cooperation with the European External Action Service (EEAS) and the Council Working Party on Human Rights (COHOM). In addition, an independent group of experts should be established within that technical working group. The assessment criteria should be publicly available and easily accessible.**

Amendment 4
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) **With the aim to define cyber-surveillance technology, items to be covered by this Regulation should include the telecommunication interception equipment, intrusion software, monitoring centers, lawful interception systems and data retention systems connected with such interception systems, devices for the de-codification of encryption, the recovery of hard disks, the circumvention of passwords and the analysis of biometric data as well as IP network surveillance systems.**

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Amendment 5
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

- (6b) *With regard to human rights assessment criteria, it is appropriate to refer to the Universal Declaration of Human Rights, the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Human Rights Council Resolution on the Right to Privacy of 23 March 2017, the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework, the Report of the Special Rapporteur on the Right to Privacy of 24 March 2017, the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism of 21 February 2017 and the Judgment of the European Court of Human Rights Zakharov v. Russia of 4 December 2015;*

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Amendment 6
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) **Regulation (EU) 2016/679 of the European Parliament and of the Council^(1a) (General Data Protection Regulation) obliges data protection controllers and processors to implement technical measures to ensure a level of security appropriate to the risk of processing, including by the encryption of personal data. Since that Regulation stipulates that it applies to the processing of personal data regardless of whether the processing takes place within the Union or not, there is a strong incentive for the Union to remove cryptography items from the control list in order to facilitate the implementation of the General Data Protection Regulation, and increase the competitiveness of European businesses in this context. In addition, the current level of control on encryption runs counter to the fact that encryption is a key means to ensure that citizens, businesses and governments can protect their data against criminals and other malicious actors; to secure access to services that are crucial for the functioning of the Digital Single Market; and to enable secure communications, which are necessary to protect the right to privacy, the right to data protection and the freedom of expression, in particular of human rights defenders.**

^(1a) **Regulation (EU) 2016/679 of the European Parliament and 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)**

Wednesday 17 January 2018

Amendment 7
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) The scope of 'catch-all controls', that apply to non-listed **dual use** items in specific circumstances, should be clarified and harmonised, **and should address the risk of terrorism and human rights violations**. Appropriate exchange of information and consultations on 'catch all controls' should ensure the effective and consistent application of controls throughout the Union. **Targeted catch-all controls should also apply, under certain conditions, to the export of cyber-surveillance technology.**

Amendment

- (9) The scope of 'catch-all controls', that apply to non-listed **cyber-surveillance** items in specific circumstances, should be clarified and harmonised. Appropriate exchange of information and consultations on 'catch all controls' should ensure the effective and consistent application of controls throughout the Union. **Exchange of information should include support for the development of a public platform and the gathering of information from the private sector, public institutions and civil society organisations.**

Amendment 8
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) The definition of broker should be revised to avoid the circumvention of controls on the provision of brokering services by persons falling within the jurisdiction of the Union. Controls on the provision of brokering services should be harmonised to ensure their effective and consistent application throughout the Union and should also apply in order to prevent **acts of terrorism and** human rights violations.

Amendment

- (10) The definition of broker should be revised to avoid the circumvention of controls on the provision of brokering services by persons falling within the jurisdiction of the Union. Controls on the provision of brokering services should be harmonised to ensure their effective and consistent application throughout the Union and should also apply in order to prevent human rights violations.

Wednesday 17 January 2018

Amendment 9
Proposal for a regulation

Recital 11

Text proposed by the Commission

- (11) With the entry into force of the Lisbon Treaty, it has been clarified that the supply of technical assistance services involving a cross-border movement falls under Union competence. It is therefore appropriate to clarify the controls applicable to technical assistance services, and to introduce a definition of those services. For reasons of effectiveness and consistency, controls **on** the supply of technical assistance services should be harmonised and apply also in order to prevent **acts of terrorism and** human rights violations.

Amendment

- (11) With the entry into force of the Lisbon Treaty, it has been clarified that the supply of technical assistance services involving a cross-border movement falls under Union competence. It is therefore appropriate to clarify the controls applicable to technical assistance services, and to introduce a definition of those services. For reasons of effectiveness and consistency, controls **prior to** the supply of technical assistance services should be harmonised and apply also in order to prevent human rights violations.

Amendment 10
Proposal for a regulation

Recital 12

Text proposed by the Commission

- (12) Regulation (EC) No 428/2009 provides for a possibility for Member States' authorities to prohibit on a case-by-case basis the transit of non-Union dual-use items, where they have reasonable grounds for suspecting from intelligence or other sources that the items are or may be intended in their entirety or in part for proliferation of weapons of mass destruction or of their means of delivery. For reasons of effectiveness and consistency, transit controls should be harmonised and apply also in order to prevent **acts of terrorism and** human rights violations.

Amendment

- (12) Regulation (EC) No 428/2009 provides for a possibility for Member States' authorities to prohibit on a case-by-case basis the transit of non-Union dual-use items, where they have reasonable grounds for suspecting from intelligence or other sources that the items are or may be intended in their entirety or in part for proliferation of weapons of mass destruction or of their means of delivery. For reasons of effectiveness and consistency, transit controls should be harmonised and apply also in order to prevent human rights violations.

Wednesday 17 January 2018

Amendment 11
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

- (13a) ***Although the responsibility for deciding on individual, global and national export authorisations lies with the national authorities, an effective EU export control regime implies that economic operators, who intend to export items covered by this Regulation, exercise due diligence as set out, inter alia, in the OECD Guidelines for Multinational Enterprises, the OECD Due Diligence Guidance for Responsible Business Conduct, and the UN Guiding Principles for Business and Human Rights.***

Amendment 12
Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

- (14) A standard requirement for compliance in the form of 'internal compliance programmes' should be introduced in order to contribute to the level-playing field between exporters and to enhance the effective application of controls. For reasons of proportionality, this requirement should apply to specific control modalities in the form of global authorisations and certain general export authorisations.

- (14) A standard requirement, ***definition and description*** for compliance in the form of 'internal compliance programmes' ***as well as a possibility of being certified in order to obtain incentives in the authorisation process from the national competent authorities*** should be introduced in order to contribute to the level-playing field between exporters and to enhance the effective application of controls. For reasons of proportionality, this requirement should apply to specific control modalities in the form of global authorisations and certain general export authorisations.

Amendment 13
Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

- (15) Additional Union general export authorisations should be introduced in order to reduce administrative burden on companies and authorities while ensuring an appropriate level of control of the relevant items to the relevant destinations. A global authorisation for large projects should also be introduced to adapt licensing conditions to the peculiar needs of industry.

- (15) Additional Union general export authorisations should be introduced in order to reduce administrative burden on companies, ***in particular SMEs***, and authorities while ensuring an appropriate level of control of the relevant items to the relevant destinations. A global authorisation for large projects should also be introduced to adapt licensing conditions to the peculiar needs of industry.

Wednesday 17 January 2018

Amendment 14
Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) *Considering the rapid advance of technological developments, it is appropriate that the Union introduces controls on certain types of cyber-surveillance technologies on the basis of a unilateral list, in Section B of Annex I. Given the importance of the multilateral export control system, Section B of Annex I should be limited in scope only to cyber-surveillance technologies and not contain any duplications with Section A of Annex I.*

Amendment 15
Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

- (17) Decisions to update the common list of dual-use items subject to export controls in Section A of Annex I should be in conformity with the obligations and commitments that Member States and the Union have accepted as members of the relevant international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties. Decisions to update the common list of *dual-use* items subject to export controls in Section B of Annex I, *such as cyber-surveillance technology*, should be made in consideration of the risks that the export of such items may pose as regards *the commission of serious* violations of human rights or international humanitarian law or the essential security interests of the Union and its Member States. Decisions to update the common list of dual-use items subject to export controls in Section B of Annex IV should be made in consideration of the public policy and public security interests of the Member States under Article 36 of the Treaty on the Functioning of the European Union. Decisions to update the common lists of items and destinations set out in Sections A to J of Annex II should be made in consideration of the assessment criteria set out in this Regulation.

- (17) Decisions to update the common list of dual-use items subject to export controls in Section A of Annex I should be in conformity with the obligations and commitments that Member States and the Union have accepted as members of the relevant international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties. Decisions to update the common list of *cyber-surveillance* items subject to export controls in Section B of Annex I, should be made in consideration of the risks that the export of such items may pose as regards *their use for* violations of *international* human rights law or international humanitarian law *in countries where such violations, especially regarding the freedom of expression, the freedom of assembly and the right to privacy, have been established*, or the essential security interests of the Union and its Member States. Decisions to update the common list of dual-use items subject to export controls in Section B of Annex IV should be made in consideration of the public policy and public security interests of the Member States under Article 36 of the Treaty on the Functioning of the European Union. Decisions to update the common lists of items and destinations set out in Sections A to J of Annex II should be made in consideration of the assessment criteria set out in this Regulation. *Decisions to delete entire subcategories on cryptography and encryption, such as in Category 5 of Section A of Annex I or as in Section I of Annex II should be made in consideration of the Recommendation of 27 March 1997 of the OECD Council concerning Guidelines for Cryptography Policy.*

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Amendment 16
Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to allow for a swift Union response to changing circumstances as regards the assessment of the sensitivity of exports under Union General Export Authorisations as well as technological and commercial developments, 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 amending **Section A** of Annex I, Annex II and Section B of Annex IV to 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 on Better Law-Making **of 13 April 2016**. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(18) In order to allow for a swift Union response to changing circumstances as regards the assessment of the sensitivity of exports under Union General Export Authorisations as well as technological and commercial developments, 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 amending **Sections A and B** of Annex I, Annex II and Section B of Annex IV to 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 should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated

Amendment 17
Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) ***The risk of cyber theft and re-exportation to third countries, as referred to in Council Common Position 2008/944/CFSP, calls for the need to strengthen the provisions on dual-use items.***

Wednesday 17 January 2018

Amendment 18
Proposal for a regulation

Recital 21

Text proposed by the Commission

- (21) Pursuant to and within the limits of Article 36 of the Treaty on the Functioning of the European Union and pending a greater degree of harmonisation, Member States retain the right to carry out controls on transfers of certain dual-use items within the Union in order to safeguard public policy or public security. For reasons of proportionality, controls on the transfer of dual-use items within the Union should be revised in order to minimise the burden for companies and authorities. Moreover, the list of items subject to intra-Union transfer controls in Section B of Annex IV should be periodically reviewed in light of technological and commercial developments and as regards the assessment of the sensitivity of transfers.

Amendment

- (21) Pursuant to and within the limits of Article 36 of the Treaty on the Functioning of the European Union and pending a greater degree of harmonisation, Member States retain the right to carry out controls on transfers of certain dual-use items within the Union in order to safeguard public policy or public security. For reasons of proportionality, controls on the transfer of dual-use items within the Union should be revised in order to minimise the burden for companies, **in particular SMEs**, and authorities. Moreover, the list of items subject to intra-Union transfer controls in Section B of Annex IV should be periodically reviewed in light of technological and commercial developments and as regards the assessment of the sensitivity of transfers.

Amendment 19
Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

- (22a) *Given the importance of accountability and public scrutiny of export control activities, Member States should make all relevant licensing data publicly available.*

Amendment

- (22a) ***Given the importance of accountability and public scrutiny of export control activities, Member States should make all relevant licensing data publicly available.***

Amendment 20
Proposal for a regulation
Recital 25

Text proposed by the Commission

- (25) Outreach to the private sector and transparency are essential elements for an effective export control regime. It is therefore appropriate to provide for the continued development of **guidance** to support the application of this Regulation and for the publication of an annual report on the implementation of controls, in line with current practice.

Amendment

- (25) Outreach to the private sector, **in particular to SMEs**, and transparency are essential elements for an effective export control regime. It is therefore appropriate to provide for the continued development of **guidelines** to support the application of this Regulation and for the publication of an annual report on the implementation of controls, in line with current practice. ***Given the importance of guidelines for the interpretation of some elements of this Regulation, those guidelines should be publicly available when this Regulation enters into force.***

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Amendment 21
Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

- (25a) ***It should be ensured that the definitions set out in this Regulation are in accordance with the definitions in the Union Customs Code.***

Amendment 22
Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

- (27) Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation. It is also appropriate to introduce provisions to tackle specifically instances of illicit trafficking of dual-use items in order to support effective enforcement of controls.

- (27) Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation. ***The creation of a level playing field for Union exporters should be enhanced. Therefore, penalties for infringements of this Regulation should be similar in nature and effect in all Member States.*** It is also appropriate to introduce provisions to tackle specifically instances of illicit trafficking of dual-use items in order to support effective enforcement of controls.

Amendment 23
Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

- (29) Export controls have an impact on international security and trade with third countries and it is therefore appropriate to develop dialogue and cooperation with third countries in order to support a global level-playing field and enhance international security.

- (29) Export controls have an impact on international security and trade with third countries and it is therefore appropriate to develop dialogue and cooperation with third countries in order to support a global level-playing field, ***promote upward convergence*** and enhance international security. ***To promote those goals, the Council, the Commission and Member States should, in close cooperation with the EEAS, pro-actively engage in the relevant international fora, including the Wassenaar Arrangement in order to establish the list of cyber-surveillance items set out in Section B of Annex I as an international standard. In addition, assistance to third countries with regard to the development of a dual-use items export control regime and appropriate administrative capacities should be strengthened and expanded, in particular with regard to customs.***

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Amendment 24
Proposal for a regulation

Recital 31

Text proposed by the Commission

- (31) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, **notably the freedom to conduct business,**

Amendment

- (31) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

Amendment 25

Proposal for a regulation

Article 2 — paragraph 1 — point 1 — point a

Text proposed by the Commission

- (a) items which can be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery, including all goods which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices;

Amendment

- (a) **traditional dual-use items meaning** items, **including software and hardware,** which can be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery, including all goods which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices;

Amendment 26

Proposal for a regulation

Article 2 — paragraph 1 — point 1 — point b

Text proposed by the Commission

- (b) cyber-surveillance technology which can be used for the commission of serious violations of human rights or international humanitarian law, or can pose a threat to international security or the essential security **interests** of the Union and its **Member States**.

Amendment

- (b) cyber-surveillance **items including hardware, software and technology, which are specially designed to enable the covert intrusion into information and telecommunication systems and/or the monitoring, exfiltrating, collecting and analysing of data and/or incapacitating or damaging the targeted system without the specific, informed and unambiguous authorisation of the owner of the data, and which can be used in connection with the violation of human rights, including the right to privacy, the right to free speech and the freedom of assembly and association,** or which can be used for the commission of serious violations of human rights **law** or international humanitarian law, or can pose a threat to international security or the essential security of the Union and its **Members. Network and ICT security research for the purpose of authorised testing or the protection of information security systems shall be excluded.**

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Amendment 27

Proposal for a regulation

Article 2 — paragraph 1 — point 5 a (new)

Text proposed by the Commission

Amendment

5a. 'end-user' shall mean any natural or legal person or entity that is the final recipient of a dual use item.

Amendment 28

Proposal for a regulation

Article 2 — paragraph 1 — point 13

Text proposed by the Commission

Amendment

13. 'large project authorisation' shall mean a global export authorisation granted to one specific exporter, in respect of a type or category of dual-use item which may be valid for exports to one or more specified end users in one or more specified third countries for **the duration of** a specified project **the realisation of which exceeds one year**;

13. 'large project authorisation' shall mean a global export authorisation granted to one specific exporter, in respect of a type or category of dual-use item which may be valid for exports to one or more specified end users in one or more specified third countries for a specified project. **It shall be valid for between one and four years, except in duly justified cases based on the duration of the project, and may be renewed by the competent authority**;

Amendment 29

Proposal for a regulation

Article 2 — paragraph 1 — point 22

Text proposed by the Commission

Amendment

22. 'internal compliance programme' shall mean effective, appropriate and proportionate means and procedures, including the development, implementation, and adherence to standardised operational compliance policies, procedures, standards of conduct, and safeguards, developed by exporters to ensure compliance with the provisions and with the terms and conditions of authorisations set out in this Regulation;

22. 'internal compliance programme' (**ICP**) shall mean effective, appropriate and proportionate means and procedures (**risk based approach**), including the development, implementation, and adherence to standardised operational compliance policies, procedures, standards of conduct, and safeguards, developed by exporters to ensure compliance with the provisions and with the terms and conditions of authorisations set out in this Regulation; **the exporter shall have the possibility, on a voluntary basis, to have its ICP certified free of charge by the competent authorities on the basis of a reference ICP established by the Commission, in order to obtain incentives in the authorisation process from the national competent authorities**;

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Amendment 30

Proposal for a regulation

Article 2 — paragraph 1 — point 23

Text proposed by the Commission

Amendment

23. **'terrorist act' shall mean a terrorist act within the meaning of Article 1(3) of Common Position 2001/931/CFSP.**

deleted

Amendment 31

Proposal for a regulation

Article 2 — paragraph 1 — point 23 a (new)

Text proposed by the Commission

Amendment

23a. **'due diligence' shall mean the process through which enterprises can identify, prevent, mitigate and account for how they address their actual and potential adverse impacts as an integral part of business decision-making and risk management systems;**

Amendment 32

Proposal for a regulation

Article 4 — paragraph 1 — point d

Text proposed by the Commission

Amendment

(d) for use by persons **complicit in or responsible for directing or committing serious** violations of human rights or international humanitarian law in **situations of armed conflict or internal repression in the country of final destination, as** identified by **relevant public international institutions, or European** or national competent authorities, and **where** there is **evidence of the use of** this or similar items for directing or implementing such **serious** violations by the proposed end-user;

(d) **with regard to cyber-surveillance items**, for use by **natural or legal** persons in **connection with** violations of **international** human rights law or international humanitarian law in **countries where serious violations of human rights have been** identified by **the competent bodies of the UN, the Council of Europe, the Union**, or national competent authorities, and there is **reason to suspect that** this or similar items **may be used for the purpose of** directing or implementing such violations by the proposed end-user;

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Amendment 33

Proposal for a regulation

Article 4 — paragraph 1 — point e

Text proposed by the Commission

(e) *for use in connection with acts of terrorism.*

Amendment

deleted

Amendment 34

Proposal for a regulation

Article 4 — paragraph 2

Text proposed by the Commission

2. If an exporter, ***under his obligation to exercise*** due diligence, ***is aware*** that dual-use items which he proposes to export, ***not listed in Annex I, are*** intended, in their entirety or in part, for any of the uses referred to in paragraph 1, he must notify the competent authority, which will decide whether or not it is expedient to make the export concerned subject to authorisation.

Amendment

2. If an exporter, ***becomes aware while exercising*** due diligence that dual-use items ***not listed in Annex I*** which he ***or she*** proposes to export, ***may be*** intended, in their entirety or in part, for any of the uses referred to in paragraph 1, he ***or she*** must notify the competent authority ***of the Member State in which he or she is established or resident in***, which will decide whether or not it is expedient to make the export concerned subject to authorisation.

Amendment 35

Proposal for a regulation

Article 4 — paragraph 3

Text proposed by the Commission

3. Authorisations for the export of non-listed items shall be granted for specific items and end-users. The authorisations shall be granted by the competent authority of the Member State where the exporter is resident or established or, in case when the exporter is a person resident or established outside the Union, by the competent authority of the Member State where the items are located. The authorisations shall be valid throughout the Union. The authorisations shall be valid for ***one year***, and may be renewed by the competent authority.

Amendment

3. Authorisations for the export of non-listed items shall be granted for specific items and end-users. The authorisations shall be granted by the competent authority of the Member State where the exporter is resident or established or, in case when the exporter is a person resident or established outside the Union, by the competent authority of the Member State where the items are located. The authorisations shall be valid throughout the Union. The authorisations shall be valid for ***two years***, and may be renewed by the competent authority.

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Amendment 36**Proposal for a regulation****Article 4 — paragraph 4 — subparagraph 2***Text proposed by the Commission*

If no objections are received, the Member States consulted shall be considered to have no objection and shall impose authorisations requirements for all ‘essentially similar transactions’. They shall inform their customs administration and other relevant national authorities about the authorisations requirements .

Amendment

If no objections are received, the Member States consulted shall be considered to have no objection and shall impose authorisations requirements for all ‘essentially similar transactions’ **meaning an item with essentially identical parameters or technical characteristics to the same end user or consignee**. They shall inform their customs administration and other relevant national authorities about the authorisations requirements. **The Commission shall publish in the Official Journal of the European Union a short description of the case, the reasoning of the decision and indicate, if applicable, the new authorisation requirement in a new Section E of Annex II.**

Amendment 37**Proposal for a regulation****Article 4 — paragraph 4 — subparagraph 3***Text proposed by the Commission*

If objections are received from **any consulted Member State**, the requirement for authorisation shall be revoked unless the Member State which imposes the authorisation requirement considers that an export might prejudice its essential security interests. In that case, that Member State may decide to maintain the authorisation requirement. This should be notified to the Commission and the other Member States without delay.

Amendment

If objections are received from **at least four Member States representing at least 35 % of the population of the Union**, the requirement for authorisation shall be revoked unless the Member State which imposes the authorisation requirement considers that an export might prejudice its essential security interests **or its human rights obligations**. In that case, that Member State may decide to maintain the authorisation requirement. This should be notified to the Commission and the other Member States without delay.

Amendment 38**Proposal for a regulation****Article 4 — paragraph 4 — subparagraph 4***Text proposed by the Commission*

The Commission and the Member States **will** maintain an updated register of authorisation requirements in place.

Amendment

The Commission and the Member States **shall** maintain an updated register of authorisation requirements in place. **The data available in that register shall be included in the report to the European Parliament, referred to in paragraph 2 of Article 24, and shall be accessible to the public.**

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Amendment 39

Proposal for a regulation

Article 5 — paragraph 2

Text proposed by the Commission

2. If a broker is aware that the dual-use items for which he proposes brokering services are intended, in their entirety or in part, for any of the uses referred to in Article 4(1), he must notify the competent authority which **will decide whether or not it is expedient to** make such brokering services subject to authorisation.

Amendment

2. If a broker is aware that the dual-use items for which he **or she** proposes brokering services are intended, in their entirety or in part, for any of the uses referred to in Article 4(1), he **or she** must notify the competent authority which **shall** make such brokering services subject to authorisation.

Amendment 40

Proposal for a regulation

Article 7 — paragraph 1

Text proposed by the Commission

1. An authorisation shall be required for the provision, directly or indirectly, of technical assistance related to dual-use items, or related to the provision, manufacture, maintenance and use of dual-use items, if the supplier of technical assistance has been informed by the competent authority that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in **Article 4**.

Amendment

1. An authorisation shall be required for the provision, directly or indirectly, of technical assistance related to dual-use items, or related to the provision, manufacture, maintenance and use of dual-use items, if the supplier of technical assistance has been informed by the competent authority that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in **paragraph 1 of Article 4**.

Amendment 41

Proposal for a regulation

Article 7 — paragraph 2

Text proposed by the Commission

If a supplier of technical assistance is aware that the dual-use items for which he proposes to supply technical assistance are intended, in their entirety or in part, for any of the uses referred to in Article 4, he must notify the competent authority which **will decide whether or not it is expedient to** make such technical assistance subject to authorisation.

Amendment

If a supplier of technical assistance is aware that the dual-use items for which he **or she** proposes to supply technical assistance are intended, in their entirety or in part, for any of the uses referred to in **paragraph 1 of Article 4**, he **or she** must notify the competent authority which **shall** make such technical assistance subject to authorisation.

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Amendment 42**Proposal for a regulation****Article 8 — paragraph 1**

Text proposed by the Commission

1. A Member State may prohibit or impose an authorisation requirement on the export of dual-use items not listed in Annex I for reasons of public security **or** for human rights considerations.

Amendment

1. A Member State may prohibit or impose an authorisation requirement on the export of dual-use items not listed in Annex I for reasons of public security, for human rights considerations **or for the prevention of acts of terrorism.**

Amendment 43**Proposal for a regulation****Article 9 — paragraph 7**

Text proposed by the Commission

7. The relevant commercial documents relating to intra-Union transfers of dual-use items listed in Annex I shall indicate clearly that those items are subject to controls if exported from the Union. Relevant commercial documents include, in particular, any sales contract, order confirmation, invoice or dispatch note.

Amendment

7. The relevant commercial documents relating to **exports to third countries and** intra-Union transfers of dual-use items listed in Annex I shall indicate clearly that those items are subject to controls if exported from the Union. Relevant commercial documents include, in particular, any sales contract, order confirmation, invoice or dispatch note.

Amendment 44**Proposal for a regulation****Article 10 — paragraph 3**

Text proposed by the Commission

3. Individual export authorisations and global export authorisations shall be valid for **one year**, and may be renewed by the competent authority. Global export authorisations for large projects shall be valid for a duration **to be determined by the** competent **authority**.

Amendment

3. Individual export authorisations and global export authorisations shall be valid for **two years**, and may be renewed by the competent authority. Global export authorisations for large projects shall be valid for **no longer than four years, except in duly justified circumstances based on the duration of the project. This does not prevent** competent **authorities from annulling, suspending, modifying or revoking individual or global export authorisations at any time.**

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Amendment 45

Proposal for a regulation

Article 10 — paragraph 4 — subparagraph 1

Text proposed by the Commission

Exporters shall supply the competent authority with all relevant information required for their applications for individual and global export authorisation so as to provide complete information in particular on the end user, the country of destination and the end use of the item exported.

Amendment

Exporters shall supply the competent authority with all relevant information required for their applications for individual and global export authorisation so as to provide complete information in particular on the end user, the country of destination and the end use of the item exported. **When dealing with governmental end-users, the information supplied shall specify which department, agency, unit or sub-unit will be the final end-user of the item exported.**

Amendment 46

Proposal for a regulation

Article 10 — paragraph 4 — subparagraph 2

Text proposed by the Commission

Authorisations **may** be subject, **if appropriate**, to an end-use statement.

Amendment

All authorisations for cyber-surveillance items, as well as individual export authorisations for items for which there exists a high risk of diversion or re-exportation under undesirable conditions, shall be subject to an end-use statement. Authorisations for other items shall be subject to an end-use statement if appropriate.

Amendment 47

Proposal for a regulation

Article 10 — paragraph 4 — subparagraph 3 — introductory part

Text proposed by the Commission

Global export authorisations shall be subject to the implementation, by the exporter, of an effective internal compliance programme. The exporter shall also report to the competent authority, at least once a year, on the use of this authorisation; the report shall include at least the following information:

Amendment

Global export authorisations shall be subject to the implementation, by the exporter, of an effective internal compliance programme. **The exporter shall have the possibility, on a voluntary basis, to have its ICP certified free of charge by the competent authorities on the basis of a reference ICP established by the Commission, in order to obtain incentives in the authorisation process from the national competent authorities.** The exporter shall also report to the competent authority, at least once a year, **or on request of the competent authority**, on the use of this authorisation; the report shall include at least the following information:

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Amendment 48**Proposal for a regulation****Article 10 — paragraph 4 — subparagraph 3 — point d***Text proposed by the Commission**Amendment*

(d) **where known**, the end-use and end-user of the dual-use items.

(d) the end-use and end-user of the dual-use items.

Amendment 49**Proposal for a regulation****Article 10 — paragraph 4 — subparagraph 3 — point d a (new)***Text proposed by the Commission**Amendment*

(da) the name and address of the end-user, where known;

Amendment 50**Proposal for a regulation****Article 10 — paragraph 4 — subparagraph 3 — point d b (new)***Text proposed by the Commission**Amendment*

(db) the date on which the export took place.

Amendment 51**Proposal for a regulation****Article 10 — paragraph 5***Text proposed by the Commission**Amendment*

5. The competent authorities of the Member States shall process requests for individual or global authorisations within **a period of time to be determined by national law or practice. The competent authorities shall provide to the Commission all information on the average times for processing applications for authorisations relevant for the preparation of the annual report referred to in Article 24(2).**

5. The competent authorities of the Member States shall process requests for individual or global authorisations within **30 days of the valid submission of the application. If the competent authority, for duly justified reasons, requires more time to process the application, it shall inform the applicant accordingly within 30 days. The competent authority shall, in any event, decide on applications for individual or global export authorisations, at the latest, within 60 days of valid submission of the application.**

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Amendment 52

Proposal for a regulation

Article 11 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Where the broker or the supplier of technical assistance is not resident or established on the territory of the Union, authorisations for brokering services and technical assistance under this Regulation shall be granted, **alternatively**, by the competent authority of the Member State **where the parent company of the broker or supplier of technical assistance is established**, or from where the brokering services or technical assistance will be supplied.

Amendment

Where the broker or the supplier of technical assistance is not resident or established on the territory of the Union, authorisations for brokering services and technical assistance under this Regulation shall be granted by the competent authority of the Member State from where the brokering services or technical assistance will be supplied. **This includes brokering services and the supply of technical assistance by subsidiaries or joint ventures established in third countries but owned or controlled by companies established on the territory of the Union.**

Amendment 53

Proposal for a regulation

Article 14 — paragraph 1 — introductory part

Text proposed by the Commission

1. In deciding whether or not to grant an individual or global export authorisation or to grant an authorisation for brokering services or technical assistance under this Regulation, or to prohibit a transit, the competent authorities of the Member States shall take into account **the following criteria**:

Amendment

1. In deciding whether or not to grant an individual or global export authorisation or to grant an authorisation for brokering services or technical assistance under this Regulation, or to prohibit a transit, the competent authorities of the Member States shall take into account **all relevant considerations including**:

Amendment 54

Proposal for a regulation

Article 14 — paragraph 1 — point a

Text proposed by the Commission

(a) Union and Member States' international obligations and commitments, in particular the obligations and commitments they have each accepted as members of the relevant international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties **and their obligations under sanctions imposed by 2 a decision or a common position adopted by the Council or by a decision of the OSCE or by a binding resolution of the Security Council of the United Nations**;

Amendment

(a) Union and Member States' international obligations and commitments, in particular the obligations and commitments they have each accepted as members of the relevant international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties;

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Amendment 55

Proposal for a regulation

Article 14 — paragraph 1 — point a a (new)

Text proposed by the Commission

Amendment

- (aa) *their obligations under sanctions imposed by a decision or a common position adopted by the Council or by a decision of the OSCE or by a binding resolution of the Security Council of the United Nations;*

Amendment 56

Proposal for a regulation

Article 14 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

- (ba) *the occurrence of violations of human rights law, fundamental freedoms and international humanitarian law in the country of final destination as has been established by the competent bodies of the UN, the Council of Europe or the Union;*

Amendment 57

Proposal for a regulation

Article 14 — paragraph 1 — point c

Text proposed by the Commission

Amendment

- (c) the internal situation in the country of final destination — competent authorities **will** not authorise exports that would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination;

- (c) the internal situation in the country of final destination — competent authorities **shall** not authorise exports that would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination;

Amendment 58

Proposal for a regulation

Article 14 — paragraph 1 — point d a (new)

Text proposed by the Commission

Amendment

- (da) *the behaviour of the country of destination with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law;*

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Amendment 59**Proposal for a regulation****Article 14 — paragraph 1 — point d b (new)**

Text proposed by the Commission

Amendment

(db) *compatibility of the exports of the items with regard to the technical and economic capacity of the recipient country;*

Amendment 60**Proposal for a regulation****Article 14 — paragraph 1 — point f**

Text proposed by the Commission

Amendment

(f) considerations about intended end use and the risk of diversion, including existence of a risk that the dual-use items will be diverted or re-exported under undesirable conditions.

(f) considerations about intended end use and the risk of diversion, including existence of a risk that the dual-use, **and in particular, cyber-surveillance** items will be diverted or re-exported under undesirable conditions, **or be diverted to unintended military end-use or to terrorism.**

Amendment 61**Proposal for a regulation****Article 14 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. With regard to individual or global export authorisations or authorisations for brokering services or technical assistance for cyber-surveillance items, the competent authorities of the Member States shall in particular consider the risk of violation of the right to privacy, the right to data protection, freedom of speech and freedom of assembly and association, as well as risks relating to the rule of law, the legal framework for use of the items to be exported and the potential security risks for the Union and the Member States.

Where the competent authorities of a Member State come to the conclusion that the existence of such risks is likely to lead to serious violations of human rights, Member States shall not grant export authorisations or shall annul, suspend, modify or revoke existing authorisations.

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Amendment 62**Proposal for a regulation****Article 14 — paragraph 2***Text proposed by the Commission*

2. The Commission and the Council shall make available **guidance and/or recommendations** to ensure common risk assessments by the competent authorities of the Member States for the implementation of those criteria.

Amendment

2. The Commission and the Council shall make available **guidelines, upon entry into force of this Regulation**, to ensure common risk assessments by the competent authorities of the Member States for the implementation of those criteria **and with a view to provide uniform criteria for licensing decisions. The Commission shall prepare guidelines in the form of a handbook detailing the steps to be followed by Member State competent licensing authorities and exporters exercising due diligence with practical recommendations on the implementation and compliance with the controls pursuant to point d of the first paragraph of Article 4 and the criteria listed in the first paragraph of Article 14, including examples of best practices. That handbook shall be developed in close cooperation with the EEAS and the Dual Use Coordination Group and shall involve external expertise from academics, exporters, brokers and civil society organizations, in accordance with procedures set out in paragraph 3 of Article 21 and shall be updated as is deemed necessary and appropriate.**

The Commission shall establish a capacity-building programme by developing common training programmes for officials from licensing and customs enforcement authorities.

Amendment 63**Proposal for a regulation****Article 16 — paragraph 2 — point b***Text proposed by the Commission*

(b) The list of **dual-use** items set out in Section B of Annex I **may** be amended if this is necessary due to risks that the export of such items may pose as regards the commission of serious violations of human rights or international humanitarian law or the essential security interests of the Union and its Member States.

Amendment

(b) The list of **cyber-surveillance** items set out in Section B of Annex I **shall** be amended if this is necessary due to risks that the export of such items may pose as regards the commission of serious violations of human rights or international humanitarian law or the essential security interests of the Union and its Member States **or if controls for a significant amount of unlisted items have been triggered pursuant to point d of the first paragraph of Article 4 of this Regulation. Amendments may also concern decisions to delist products already listed.**

Where imperative grounds of urgency require a removal or addition of specific items in Section B of Annex I, the procedure provided for in Article 17 shall apply to delegated acts adopted pursuant to this point.

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Amendment 64

Proposal for a regulation

Article 16 — paragraph 2 — point b a (new)

Text proposed by the Commission

Amendment

(ba) *The Commission may remove items from the list, in particular if, as the result of the fast-changing technological environment, those items have become lower tier or mass market products, which are easily available or technically easily modifiable.*

Amendment 65

Proposal for a regulation

Article 16 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Section B of Annex I shall be limited in scope to cyber-surveillance items and shall not contain items listed in Section A of Annex I;*

Amendment 66

Proposal for a regulation

Article 18 — paragraph 5

Text proposed by the Commission

Amendment

5. The Commission, in cooperation with the Member States, shall develop **a guidance** to support interagency cooperation between licensing and customs authorities.

5. The Commission, in cooperation with the Member States, shall develop **guidelines** to support interagency cooperation between licensing and customs authorities.

Amendment 67

Proposal for a regulation

Article 20 — paragraph 2 — point a

Text proposed by the Commission

Amendment

(a) information regarding the application of controls, **including licensing data (number, value and types of licences and related destinations, number of users of general and global authorisations, number of operators with ICPs, processing times, volume and value of trade subject to intra-EU transfers etc), and, where available, data on exports of dual-use items carried out in other Member States;**

(a) **all** information regarding the application of controls;

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Amendment 68**Proposal for a regulation****Article 20 — paragraph 2 — point b***Text proposed by the Commission*

(b) information regarding the enforcement of controls, including details of exporters deprived of the right to use the national or Union general export authorisations, reports of violations, seizures and the application of other penalties;

Amendment

(b) **all** information regarding the enforcement of controls, including details of exporters deprived of the right to use the national or Union general export authorisations, **any** reports of violations, seizures and the application of other penalties;

Amendment 69**Proposal for a regulation****Article 20 — paragraph 2 — point c***Text proposed by the Commission*

(c) data on sensitive end users, actors involved in suspicious procurement activities, and, **where available**, routes taken.

Amendment

(c) **all** data on sensitive end users, actors involved in suspicious procurement activities, and routes taken.

Amendment 70**Proposal for a regulation****Article 21 — paragraph 2***Text proposed by the Commission*

2. **The Chair of** the Dual-Use Coordination Group shall, whenever it considers it to be necessary, consult exporters, brokers and other relevant stakeholders concerned by this Regulation.

Amendment

2. The Dual-Use Coordination Group shall, whenever it considers it to be necessary, consult exporters, brokers and other relevant stakeholders concerned by this Regulation.

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Amendment 71

Proposal for a regulation

Article 21 — paragraph 3

Text proposed by the Commission

3. The Dual-Use Coordination Group shall, where appropriate, set up technical expert groups composed of experts from Member States to examine specific issues relating to the implementation of controls, including issues relating to the updating of the Union control lists in Annex I. Technical expert groups shall, **where appropriate**, consult exporters, brokers and other relevant stakeholders concerned by this Regulation.

Amendment

3. The Dual-Use Coordination Group shall, where appropriate, set up technical expert groups composed of experts from Member States to examine specific issues relating to the implementation of controls, including issues relating to the updating of the Union control lists in **Section B of** Annex I. Technical expert groups shall consult exporters, brokers, **civil society organisations** and other relevant stakeholders concerned by this Regulation. **The Dual-Use Coordination Group shall in particular establish a technical working group on assessment criteria as referred in the point d of the first paragraph of Article 4 and point b of the first paragraph of Article 14 and on the elaboration of the guidelines for due diligence in consultation with an independent group of experts, academics and civil society organisations.**

Amendment 72

Proposal for a regulation

Article 22 — paragraph 1

Text proposed by the Commission

1. Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive.

Amendment

1. Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements, **the facilitation of infringements and circumvention** of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive. **The measures shall include regular risk-based audits of exporters.**

Amendment 73

Proposal for a regulation

Article 22 — paragraph 2

Text proposed by the Commission

2. The Dual-Use Coordination Group shall set up an Enforcement Coordination Mechanism with a view to establish direct cooperation and exchange of information between competent authorities and enforcement agencies.

Amendment

2. The Dual-Use Coordination Group shall set up an Enforcement Coordination Mechanism with a view to establish direct cooperation and exchange of information between competent authorities and enforcement agencies **and to provide for uniform criteria for licensing decisions. Upon assessment by the Commission of the rules on penalties laid down by Member States, that mechanism shall provide for ways to make penalties for infringements of this Regulation similar in nature and effect.**

Wednesday 17 January 2018

Amendment 74
Proposal for a regulation
Article 24 — paragraph 1

Text proposed by the Commission

1. The Commission and the Council shall, where appropriate, make available **guidance and/or recommendations** for best practices for the subjects referred to in this Regulation to ensure the efficiency of the Union export control regime and the consistency of its implementation. The competent authorities of the Member States shall also, where appropriate, provide complementary guidance for exporters, brokers and transit operators resident or established in that Member State.

Amendment

1. The Commission and the Council shall, where appropriate, make available **guidelines** for best practices for the subjects referred to in this Regulation to ensure the efficiency of the Union export control regime and the consistency of its implementation. The competent authorities of the Member States shall also, where appropriate, provide complementary guidance for exporters, **in particular SMEs**, brokers and transit operators resident or established in that Member State.

Amendment 75
Proposal for a regulation
Article 24 — paragraph 2 — subparagraph 2

Text proposed by the Commission

Member States shall provide to the Commission all appropriate information for the preparation of the report. This annual report shall be public.

Amendment

Member States shall provide to the Commission all appropriate information for the preparation of the report. This annual report shall be public. **Member States shall also disclose publicly, at least quarterly and in an easily accessible manner, meaningful information on each license with regard to the type of license, the value, the volume, nature of equipment, a description of the product, the end user and end use, the country of destination, as well as information regarding approval or denial of the license request. Commission and Member States shall take into account the legitimate interests of natural and legal persons concerned that their business secrets should not be divulged.**

Amendment 76
Proposal for a regulation
Article 24 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Between five and seven years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

Between five and seven years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. **This evaluation shall include a proposal on the deletion of Cryptography in Part 2 of Category 5 of Section A of Annex I.**

Wednesday 17 January 2018

Amendment 77

Proposal for a regulation

Article 25 — paragraph 1 — point d

Text proposed by the Commission

(d) **where known**, the end-use and end-user of the dual-use items.

Amendment

(d) the end-use and end-user of the dual-use items.

Amendment 78

Proposal for a regulation

Article 25 — paragraph 3

Text proposed by the Commission

3. The registers or records and the documents referred to in paragraphs 1 and 2 shall be kept for at least **three** years from the end of the calendar year in which the export took place or the brokering or technical assistance services were provided. They shall be produced, on request, to the competent authority.

Amendment

3. The registers or records and the documents referred to in paragraphs 1 and 2 shall be kept for at least **five** years from the end of the calendar year in which the export took place or the brokering or technical assistance services were provided. They shall be produced, on request, to the competent authority.

Amendment 79

Proposal for a regulation

Article 27 — paragraph 1

Text proposed by the Commission

1. The Commission and the competent authorities of the Member States shall, where appropriate, maintain regular and reciprocal exchange of information with third countries.

Amendment

1. The Commission and the competent authorities of the Member States shall **engage, where appropriate, in relevant international organisations, such as the OECD and those multilateral export control regimes in which they participate to promote international adherence to the list of cyber-surveillance items subject to export controls in Section B of Annex I and**, where appropriate, maintain regular and reciprocal exchange of information with third countries, **including in the context of the dialogue on dual-use items provided for in the Union's partnership and cooperation agreements and strategic partnership agreements, engage in capacity-building and in promoting upward convergence. The Commission shall report annually to the European Parliament on such outreach activities.**

Wednesday 17 January 2018

Amendment 80

Proposal for a regulation

Annex I — Section A — DEFINITIONS OF TERMS USED IN THIS ANNEX

Text proposed by the Commission

'Intrusion software' (4) means 'software' specially designed or modified **to avoid detection by 'monitoring tools', or to defeat 'protective countermeasures', of a computer or network-capable device**, and performing any of the following:

- a. The extraction of data or information, from a computer or network-capable device, or the modification of system or user data; or
- b. The modification of **the standard execution path of a program or process in order to allow the execution of externally provided instructions.**

Notes:

1. 'Intrusion software' does not include any of the following:
 - a. Hypervisors, debuggers or Software Reverse Engineering (SRE) tools;
 - b. Digital Rights Management (DRM) 'software'; or
 - c. 'Software' designed to be installed by **manufacturers**, administrators or users, for the purposes of asset tracking **or** recovery.

2. Network-capable devices include mobile devices and smart meters.

Amendment

'Intrusion software' (4) means 'software' specially designed or modified **to be run or installed without 'authorisation' from owners or 'administrators' of computers or network-capable devices**, and performing any of the following:

- a. The **unauthorised** extraction of data or information, from a computer or network-capable device, or the modification of system or user data; or
- b. The modification of **system or user data to facilitate access to data stored on a computer or network-capable device by parties other than parties authorised by the owner of the computer or network-capable device.**

Notes:

1. 'Intrusion software' does not include any of the following:
 - a. Hypervisors, debuggers or Software Reverse Engineering (SRE) tools;
 - b. Digital Rights Management (DRM) 'software'; or
 - c. 'Software' designed to be installed by administrators or users, for the purposes of asset tracking, **asset recovery or 'ICT security testing'**
 - ca. 'Software' that is distributed with the express purpose of helping detect, remove, or prevent its execution on computers or network-capable devices of unauthorised parties.**

2. Network-capable devices include mobile devices and smart meters.

Wednesday 17 January 2018

Text proposed by the Commission

Amendment

Technical Notes:

1. **'Monitoring tools': 'software' or hardware devices that monitor system behaviours or processes running on a device. This includes antivirus (AV) products, end point security products, Personal Security Products (PSP), Intrusion Detection Systems (IDS), Intrusion Prevention Systems (IPS) or firewalls.**
2. **'Protective countermeasures': techniques designed to ensure the safe execution of code, such as Data Execution Prevention (DEP), Address Space Layout Randomisation (ASLR) or sandboxing.**

Technical Notes:

1. **'Authorisation': the informed consent of the user (i.e. an affirmative indication of comprehension regarding the nature, implications, and future consequences of an action, and agreement to the execution of that action).**
2. **'ICT security testing': discovery and assessment of static or dynamic risk, vulnerability, error, or weakness affecting 'software', networks, computers, network-capable devices, and components or dependencies therefor, for the demonstrated purpose of mitigating factors detrimental to safe and secure operation, use or deployment.**

Amendment 81

Proposal for a regulation

Annex I — Section B — title

Text proposed by the Commission

Amendment

B. LIST OF **OTHER DUAL-USE ITEMS**

B. LIST OF **CYBER-SURVEILLANCE ITEMS**

Amendment 82

Proposal for a regulation

Annex I — Section B — category 10 — point 10A001 — Technical note — point e a (new)

Text proposed by the Commission

Amendment

- (ea) **network and security research for the purposes of authorised testing or the protection of information security systems.**

Amendment 83

Proposal for a regulation

Annex II — Section A — part 3 — paragraph 3

Text proposed by the Commission

Amendment

3. **Any exporter intending to use this authorisation shall register prior to the first use of this authorisation with the competent authority of the Member State where he is resident or established.** Registration shall be automatic and acknowledged by the competent **authority** to the exporter within **ten** working days of receipt.

3. **A Member State may require exporters established in that Member State to register prior to the first use of this authorisation.** Registration shall be automatic and acknowledged by the competent **authorities** to the exporter **without delay and in any case** within **10** working days of receipt.

Wednesday 17 January 2018

Amendment 84

Proposal for a regulation

Annex II — Section A — part 3 — paragraph 4

Text proposed by the Commission

4. The registered exporter shall notify the first use of this authorisation to the competent authority of the Member State where he is resident or established, no later than **10 days before** the date **of** the first export.

Amendment

4. The registered exporter shall notify the first use of this authorisation to the competent authority of the Member State where he **or she** is resident or established no later than **30 days after** the date **when** the first export **took place**.

Amendment 85

Proposal for a regulation

Annex II — Section A — part 3 — paragraph 5 — point 4

Text proposed by the Commission

(4) **where known**, the end-use and end-user of the dual-use items.

Amendment

(4) the end-use and end-user of the dual-use items.

Amendment 86

Proposal for a regulation

Annex II — Section B — part 3 — paragraph 3

Text proposed by the Commission

3. **Any exporter intending to use this authorisation shall register prior to the first use of this authorisation with the competent authority of the Member State where he is resident or established.** Registration shall be automatic and acknowledged by the competent **authority** to the exporter within 10 working days of receipt.

Amendment

3. **A Member State may require exporters established in that Member State to register prior to the first use of this authorisation.** Registration shall be automatic and acknowledged by the competent **authorities** to the exporter **without delay and in any case** within 10 working days of receipt.

Amendment 87

Proposal for a regulation

Annex II — Section B — part 3 — paragraph 5 — point 4

Text proposed by the Commission

(4) **where known**, the end-use and end-user of the dual-use items.

Amendment

(4) the end-use and end-user of the dual-use items.

Wednesday 17 January 2018

Amendment 88

Proposal for a regulation

Annex II — Section C — part 3 — paragraph 5

Text proposed by the Commission

5. The registered exporter shall notify the first use of this authorisation to the competent authority of the Member State where he is resident or established, no later than **10 days before** the date of the first export.

Amendment

5. The registered exporter shall notify the first use of this authorisation to the competent authority of the Member State where he **or she** is resident or established, no later than **30 days after** the date **when** the first export **took place or, alternatively, and in accordance with a requirement by the competent authority of the Member State where the exporter is established, prior to the first use of that authorisation. Member States shall notify the Commission of the notification mechanism chosen for that authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.**

Amendment 89

Proposal for a regulation

Annex II — Section C — part 3 — paragraph 6 — point 4

Text proposed by the Commission

(4) **where known**, the end-use and end-user of the dual-use items.

Amendment

(4) the end-use and end-user of the dual-use items.

Amendment 90

Proposal for a regulation

Annex II — Section D — part 3 — paragraph 6

Text proposed by the Commission

6. The registered exporter shall notify the first use of this authorisation to the competent authority of the Member State where he is resident or established, no later than **10 days before** the date **of** the first export.

Amendment

6. The registered exporter shall notify the first use of this authorisation to the competent authority of the Member State where he **or she** is resident or established no later than **30 days after** the date **when** the first export **took place or, alternatively, and in accordance with a requirement by the competent authority of the Member State where the exporter is established, prior to the first use of this authorisation. Member States shall notify the Commission of the notification mechanism chosen for this authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.**

Wednesday 17 January 2018

Amendment 91**Proposal for a regulation****Annex II — Section D — part 3 — paragraph 7 — point 4***Text proposed by the Commission**Amendment*

(4) **where known**, the end-use and end-user of the dual-use items.

(4) the end-use and end-user of the dual-use items.

Amendment 92**Proposal for a regulation****Annex II — Section F — part 3 — paragraph 5 — point 4***Text proposed by the Commission**Amendment*

(4) **where known**, the end-use and end-user of the dual-use items.

(4) the end-use and end-user of the dual-use items.

Amendment 93**Proposal for a regulation****Annex II — Section G — part 3 — paragraph 8 — point 4***Text proposed by the Commission**Amendment*

(4) **where known**, the end-use and end-user of the dual-use items.

(4) the end-use and end-user of the dual-use items.

Amendment 94**Proposal for a regulation****Annex II — Section H — part 3 — paragraph 1 — introductory part and point 1***Text proposed by the Commission**Amendment*

1. **This** authorisation authorises the transmission of the software and technology listed in Part 1 by any exporter resident or established in a Member State **of the Union** provided the item is **only** for use:

1. **That** authorisation authorises the transmission of the software and technology listed in Part 1 by any **company that is an** exporter resident or established in a Member State **to any sister company, subsidiary or parent company provided those entities are** owned or controlled by the **same parent company or are established in a Member State**, provided the item **in question** is for use **for company cooperation projects including commercial product development, research, servicing, production and usage and, in the case of employees and order processors, pursuant to the agreement establishing the employment relationship.**

Wednesday 17 January 2018

Text proposed by the Commission

Amendment

(1) by **the exporter or by any entity** owned or controlled by the **exporter**;

Amendment 95

Proposal for a regulation

Annex II — Section H — part 3 — paragraph 1 — point 2

Text proposed by the Commission

Amendment

(2) **by employees of the exporter or of any entity owned or controlled by the exporter**

deleted

Amendment 96

Proposal for a regulation

Annex II — Section H — part 3 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Amendment

in its or their own commercial product development activities and, in the case of employees, pursuant to the agreement establishing the employment relationship.

deleted

Amendment 97

Proposal for a regulation

Annex II — Section I — part 3 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Amendment

Any exporter intending to use this authorisation shall register prior to the first use of this authorisation **with the competent authority of the Member State where he is resident or established.** Registration shall be automatic and acknowledged by the competent **authority** to the exporter within 10 working days of receipt.

A Member State may require exporters established in that Member State to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the competent **authorities** to the exporter **without delay and in any case** within 10 working days of receipt.

Wednesday 17 January 2018

Amendment 98**Proposal for a regulation****Annex II — Section J — part 3 — paragraph 5 — point 4***Text proposed by the Commission**Amendment*

(4) **where known**, the end-use and end-user of the dual-use items.

(4) the end-use and end-user of the dual-use items.

Wednesday 17 January 2018

P8_TA(2018)0007

Nomination of a Member of the Court of Auditors — Eva Lindström

European Parliament decision of 17 January 2018 on the nomination of Eva Lindström as a Member of the Court of Auditors (C8-0401/2017 — 2017/0819(NLE))

(Consultation)

(2018/C 458/13)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0401/2017),
 - having regard to Rule 121 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A8-0003/2018),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 11 January 2018 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of Eva Lindström as a Member of the Court of Auditors;
 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 17 January 2018

P8_TA(2018)0008

Nomination of a Member of the Court of Auditors — Tony James Murphy**European Parliament decision of 17 January 2018 on the nomination of Tony James Murphy as a Member of the Court of Auditors (C8-0402/2017 — 2017/0820(NLE))****(Consultation)**

(2018/C 458/14)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0402/2017),
 - having regard to Rule 121 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A8-0002/2018),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 11 January 2018 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of Tony James Murphy as a Member of the Court of Auditors;
 2. Calls on the Member States to pay attention to, and if possible take inspiration from, the open competition model used by Ireland when selecting their nominees;
 3. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 17 January 2018

P8_TA(2018)0009

Promotion of the use of energy from renewable sources ***I

Amendments adopted by the European Parliament on 17 January 2018 on the proposal for a directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast) (COM(2016)0767 — C8-0500/2016 — 2016/0382(COD)) ⁽¹⁾

(Ordinary legislative procedure — recast)

(2018/C 458/15)

Amendment 2

Proposal for a directive

Recital 2

Text proposed by the Commission

- (2) Promoting renewable forms of energy is one of the goals of the Union energy policy. The increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitutes **an important** part of the package of measures needed to reduce greenhouse gas emissions and comply with the 2015 Paris Agreement on Climate Change, and the **Union 2030 energy and climate framework, including the binding target to cut emissions in the Union by at least 40 % below 1990 levels by 2030**. It also has **an important** part to play in promoting the security of energy supply, technological development and innovation **and** providing opportunities for employment and regional development, especially in rural and isolated areas **or** regions with low population density.

Amendment

- (2) Promoting renewable forms of energy is one of the goals of the Union energy policy **in accordance with Article 194(1) of the Treaty on the Functioning of the European Union (TFEU)**. The increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitutes the essential part of the package of measures needed to reduce greenhouse gas emissions and comply **with the Union's commitment under** the 2015 Paris Agreement on Climate Change **following the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) (the 'Paris Agreement')**, and the **necessity to reach net-zero emission domestically by 2050 at the latest**. It also has **a fundamental** part to play in promoting the security of energy supply, **sustainable energy at affordable prices**, technological development and innovation **as well as technological and industrial leadership while** providing **environmental, social and health benefits as well as major** opportunities for employment and regional development, especially in rural and isolated areas, **in** regions with low population density and **in territories undergoing partial deindustrialisation**.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0392/2017).

Wednesday 17 January 2018

Amendment 3
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) *The Paris Agreement substantially increased the level of global ambition on climate change mitigation, with signatories committing to holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursuing efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. The Union needs to prepare for much deeper and faster cuts in emissions than previously foreseen, in order to shift to a highly energy efficient and renewables-based energy system at the latest by 2050. At the same time, such reductions are feasible at a lower cost than previously assessed, given the pace of development and deployment of renewable energy technologies such as wind and solar.*

Amendment 4
Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

- (3) In particular, increasing technological improvements, **incentives for the use and expansion of** public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures, for reducing greenhouse gas emissions in the Union and the Union's **dependence on imported gas and oil.**
- (3) In particular, **reducing energy consumption**, increasing technological improvements, **expanding** public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures for reducing greenhouse gas emissions in the Union and the Union's **energy dependence.**

Wednesday 17 January 2018

Amendment 5
Proposal for a directive

Recital 4

Text proposed by the Commission

-
- (4) Directive 2009/28/EC established a regulatory framework for the promotion of the use of energy from renewable sources which set binding national targets on the share of renewable energy sources in energy consumption and transport to be met by 2020. **Commission Communication of 22 January 2014** ⁽¹²⁾ **established a framework for future Union energy and climate policies and promoted a common understanding of how to develop those policies after 2020. The Commission proposed that the Union 2030 target for the share of renewable energy consumed in the Union should be at least 27%.**

⁽¹²⁾ 'A policy framework for climate and energy in the period from 2020 to 2030' (COM/2014/015 final).

Amendment

-
- (4) Directive 2009/28/EC established a regulatory framework for the promotion of the use of energy from renewable sources which set binding national targets on the share of renewable energy sources in energy consumption and transport to be met by 2020.

Amendment 6
Proposal for a directive

Recital 5

Text proposed by the Commission

-
- (5) **The European Council of October 2014 endorsed that target, indicating that Member States may set their own more ambitious national targets.**

Amendment

deleted

Wednesday 17 January 2018

Amendment 7
Proposal for a directive

Recital 6

Text proposed by the Commission

- (6) The European Parliament, in its **Resolutions** on 'A policy framework for climate and energy **in the period from 2020 to 2030**' and on '**the Renewable energy progress report**', has favoured a binding Union 2030 target of at least 30 % of total final energy consumption from renewable energy sources, stressing that that target should be implemented by means of individual national targets taking into account the individual situation and potential of each Member State.

Amendment

- (6) The European Parliament, in its **resolution of 5 February 2014** on 'A **2030** framework for climate and energy **policies**', favoured a binding Union 2030 target of at least 30 % of total final energy consumption from renewable energy sources, stressing that that target should be implemented by means of individual national targets taking into account the individual situation and potential of each Member State. **In its resolution of 23 June 2016 on 'The renewable energy progress report', the European Parliament went further, noting its previous position regarding a Union target of at least 30 % and stressing that, in light of the Paris Agreement and the recent renewable technology costs reductions, it was desirable to be significantly more ambitious.**

Amendment 8
Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

- (7) It is thus appropriate to establish a Union binding target of at least 27 % share of renewable energy. Member States should **define their contribution to the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance]**.

Amendment

- (6a) **The ambition set out in the Paris Agreement and technological developments, including cost reductions for investments in renewable energy, should therefore be taken into account.**

Amendment 324
Proposal for a directive

Recital 7

Text proposed by the Commission

- (7) It is thus appropriate to establish a Union binding target of at least 27 % share of renewable energy. Member States should **define their contribution to the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance]**.

Amendment

- (7) It is thus appropriate to establish a Union binding target of at least **35 %** share of renewable energy **to be accompanied by national targets**. Member States should **only exceptionally be allowed to deviate from the foreseen level of their target by a maximum of 10 % in duly substantiated, measurable and verifiable circumstances, based on objective and non-discriminatory criteria.**

Wednesday 17 January 2018

Amendment 10
Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) ***Member States' renewable energy targets should be set taking into account the obligations set out in the Paris Agreement, the high potential that still exists for renewable energy and the investments necessary to realise the energy transition.***

Amendment 11
Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) ***The translation of the Union's 35 % target into individual targets for each Member State, should be effected with due regard to a fair and adequate allocation, taking account of Member States' GDP and the different starting points and potentials, including the level of energy from renewable sources to be reached by 2020.***

Amendment 12
Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

- (8) The establishment of a Union binding renewable energy target for 2030 would continue to encourage the development of technologies which generate renewable energy and provide certainty for investors. ***A target defined at the Union level would leave greater flexibility for Member States to meet their greenhouse gas reduction targets in the most cost-effective manner in accordance with their specific circumstances, energy mixes and capacities to produce renewable energy.***

- (8) The establishment of a Union binding renewable energy target for 2030 would continue to encourage the development of technologies which generate renewable energy and provide certainty for investors.

Wednesday 17 January 2018

Amendment 13
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) *The Member States should consider the extent to which the use of different types of energy sources is compatible with the target of limiting warming to 1,5 °C above pre-industrial levels, and compatible with the goal of a fossil-free economy and at the same time a low-carbon economy. The Commission should assess the contribution to those goals of different types of renewable energy sources based on the payback period and results compared to fossil fuels and to consider proposing a maximum allowable payback period as a sustainability criterion, in particular for ligno-cellulosic biomass.*

Amendment 14
Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

- (10) *Member States should take additional measures in the event that the share of renewables at the Union level does not meet the Union trajectory towards the at least 27 % renewable energy target. As set out in Regulation [Governance], if an ambition gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Plans, the Commission may take measures at Union level in order to ensure the achievement of the target. If a delivery gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Progress Reports, Member States should apply the measures set out in Regulation [Governance], which are giving them enough flexibility to choose.*

deleted

Wednesday 17 January 2018

Amendment 15
Proposal for a directive

Recital 15

Text proposed by the Commission

- (15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues.

Amendment

- (15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues **while taking into account the particularities of different technologies and the different abilities of small and large producers to respond to market signals.**

Amendment 16
Proposal for a directive

Recital 16

Text proposed by the Commission

- (16) Electricity generation from renewable sources should be deployed **at the lowest possible cost** for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost **of deployment**, taking full account of grid and system development needs, the resulting energy mix, and the long term potential of technologies.

Amendment

- (16) Electricity generation from renewable sources, **including energy storage**, should be deployed **so as to minimise the long-term cost of the energy-transition** for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost of deployment, taking full account of grid and system development needs, the resulting energy mix, and the long term potential of technologies. **Member States should also award support to installations using tenders, which may be either technology specific or neutral.**

Wednesday 17 January 2018

Amendment 17
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) *In its conclusions of 24 October 2014 on ‘2030 Climate and Energy Policy Framework’, the European Council stressed the importance of a more interconnected internal energy market and the need of sufficient support to integrate ever increasing levels of variable renewable energy and thus allow the Union to fulfil its leadership ambitions for the energy transition. It is therefore important urgently to increase the level of interconnection and make progress towards the European Council’s agreed objectives, in order to maximise the Energy Union’s full potential.*

Amendment 18
Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

Amendment

- (16b) *When developing support schemes for renewable sources of energy, Member States should take into account the principles of the Circular Economy and of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council^(1a). Waste prevention and recycling of waste should be the priority option. Member States should avoid creating such support schemes, which would be counter to targets on treatment of waste and would lead to inefficient use of recyclable waste. Member States should also ensure that measures introduced under this Directive will not be counter to the objectives of the Directive 2008/98/EC.*

^(1a) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Wednesday 17 January 2018

Amendment 19
Proposal for a directive
Recital 16 c (new)

Text proposed by the Commission

Amendment

- (16c) *With regard to the use of biotic energy sources, Member States should introduce safeguards in order to protect biodiversity and prevent the depletion or loss of ecosystems and any diversion from existing uses that would have a negative indirect or direct impact on biodiversity, soil or the overall greenhouse gas balance.*

Amendment 20
Proposal for a directive
Recital 16 d (new)

Text proposed by the Commission

Amendment

- (16d) *Member States should promote and prefer use of indigenous renewable resources, to the extent possible, and avoid distortive situations resulting in extensive import of resources from third countries. A life cycle approach should be considered and promoted in this respect.*

Amendment 21
Proposal for a directive
Recital 16 e (new)

Text proposed by the Commission

Amendment

- (16e) *Renewable energy communities, cities and local authorities should be entitled to participate in available support schemes on an equal footing with other large participants. To that end, Member States should be allowed to take measures, including provision of information, technical and financial support through single administrative contact points, reduce administrative requirements, include community-focused bidding criteria, create tailored bidding windows for renewable energy communities, or allow them to be remunerated through direct support.*

Wednesday 17 January 2018

Amendment 22
Proposal for a directive
Recital 16 f (new)

Text proposed by the Commission

Amendment

- (16f) *The planning of the infrastructure needed for electricity generation from renewable sources should take into account policies relating to the participation of those affected by the projects, including any indigenous populations, paying due respect to their land rights.*

Amendment 23
Proposal for a directive
Recital 16 g (new)

Text proposed by the Commission

Amendment

- (16 g) *Consumers should be provided with comprehensive information, including information on the energy efficiency gains of heating and cooling systems and lower running costs of electric vehicles, to allow them to make individual consumer choices with regard to renewable energies and avoid technological lock-in.*

Amendment 24
Proposal for a directive
Recital 16 h (new)

Text proposed by the Commission

Amendment

- (16h) *When fostering the development of the market for renewable energy resources, the negative impact on other market participants should be taken into account. Support schemes should therefore reduce the risk of market distortion and distortions of competition.*

Wednesday 17 January 2018

Amendment 25
Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) *While Member States should be required to progressively and partially open support to projects located in other Member States to a level that reflects the physical flows between Member States, the opening of support schemes should remain voluntary beyond this mandatory share. Member States have different renewable energy potentials and operate different schemes of support for energy from renewable sources at national level. The majority of Member States apply support schemes that grant benefits solely to energy from renewable sources that is produced on their territory. For the proper functioning of national support schemes it is vital that Member States can control the effect and costs of their national support schemes according to their different potentials. One important means by which to achieve the aim of this Directive is to guarantee the proper functioning of national support schemes, as provided for in Directives 2001/77/EC and 2009/28/EC, in order to maintain investor confidence and allow Member States to design effective national measures for target compliance. This Directive aims to facilitate cross-border support of energy from renewable sources without affecting national support schemes in a disproportionate manner. It thus introduces, in addition to the mandatory partial opening of support schemes, optional cooperation mechanisms between Member States which allow them to agree on the extent to which one Member State supports the energy production in another and on the extent to which the energy production from renewable sources should count towards the national overall target of one or the other. In order to ensure the effectiveness of both measures of target compliance, i.e. national support schemes and cooperation mechanisms, it is essential that Member States are able to determine, beyond the minimum mandatory opening share, if and to what extent their national support schemes apply to energy from renewable sources produced in other Member States and to agree on this by applying the cooperation mechanisms provided for in this Directive.*

Wednesday 17 January 2018

Amendment 26
Proposal for a directive

Recital 18

Text proposed by the Commission

- (18) **Without prejudice to adaptations of support schemes to bring them in line with State aid rules**, renewables support policies should be stable and avoid frequent changes. **Such changes** have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. Member States should prevent the revision of any support granted to renewable energy projects from having a negative impact on their economic viability. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.

Amendment

- (18) **Subject to Articles 107 and 108 TFEU**, renewables support policies should be **predictable**, stable and avoid frequent **or retroactive** changes. **Policy unpredictability and instability** have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. **Member States should announce any change in support policy in due time before the intended change and they should consult stakeholders in an adequate manner. In any case**, Member States should prevent the revision of any support granted to renewable energy projects from having a negative impact on their economic viability. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.

Wednesday 17 January 2018

Amendment 27
Proposal for a directive

Recital 19

Text proposed by the Commission

- (19) Member States' obligations to draft renewable energy action plans and progress reports and the Commission's obligation to report on Member States' progress are essential in order to increase transparency, provide clarity to investors and consumers and allow for effective monitoring. Regulation [Governance] integrates those obligations in the Energy Union governance system, where planning, reporting and monitoring obligations in the energy and climate fields are streamlined. The transparency platform on renewable energy is also integrated in the broader e-platform established in Regulation [Governance].

Amendment

- (19) Member States' obligations to draft renewable energy action plans and progress reports and the Commission's obligation to report on Member States' progress are essential in order to increase transparency, provide clarity to investors and consumers and allow for effective monitoring. **In order to ensure that citizens are at the centre of the energy transition, Member States should develop long-term strategies facilitating the generation of renewable energy by cities, renewable energy communities and self-consumers, within their renewable energy action plans.** Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]** integrates those obligations in the Energy Union governance system, where **long-term strategies**, planning, reporting and monitoring obligations in the energy and climate fields are streamlined. The transparency platform on renewable energy is also integrated in the broader e-platform established in Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**.

Amendment 28
Proposal for a directive

Recital 20 a (new)

Text proposed by the Commission

Amendment

- (20a) **Renewable marine energies offer the Union a unique opportunity to reduce its dependency on fossil fuels, help achieve its CO₂ emissions reduction targets and create a new branch of economic activity that generates jobs across large swathes of its territory, including in the outermost regions. The Union must therefore strive to create economic and regulatory conditions propitious to their deployment.**

Wednesday 17 January 2018

Amendment 29
Proposal for a directive
Recital 24 a (new)

Text proposed by the Commission

Amendment

- (24a) *The communication of the Commission of 20 July 2016 entitled 'A European Strategy for Low-Emission mobility' highlighted the particular importance, in the medium-term, of advanced biofuels for aviation. Commercial aviation is entirely reliant on liquid fuels as there is no safe or certified alternative for the civil aircraft industry.*

Amendment 30
Proposal for a directive
Recital 25

Text proposed by the Commission

Amendment

- (25) In order to ensure that Annex IX takes into account the principles of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁽¹⁷⁾, the Union sustainability criteria, and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, **when** regularly **evaluating** the Annex, **should** consider the **inclusion of additional feedstocks that do not cause significant distortive** effects on markets for (by-)products, wastes or residues.

⁽¹⁷⁾ 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).

- (25) In order to ensure that Annex IX takes into account the principles of the **circular economy**, **the** waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁽¹⁷⁾, the Union sustainability criteria, **a life cycle assessment of emissions** and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission **should** regularly **evaluate** the Annex **and** consider the effects on markets for (by-)products, wastes or residues **in any amendments that it proposes**.

⁽¹⁷⁾ 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).

Wednesday 17 January 2018

Amendment 31
Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) *The resolution of the European Parliament of 4 April 2017 on palm oil and deforestation of rainforests called on the Commission to take measures to phase out the use of vegetable oils that drive deforestation, including palm oil, as a component of biofuels, preferably by 2020.*

Amendment 32
Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States' renewable energy shares. In order to guarantee an adequate effect of energy from renewable sources replacing conventional energy in the Union as well as in third countries it is appropriate to ensure that such imports can be tracked and accounted for in a reliable way. Agreements with third countries concerning the organisation of such trade in electricity from renewable energy sources will be considered. If, by virtue of a decision taken under the Energy Community Treaty⁽¹⁸⁾ to that effect, the contracting parties to that Treaty are bound by the relevant provisions of this Directive, the measures of cooperation between Member States provided for in this Directive should be applicable to them.

⁽¹⁸⁾ OJ L 198, 20.7.2006, p. 18.

(28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States' renewable energy shares. In order to guarantee an adequate effect of energy from renewable sources replacing conventional energy in the Union as well as in third countries it is appropriate to ensure that such imports can be tracked and accounted for in a reliable way **and that they are in full respect of international law**. Agreements with third countries concerning the organisation of such trade in electricity from renewable energy sources will be considered. If, by virtue of a decision taken under the Energy Community Treaty⁽¹⁸⁾ to that effect, the contracting parties to that Treaty are bound by the relevant provisions of this Directive, the measures of cooperation between Member States provided for in this Directive should be applicable to them.

⁽¹⁸⁾ OJ L 198, 20.7.2006, p. 18.

Wednesday 17 January 2018

Amendment 33
Proposal for a directive
Recital 28 a (new)

Text proposed by the Commission

Amendment

- (28a) *When Member States undertake joint projects with one or more third countries regarding the production of electricity from renewable energy sources, it is appropriate that those joint projects relate only to newly constructed installations or to installations with newly increased capacity. This will help ensure that the proportion of energy from renewable sources in the third country's total energy consumption is not reduced due to the importation of energy from renewable sources into the Union. In addition, the Member States concerned should facilitate the domestic use by the third country concerned of part of the production of electricity by the installations covered by the joint project. Furthermore, the third country concerned should be encouraged by the Commission and Member States to develop a renewable energy policy, including ambitious targets.*

Amendment 34
Proposal for a directive
Recital 28 b (new)

Text proposed by the Commission

Amendment

- (28b) *While this Directive establishes a Union Framework for the promotion of energy from renewable sources, it also contributes to the potential positive impact which the Union and the Member States can have in boosting the development of renewable energy sector in third countries. The Union and the Member States should promote research, development and investment in the renewable energy production in developing and other partner countries, thereby strengthening their environmental and economic sustainability and their export capacity of renewable energy. Furthermore, import of renewable energy from partner countries can help the Union and the Member States to reach their ambitious goals for decreasing carbon emissions.*

Wednesday 17 January 2018

Amendment 35
Proposal for a directive
Recital 28 c (new)

Text proposed by the Commission

Amendment

- (28c) *Developing countries have increasingly adopted renewable energy policies at the national level, as they aim to produce energy from renewable sources to meet growing energy demand. More than 173 countries, including 117 developing or emerging economies, had established renewable energy targets by the end of 2015.*

Amendment 36
Proposal for a directive
Recital 28 d (new)

Text proposed by the Commission

Amendment

- (28d) *Energy use in developing countries is closely linked to a range of social issues: poverty alleviation, education, health, population growth, employment, enterprise, communication, urbanisation and a lack of opportunities for women. Renewable energies have the important potential of allowing development and environmental challenges to be dealt with jointly. In recent years there has been a significant development of alternative energy technologies, both in terms of performance and cost reduction. Moreover, many developing countries are particularly well positioned when it comes to developing a new generation of energy technologies. Apart from development and environmental benefits, renewable energies have the potential to provide increased security and economic stability. Increased use of renewable energy sources would reduce dependence on expensive fossil fuel imports and would help many countries improve their balance of payments.*

Wednesday 17 January 2018

Amendment 37
Proposal for a directive
Recital 31 a (new)

Text proposed by the Commission

Amendment

- (31a) *Depending on the geological characteristics of an area, geothermal energy production may release greenhouse gases and other substances from underground fluids and other subsoil geological formations. Investment should be directed only towards geothermal energy production with low environmental impact and resulting in greenhouse gas saving compared to conventional sources. Therefore, the Commission should assess, by December 2018, whether there is a need for a legislative proposal aiming to regulate geothermal plants emissions of all substances, including CO₂, which are harmful for health and the environment, both during exploration and operational phases.*

Amendment 38
Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

- (33) At national and regional level, rules and obligations for minimum requirements for the use of energy from renewable sources in new and renovated buildings have led to considerable increases in the use of energy from renewable sources. Those measures should be encouraged in a wider Union context, while promoting the use of more energy-efficient applications of energy from renewable sources through building regulations and codes.

- (33) At national, regional and **local** level, rules and obligations for minimum requirements for the use of energy from renewable sources in new and renovated buildings have led to considerable increases in the use of energy from renewable sources. Those measures should be encouraged in a wider Union context, while promoting the use of more energy-efficient applications of energy from renewable sources **in combination with energy saving and energy efficiency measures** through building regulations and codes.

Wednesday 17 January 2018

Amendment 39
Proposal for a directive
Recital 35

Text proposed by the Commission

(35) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and provide for increased integration of renewable energy and waste heat and cold sources, it is appropriate to require that Member States carry out an assessment of their national potential of renewable energy sources and the use of waste heat and cold for heating and cooling, in particular to facilitate mainstreaming renewable energy in heating and cooling installations and promote efficient and competitive district heating and cooling as defined by Article 2(41) of Directive 2012/27/EU of the European Parliament and of the Council⁽²¹⁾. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden this assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of Directive **2012/27/EU**.

⁽²¹⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Amendment

(35) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and provide for increased integration of renewable energy, **in particular by supporting innovative technologies such as heat pumps, geothermal and solar thermal technologies**, and waste heat and cold sources, it is appropriate to require that Member States carry out an assessment of their national potential of renewable energy sources and the use of waste heat and cold for heating and cooling, in particular to facilitate mainstreaming renewable energy in heating and cooling installations and promote efficient and competitive district heating and cooling as defined by Article 2(41) of Directive 2012/27/EU of the European Parliament and of the Council⁽²¹⁾. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden this assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of **that** Directive.

⁽²¹⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Wednesday 17 January 2018

Amendment 40
Proposal for a directive

Recital 36

Text proposed by the Commission

- (36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. The establishment of a single administrative contact point integrating or coordinating all permit-granting processes should reduce complexity and increase efficiency and transparency. Administrative approval procedures should be streamlined with transparent timetables for installations using energy from renewable sources. Planning rules and guidelines should be adapted to take into consideration cost-effective and environmentally beneficial renewable heating and cooling and electricity equipment. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.

Amendment

- (36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. The establishment of a single administrative contact point integrating or coordinating all permit-granting processes should reduce complexity and increase efficiency and transparency, **including for renewable self-consumers and renewable energy communities**. Administrative approval procedures should be streamlined with transparent timetables for installations using energy from renewable sources. Planning rules and guidelines should be adapted to take into consideration cost-effective and environmentally beneficial renewable heating and cooling and electricity equipment. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.

Amendment 41
Proposal for a directive

Recital 43

Text proposed by the Commission

- (43) Guarantees of origin issued for the purpose of this Directive have the sole function of showing to a final customer that a given share or quantity of energy was produced from renewable sources. A guarantee of origin can be transferred, independently of the energy to which it relates, from one holder to another. However, with a view to ensuring that a unit of renewable energy is disclosed to a customer only once, double counting and double disclosure of guarantees of origin should be avoided. Energy from renewable sources in relation to which the accompanying guarantee of origin has been sold separately by the producer should not be disclosed or sold to the final customer as energy from renewable sources.

Amendment

- (43) Guarantees of origin issued for the purpose of this Directive have the sole function of showing to a final customer that a given share or quantity of energy was produced from renewable sources. A guarantee of origin can be transferred, independently of the energy to which it relates, from one holder to another. However, with a view to ensuring that a unit of renewable energy is disclosed to a customer only once, double counting and double disclosure of guarantees of origin should be avoided. Energy from renewable sources in relation to which the accompanying guarantee of origin has been sold separately by the producer should not be disclosed or sold to the final customer as energy from renewable sources. **It is important to distinguish between green certificates used for support schemes and guarantees of origin.**

Wednesday 17 January 2018

Amendment 42
Proposal for a directive

Recital 45

Text proposed by the Commission

- (45) It is important to provide information on how the supported electricity is allocated to final customers. In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced. ***In addition, with a view to avoiding double compensation, renewable energy producers already receiving financial support should not receive guarantees of origin. However, those guarantees of origin should be used for disclosure so that final consumers can receive clear, reliable and adequate evidence on the renewable origin of the relevant units of energy. Moreover, for electricity that received support, the guarantees of origin should be auctioned to the market and the revenues should be used to reduce public subsidies for renewable energy.***

Amendment

- (45) It is important to provide information on how the supported electricity is allocated to final customers. In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced.

Amendment 43

Proposal for a directive

Recital 49

Text proposed by the Commission

- (49) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Production of energy from renewable sources often depends on local or regional SMEs. The opportunities for growth and employment that investments in regional and local production of energy from renewable sources bring about in the Member States and their regions are important. The Commission and the Member States should therefore support national and regional development measures in those areas, encourage the exchange of best practices in production of energy from renewable sources between local and regional development initiatives and ***promote*** the use of cohesion policy funding in this area.

Amendment

- (49) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Production of energy from renewable sources often depends on local or regional SMEs. The opportunities for ***local business development, sustainable*** growth and ***high-quality*** employment that investments in regional and local production of energy from renewable sources bring about in the Member States and their regions are important. The Commission and the Member States should therefore ***foster and*** support national and regional development measures in those areas, encourage the exchange of best practices in production of energy from renewable sources between local and regional development initiatives and ***enhance the provision of technical assistance and training programmes, in order to strengthen regulatory, technical and financial expertise on the ground and foster knowledge on available funding possibilities, including a more targeted use of Union funds, such as*** the use of cohesion policy funding in this area.

Wednesday 17 January 2018

Amendment 44
Proposal for a directive
Recital 49 a (new)

Text proposed by the Commission

Amendment

- (49a) *Local and regional authorities often set more ambitious renewable targets in excess of national targets. Regional and local commitments to stimulating development of renewables and energy efficiency are currently supported through networks, such as the Covenant of Mayors, Smart Cities or Smart Communities initiatives, and the development of sustainable energy action plans. Such networks are indispensable and should be expanded, as they raise awareness and facilitate exchanges of best practices and available financial support. In that context, the Commission should also support interested frontrunner regions and local authorities to work across borders by assisting in setting up cooperation mechanisms, such as European Grouping of Territorial Cooperation that enables public authorities of various Member States to team up and deliver joint services and projects, without requiring a prior international agreement to be signed and ratified by national parliaments.*

Amendment 45
Proposal for a directive
Recital 49 b (new)

Text proposed by the Commission

Amendment

- (49b) *Local authorities and cities are at the forefront of driving energy transition and increasing renewable energy deployment. As the closest level of government to citizens, local governments play a crucial role in building public support for the Union's energy and climate goals, while deploying more decentralised and integrated energy systems. It is important to ensure better access to finance for cities, towns, and regions to foster investments in local renewable energy.*

Wednesday 17 January 2018

Amendment 46
Proposal for a directive
Recital 49 c (new)

Text proposed by the Commission

Amendment

- (49c) ***Other innovative measures to attract more investment into new technologies, such as energy performance contracts and standardisation processes in public financing should also be considered.***

Amendment 47
Proposal for a directive
Recital 50

Text proposed by the Commission

Amendment

- (50) When favouring the development of the market for renewable energy sources, it is necessary to take into account the positive impact on regional and local development opportunities, export prospects, social cohesion and employment opportunities, in particular as concerns SMEs and independent energy producers.

- (50) When favouring the development of the market for renewable energy sources, it is necessary to take into account the positive impact on regional and local development opportunities, export prospects, social cohesion and employment opportunities, in particular as concerns SMEs and independent energy producers, ***including renewable self-consumers and renewable energy communities.***

Wednesday 17 January 2018

Amendment 48
Proposal for a directive

Recital 51

Text proposed by the Commission

- (51) The specific situation of the outermost regions is recognised in Article 349 **of the Treaty on the Functioning of the European Union**. The energy sector in the outermost regions is often characterised by isolation, limited supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union. It is therefore necessary to **promote the uptake of renewable energy** in order to achieve a higher degree of energy autonomy for those regions and recognise their specific situation in terms of renewable energy potential and public support needs.

Amendment

- (51) The specific situation of the outermost regions is recognised in Article 349 **TFEU**. The energy sector in the outermost regions is often characterised by isolation, limited **and more costly** supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy, **particularly biomass, and marine energies**. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union **and become 100 % renewable territories**. It is therefore necessary to **adapt the renewable energy strategy** in order to achieve a higher degree of energy autonomy for those regions, **to strengthen the security of supply**, and recognise their specific situation in terms of renewable energy potential and public support needs. **Moreover, the outermost regions should be able to fully exploit their resources, in compliance with strict sustainability criteria and in line with local conditions and needs, in order to increase the production of renewable energies and strengthen their energy independence.**

Amendment 49
Proposal for a directive

Recital 52

Text proposed by the Commission

- (52) It is appropriate to allow for the development of decentralised renewable energy technologies under non-discriminatory conditions and without hampering the financing of infrastructure investments. The move towards decentralised energy production has many benefits, including the utilisation of local energy sources, increased local security of energy supply, shorter transport distances and reduced energy transmission losses. Such decentralisation also fosters community development and cohesion by providing income sources and creating jobs locally.

Amendment

- (52) It is appropriate to allow for the development of decentralised renewable energy technologies **and storage** under non-discriminatory conditions and without hampering the financing of infrastructure investments. The move towards decentralised energy production has many benefits, including the utilisation of local energy sources, increased local security of energy supply, shorter transport distances and reduced energy transmission losses. Such decentralisation also fosters community development and cohesion by providing income sources and creating jobs locally.

Wednesday 17 January 2018

Amendment 50
Proposal for a directive

Recital 53

Text proposed by the Commission

- (53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity without facing disproportionate burdens. **Collective** self-consumption should **be allowed in certain cases so that citizens living in apartments for example can benefit from consumer empowerment to the same extent as households in single family homes.**

Amendment

- (53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity without facing disproportionate burdens. **Tariffs and remuneration for self-consumption should provide incentives for the development of smarter renewables integration technologies and motivate renewable self-consumers to make investment decisions that mutually benefit the consumer and the grid. To allow for such a balance, it is necessary to ensure that renewable self-consumers and renewable energy communities are entitled to receive remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in, as well as the long-term value to the grid, the environment and society. This must include both long-term costs and benefits of self-consumption in terms of avoided costs to the grid, society and the environment, especially when combined with other distributed energy resources such as energy efficiency, energy storage, demand response and community networks. Such remuneration should be determined on the basis of the cost benefit analysis of distributed energy resources under Article 59 of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)].**

Wednesday 17 January 2018

Amendment 51
Proposal for a directive
Recital 53 a (new)

Text proposed by the Commission

Amendment

- (53a) *Collective self-consumption should be allowed in certain cases so that citizens living in apartments for example can benefit from consumer empowerment to the same extent as households in single family homes. Enabling collective self-consumption also provides opportunities for renewable energy communities to advance energy efficiency at household level and help fight energy poverty through reduced consumption and lower supply tariffs. Member States should take advantage of this opportunity by, inter alia, assessing the possibility to enable participation by households that might otherwise not be able to participate, including vulnerable consumers and tenants.*

Amendment 52
Proposal for a directive
Recital 53 b (new)

Text proposed by the Commission

Amendment

- (53b) *Member States must ensure compliance with the rules on consumption and on the introduction or strengthening of measures to combat forced sales, unfair selling and misleading claims in respect of the installation of renewable energy equipment predominantly affecting the most vulnerable groups (such as elderly people and people living in rural areas).*

Wednesday 17 January 2018

Amendment 53
Proposal for a directive
Recital 54

Text proposed by the Commission

- (54) Local **citizen participation** in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital. This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future.

Amendment

- (54) ***The participation of local citizens and local authorities*** in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital ***which results in local investment, more choice for consumers and greater participation by citizens in the energy transition, namely by encouraging the participation by households that might not otherwise be able to, the advancement of energy efficiency at household level, and helping to fight energy poverty through reduced consumption and lower supply tariffs.*** This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future.

Amendment 54
Proposal for a directive
Recital 55 a (new)

Text proposed by the Commission

Amendment

- (55a) ***It is important that Member States ensure a fair and non-distortionary allocation of networks costs and levies to all users of the electricity system. All network tariffs should be cost reflective.***

Wednesday 17 January 2018

Amendment 55
Proposal for a directive

Recital 57

Text proposed by the Commission

- (57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. **However, in the absence of binding national targets post-2020, the remaining national incentives may not be sufficient to reach the long-term decarbonisation goals for 2030 and 2050.** In order to be in line with such goals, reinforce investor certainty and foster the development of a Union-wide renewable heating and cooling market, while respecting the energy efficiency first principle, it is appropriate to encourage the effort of Member States in the supply of renewable heating and cooling to contribute to the progressive increase of the share of renewable energy. Given the fragmented nature of some heating and cooling markets, it is of utmost importance to ensure flexibility in designing such an effort. It is also important to ensure that a potential uptake of renewable heating and cooling does not have detrimental **environmental** side-effects.

Amendment

- (57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. In order to be in line with such goals, reinforce investor certainty and Foster the development of a Union-wide renewable heating and cooling market, while respecting the energy efficiency first principle, it is appropriate to encourage the effort of Member States in the supply of renewable heating and cooling to contribute to the progressive increase of the share of renewable energy. Given the fragmented nature of some heating and cooling markets, it is of utmost importance to ensure flexibility in designing such an effort. It is also important to ensure that a potential uptake of renewable heating and cooling does not have detrimental environmental side-effects **on the environment and public health.**

Amendment 56
Proposal for a directive
Recital 59 a (new)

Text proposed by the Commission

Amendment

- (59a) **Household consumers and communities engaging in the trading of their flexibility, self-consumption or selling of their self-generated electricity, shall maintain their rights as consumers, including the rights to have a contract with a supplier of their choice and switching supplier.**

Wednesday 17 January 2018

Amendment 57
Proposal for a directive

Recital 60

Text proposed by the Commission

(60) The potential synergies between **an effort** to increase the uptake of renewable heating and cooling and the existing schemes under Directives 2010/31/EU and 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.

Amendment

(60) ***The use of efficient renewable-based heating or cooling systems should go hand in hand with a deep renovation of buildings, thereby reducing energy demand and costs for consumers and contributing to alleviating energy poverty as well as creating qualified local jobs. To that end,*** the potential synergies between ***the need*** to increase the uptake of renewable heating and cooling and the existing schemes under Directives 2010/31/EU and 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.

Amendment 58
Proposal for a directive

Recital 61 a (new)

Text proposed by the Commission

Amendment

(61a) ***In the area of Intelligent Transport it is important to increase the development and deployment of electric mobility for road, as well as to accelerate the integration of advanced technologies into innovative rail by bringing forward the Shift2Rail initiative benefiting clean public transport.***

Wednesday 17 January 2018

Amendment 59
Proposal for a directive

Recital 62

Text proposed by the Commission

- (62) The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive.

Amendment

- (62) **Where pasture or agricultural land previously destined for food and feed production is diverted to biofuel production, it will continue to be necessary to satisfy the non-fuel demand by intensifying current production or bringing non-agricultural land into production elsewhere. The latter constitutes indirect land-use change and when it involves the conversion of land with high carbon stock it can lead to significant greenhouse gas emissions.** The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive **while distinguishing crop-based biofuels with high greenhouse gas efficiency and a low risk of indirect land use change. The deployment of advanced biofuels and electric mobility should be accelerated.**

Amendment 60
Proposal for a directive

Recital 63 a (new)

Text proposed by the Commission

Amendment

- (63a) **The Union and the Member States should aim to increase the mix of energy from renewable sources, reduce the total consumption of energy in transport and increase energy efficiency in all transport sectors. Measures to do this could be promoted in transport planning as well as in the production of cars with higher energy efficiency.**

Wednesday 17 January 2018

Amendment 61
Proposal for a directive
Recital 63 b (new)

Text proposed by the Commission

Amendment

- (63b) *Fuel efficiency standards for road transport would provide an effective way of promoting the uptake of renewable alternatives in the transport sector and of achieving further greenhouse gas emission savings and decarbonisation of the transport sector in the long run. Fuel efficiency standards should be advanced in line with developments in technology and climate and energy targets.*

Amendment 286
Proposal for a directive
Recital 63 c (new)

Text proposed by the Commission

Amendment

- (63c) *Advanced biofuels are expected to have an important role in reducing greenhouse gas emissions of aviation, and therefore the incorporation obligation should also be met specifically in relation to fuels supplied to aviation. Policies should be developed at Union and Member States level to encourage operational measures to save fuels in shipping, along with research and development efforts to increase wind and solar powered marine transport.*

Amendment 63
Proposal for a directive
Recital 65 a (new)

Text proposed by the Commission

Amendment

- (65a) *In order to more accurately account for the share of renewable electricity in transport, a suitable methodology should be developed and different technical and technological solutions for that purpose should be explored.*

Wednesday 17 January 2018

Amendment 64
Proposal for a directive

Recital 66

Text proposed by the Commission

- (66) Feedstocks which have low indirect land use change impacts when used for biofuels, should be promoted for their contribution to the decarbonisation of the economy. Especially feedstocks for advanced biofuels, for which technology is more innovative and less mature and therefore needs a higher level of support, should be included in an annex to this Directive. In order to ensure that this annex is up to date with the latest technological developments while avoiding unintended negative effects, ***an evaluation should take place after the adoption of the Directive in order to assess the possibility to extend the annex to new feedstocks.***

Amendment

- (66) Feedstocks which have low indirect land use change impacts when used for biofuels, should be promoted for their contribution to the decarbonisation of the economy. Especially feedstocks for advanced biofuels, for which technology is more innovative and less mature and therefore needs a higher level of support, should be included in an annex to this Directive. In order to ensure that this annex is up to date with the latest technological developments while avoiding unintended negative effects, ***it should be regularly evaluated.***

Amendment 65
Proposal for a directive

Recital 68

Text proposed by the Commission

- (68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and agriculture production systems.

Amendment

- (68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote ***energy uses only from*** greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and agriculture production systems ***provided that sustainability and greenhouse gas emissions saving criteria are met.***

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Amendment 287
Proposal for a directive
Recital 68 a (new)

Text proposed by the Commission

Amendment

- (68a) *The synergy between the circular economy, the bio-economy and the promotion of renewable energy should be further emphasised in order to ensure the most valuable use of the raw materials and the best environmental outcome. Policy measures adopted by the Union and the Member States in support of renewable energy production should always take into account the principle of resource efficiency and of optimised use of biomass.*

Amendment 66
Proposal for a directive
Recital 69

Text proposed by the Commission

Amendment

- (69) **Biofuels, bioliquids and biomass fuels** should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the **Union target** laid down in this Directive, and those which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

- (69) **Renewable energy** should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the **targets** laid down in this Directive, and those **forms of renewable energy** which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

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Amendment 67
Proposal for a directive

Recital 71

Text proposed by the Commission

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have effect **of encouraging the destruction of biodiverse lands**. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

Amendment

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have, **or encourage, a detrimental effect on biodiversity within or outside the Union**. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. **However, biodiversity, as well as the quality, health, viability and vitality of such forests should be guaranteed**. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

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Amendment 68
Proposal for a directive
Recital 72 a (new)

Text proposed by the Commission

Amendment

- (72a) *Union sustainability criteria for biofuel, bioliquids and biomass fuels should ensure that the transition to a low-carbon economy supports the objectives in the communication of the Commission of 2 December 2015 entitled ‘Closing the loop — An EU action plan for the Circular Economy’ and is firmly guided by the waste hierarchy established in Directive 2008/98/EC.*

Amendment 69
Proposal for a directive
Recital 73

Text proposed by the Commission

Amendment

- (73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland as the cultivation of feedstock on peatland would result in significant carbon stock loss if the land was further drained for that purpose **while the absence of such drainage cannot be easily verified.**

- (73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland **or wetland where this would involve drainage of soil** as the cultivation of feedstock on peatland **or wetland** would result in significant carbon stock loss if the land was further drained for that purpose.

Amendment 70
Proposal for a directive
Recital 74 a (new)

Text proposed by the Commission

Amendment

- (74a) *Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should be produced using practices that are consistent with the protection of soil quality and soil organic carbon.*

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Amendment 71
Proposal for a directive

Recital 75

Text proposed by the Commission

- (75) It is appropriate to introduce Union-wide sustainability and greenhouse gas emission saving criteria for biomass fuels used in the electricity and heating and cooling generation, in order to continue to ensure high greenhouse gas savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market.

Amendment

- (75) It is appropriate to introduce Union-wide sustainability and greenhouse gas emission saving criteria for biomass fuels used in the electricity and heating and cooling generation, in order to continue to ensure high greenhouse gas savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market. ***Without prejudice to the strict respect of primary resources with high environmental value, the outermost regions should be able to use the potential of their resources in order to increase the production of renewable energies and their energy independence.***

Amendment 73
Proposal for a directive

Recital 76

Text proposed by the Commission

- (76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the **forest holding** level. Operators should **take the appropriate steps in order to minimise the risk of using unsustainable forest biomass for the production of bioenergy**. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC²⁴.

Amendment

- (76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the **supply base** level. Operators should **ensure that measures are taken to avoid or limit negative consequences of harvesting on the environment**. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop **arrangements for implementing the requirements based on best practices in Member States as well as** operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC²⁴.

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Amendment 74
Proposal for a directive
Recital 76 a (new)

Text proposed by the Commission

Amendment

- (76a) *If a single criterion relating to forest biomass sustainability is not provided for in national law or practice, more information corresponding to that criterion should be provided at supply base level without the requirement to provide further information on criteria that are already met at Member State level.*

Amendment 75
Proposal for a directive
Recital 76 b (new)

Text proposed by the Commission

Amendment

- (76b) *A risk-based approach should be carried out starting at national level. If the requirements of a single criterion are not provided for in national law or monitoring, the information regarding that part should be provided at supply base level in order to reduce the risk of unsustainable forest biomass production.*

Amendment 76
Proposal for a directive
Recital 76 c (new)

Text proposed by the Commission

Amendment

- (76c) *Harvesting for energy purposes has increased and is expected to continue to grow, resulting in higher imports of raw materials from third countries as well as an increase of the production of those materials within the Union. Operators should ensure that the harvesting is done in accordance with the sustainability criteria.*

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Amendment 77
Proposal for a directive

Recital 78

Text proposed by the Commission

- (78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity.

Amendment

- (78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity. ***In particular, support for installations producing renewable energy from biomass in outermost regions heavily dependent on energy imports should be strengthened, provided that sustainability criteria are met for the production of such renewable energy, adapted to the specific features of those regions.***

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Amendment 78
Proposal for a directive
Recital 80

Text proposed by the Commission

(80) Based on experience in the practical implementation of the Union sustainability criteria, it is appropriate to **strengthen** the role of voluntary international and national certification schemes for verification of compliance with the sustainability criteria in a harmonised manner.

Amendment

(80) Based on experience in the practical implementation of the Union sustainability criteria, it is appropriate to **take into account** the role of voluntary international and national certification schemes for verification of compliance with the sustainability criteria in a harmonised manner.

Amendment 79
Proposal for a directive
Recital 82

Text proposed by the Commission

(82) Voluntary schemes play an **increasingly** important role in providing evidence of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. It is therefore appropriate for the Commission to require voluntary schemes, including those already recognised by the Commission, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.

Amendment

(82) Voluntary schemes **can** play an important role in providing evidence of compliance with the **minimum** sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. It is therefore appropriate for the Commission to require voluntary schemes, including those already recognised by the Commission, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.

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Amendment 80
Proposal for a directive

Recital 84

Text proposed by the Commission

(84) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common biofuel, bioliquid and biomass fuel production pathways and that list should be updated and expanded when further reliable data is available. Economic operators should always be entitled to claim the level of greenhouse gas emission saving for biofuels, bioliquids and biomass fuels established by that list. Where the default value for greenhouse gas emission saving from a production pathway lies below the required minimum level of greenhouse gas emission saving, producers wishing to demonstrate their compliance with this minimum level should be required to show that actual emissions from their production process are lower than those that were assumed in the calculation of the default values.

Amendment

(84) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common biofuel, bioliquid and biomass fuel production pathways and that list should be updated and expanded when further reliable data is available. Economic operators should always be entitled to claim the level of **direct** greenhouse gas emission saving for biofuels, bioliquids and biomass fuels established by that list. Where the default value for **direct** greenhouse gas emission saving from a production pathway lies below the required minimum level of greenhouse gas emission saving, producers wishing to demonstrate their compliance with this minimum level should be required to show that actual emissions from their production process are lower than those that were assumed in the calculation of the default values.

Amendment 81
Proposal for a directive

Recital 85

Text proposed by the Commission

(85) It is necessary to lay down clear rules for the calculation of greenhouse gas emission savings from biofuels, bioliquids and biomass fuels and their fossil fuel comparators.

Amendment

(85) It is necessary to lay down clear rules **based on objective and non-discriminatory criteria**, for the calculation of greenhouse gas emission savings from biofuels, bioliquids and biomass fuels and their fossil fuel comparators.

Wednesday 17 January 2018

Amendment 72
Proposal for a directive
Recital 99

Text proposed by the Commission

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, 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 list of feedstocks for the production of advanced biofuels, the contribution of which towards the fuel suppliers' obligation in transport is limited; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; **and** the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, 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 list of feedstocks for the production of advanced biofuels, the contribution of which towards the fuel suppliers' obligation in transport is limited; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators; **the establishment of a maximum allowable payback period as a sustainability criterion, in particular for ligno-cellulosic biomass; and, in order to ensure full transparency throughout all sectors of energy production, the establishment, by 31 December 2018, of production criteria for fossil fuels and fossil energies.** 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 288**Proposal for a directive****Article 2 — paragraph 2 — point a***Text proposed by the Commission*

- (a) 'energy from renewable sources' means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient heat, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

Amendment

- (a) 'energy from renewable sources' means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient **energy**, tide, wave and other ocean energy, hydropower, biomass, **biomethane**, landfill gas, sewage treatment plant gas and biogases;

Amendment 85**Proposal for a directive****Article 2 — paragraph 2 — point b***Text proposed by the Commission*

- (b) 'ambient **heat**' means **heat** energy at a useful temperature level which **is extracted or captured by means of heat pumps that need electricity or other auxiliary energy to function, and which** can be stored in the ambient air, **beneath the surface of solid earth or** in surface water. The reported values shall be established on the basis of the same methodology used for the reporting of heat energy extracted or captured by heat pumps;

Amendment

- (b) 'ambient **energy**' means **thermal** energy at a useful temperature level which can be stored in the ambient air, **excluding exhaust air**, in surface **water or in sewage** water. The reported values shall be established on the basis of the same methodology used for the reporting of heat energy extracted or captured by heat pumps;

Amendment 86**Proposal for a directive****Article 2 — paragraph 2 — point b a (new)***Text proposed by the Commission**Amendment*

- (ba) '**geothermal energy**' means **energy stored in the form of heat beneath the surface of solid earth**;

Wednesday 17 January 2018

Amendment 289

Proposal for a directive

Article 2 — paragraph 2 — point c

Text proposed by the Commission

(c) 'biomass' means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

Amendment

(c) 'biomass' means the biodegradable fraction of products, waste and residues from biological origin from agriculture — including vegetal and animal substances, forestry and related industries including fisheries and aquaculture **but excluding peat and material embedded in geological formations and/or transformed to fossil**, – as well as the biodegradable fraction of waste, including industrial, **commercial** and municipal waste of biological origin, **and bacteria**;

Amendment 88

Proposal for a directive

Article 2 — paragraph 2 — point d

Text proposed by the Commission

(d) 'gross final consumption of energy' means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity **and** heat production and including losses of electricity and heat in distribution and transmission;

Amendment

(d) 'gross final consumption of energy' means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity, heat **and transport fuel** production and including losses of electricity and heat in distribution and transmission;

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Amendment 89**Proposal for a directive****Article 2 — paragraph 2 — point e***Text proposed by the Commission*

(e) 'district heating' or 'district cooling' means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from **a** central **source** of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

Amendment

(e) 'district heating' or 'district cooling' means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from central **or decentralised sources** of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

Amendment 90**Proposal for a directive****Article 2 — paragraph 2 — point f***Text proposed by the Commission*

(f) 'bioliquids' means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;

Amendment

(f) 'bioliquids' means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass **or by biomass**;

Amendment 290**Proposal for a directive****Article 2 — paragraph 2 — point g***Text proposed by the Commission*

(g) 'biofuels' means liquid fuel for transport produced from biomass;

Amendment

(g) 'biofuels' means liquid **or gaseous** fuel for transport produced from **or by** biomass;

Wednesday 17 January 2018

Amendment 91

Proposal for a directive

Article 2 — paragraph 2 — point i

Text proposed by the Commission

(i) 'support scheme': means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased. This includes, but is not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;

Amendment

(i) 'support scheme': means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased. This includes, but is not restricted to, **research and** investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;

Amendment 93

Proposal for a directive

Article 2 — paragraph 2 — point q

Text proposed by the Commission

(q) 'non-food cellulosic material' means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

Amendment

(q) 'non-food cellulosic material' means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops **and ley crops such as grass, clover and alfalfa**), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

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Amendment 291**Proposal for a directive****Article 2 — paragraph 2 — point s***Text proposed by the Commission*

(s) 'renewable liquid and gaseous transport fuels of non-biological origin' means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, **and which are used in transport**;

Amendment

(s) 'renewable liquid and gaseous transport fuels of non-biological origin' means liquid or gaseous fuels **which are used in transport** other than biofuels whose energy content comes from renewable energy sources other than biomass, **where any carbon feedstock is captured from the ambient air**;

Amendment 95**Proposal for a directive****Article 2 — paragraph 2 — point z***Text proposed by the Commission*

(z) 'repowering' means renewing power plants producing renewable energy, including the full or partial replacement of installations **or** operation systems and equipment, in order to replace capacity or increase efficiency;

Amendment

(z) 'repowering' means renewing power plants producing renewable energy, including the full or partial replacement of installations operation systems and equipment, in order to **increase or** replace capacity or increase efficiency;

Amendment 96**Proposal for a directive****Article 2 — paragraph 2 — point y***Text proposed by the Commission*

(y) 'waste heat or cold' means heat or cold which is generated as by-product in industrial or power generation installations and which would be dissipated unused in air or water without access to a district heating or cooling system;

Amendment

(y) 'waste heat or cold' means **unavoidable** heat or cold which is generated as by-product in industrial **installations** or power generation installations **(after the use of high-efficiency cogeneration or where cogeneration is not feasible), or from the tertiary sector**, and which would be dissipated unused in air or water without access to a district heating or cooling system;

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Amendment 97

Proposal for a directive

Article 2 — paragraph 2 — point aa

Text proposed by the Commission

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] who **consumes** and may store and sell renewable electricity which is generated within **his or its** premises, including a multi-apartment block, a commercial or shared services site or **a** closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

Amendment

(aa) ‘renewable self-consumer’ means an active customer **or a group of customers acting together** as defined in Directive ... **of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)]** who **consume** and may store and sell renewable electricity which is generated within **their** premises, including a multi-apartment block, **residential area**, a commercial, **industrial** or shared services site or **in the same** closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

Amendment 98

Proposal for a directive

Article 2 — paragraph 2 — point aa a (new)

Text proposed by the Commission

Amendment

(aaa) ‘renewable energy community’ means a local energy community as defined in Article 2 of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)] that meets the requirements set out in Article 22(1) of this Directive;

Amendment 99

Proposal for a directive

Article 2 — paragraph 2 — point b b

Text proposed by the Commission

(bb) ‘renewable self-consumption’ means the generation and consumption, and, where applicable, storage, of renewable **electricity** by renewable self-consumers;

Amendment

(bb) ‘renewable self-consumption’ means the generation and consumption, and, where applicable, storage, of renewable **energy** by renewable self-consumers;

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Amendment 100

Proposal for a directive

Article 2 — paragraph 2 — point cc*Text proposed by the Commission*

(cc) 'power purchase agreement' means a contract under which a legal person agrees to purchase renewable electricity directly from an energy generator;

Amendment

(cc) '**renewables** power purchase agreement' means a contract under which a legal **or natural** person agrees to purchase renewable electricity directly from an energy generator

Amendment 305

Proposal for a directive

Article 2 — paragraph 2 — point ee*Text proposed by the Commission*

(ee) 'advanced biofuels' means biofuels that are produced from feedstocks listed in part A of Annex IX;

Amendment

(ee) 'advanced biofuels' means biofuels that are produced from feedstocks listed in part A of Annex IX, **and from waste and residual biomass not originating from food/feed crops where such biomass fulfils the sustainability criteria as set out in Article 26;**

Amendment 103

Proposal for a directive

Article 2 — paragraph 2 — point ff*Text proposed by the Commission*

(ff) '**waste-based fossil fuels**' means **liquid and gaseous fuels produced from waste streams of non-renewable origin, including waste processing gases and exhaust gases;**

*Amendment**deleted*

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Amendment 104

Proposal for a directive

Article 2 — paragraph 2 — point ff a (new)

Text proposed by the Commission

Amendment

(ffa) ‘recycled carbon fuels’ means liquid and gaseous fuels produced from unavoidable waste streams of non-renewable origin, including waste processing gases and exhaust gases, with substantial greenhouse gas savings over their entire life cycle; if produced from solid waste streams, only waste that is not reusable and not mechanically recyclable shall be used, with full respect of the waste hierarchy established in Directive 2008/98/EC; if produced from gaseous process emissions, these must be emitted as an unavoidable and not intentional consequence of the manufacturing process; the proportion of gaseous waste used for the production of these recycled carbon fuels cannot be credited under other emissions reduction schemes, such as the EU Emission Trading System;

Amendment 105

Proposal for a directive

Article 2 — paragraph 2 — point jj

Text proposed by the Commission

Amendment

(jj) ‘harvesting permit’ means **an official document giving the** right to harvest the forest biomass;

(jj) ‘harvesting permit’ means **a legal permit or similar right under national and/or regional law** to harvest the forest biomass;

Amendment 106

Proposal for a directive

Article 2 — paragraph 2 — point mm

Text proposed by the Commission

Amendment

(mm) ‘forest holding’ means **one or more parcels of forest and other wooded land which constitute a single unit from the point of view of management or utilisation;**

(mm) ‘supply base’ means **the geographic region from which biomass feedstock originates;**

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Amendment 107
Proposal for a directive
Article 2 — paragraph 2 — point nn

Text proposed by the Commission

(nn) **'biowaste'** means **biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from the food processing industry;**

Amendment

(nn) **'bio-waste'** means **bio-waste as defined in point (4) of Article 3 of Directive 2008/98/EC;**

Amendment 108
Proposal for a directive
Article 3 — Title

Text proposed by the Commission

Union binding overall target for 2030

Amendment

Union binding overall target **and national targets** for 2030

Amendment 109
Proposal for a directive
Article 3 — paragraph 1

Text proposed by the Commission

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least **27 %**.

Amendment

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least **35 %**.

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Amendment 306

Proposal for a directive

Article 3 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall ensure that the share of energy from renewable sources in all forms of transport in 2030 is at least 12 % of the final consumption of energy in transport in that Member State. In order to achieve the target of 12 % of final energy consumption from renewable sources, Member States shall require, with effect from 1 January 2021, fuel suppliers to include a minimum share of renewable energy referred to in Article 25.

In order to count towards this target, the greenhouse gas emissions savings from the use of biofuels and biogas shall comply with the criteria laid down in Article 26(7) when compared to fossil fuels in accordance with the methodology referred to in Article 28(1).

Where the contribution from biofuels produced from food and feed crops in a Member State is below 2 % and thus not sufficient to cover the difference between the fuel supplier obligation and the 12 % transport target, that Member State may, accordingly, adjust their cap set out in Article 7(1) up to a maximum of 2 %.

Amendment 111

Proposal for a directive

Article 3 — paragraph 2

Text proposed by the Commission

Amendment

2. Member States' *respective contributions* to this overall 2030 target **shall be set and notified to the Commission** as part of their Integrated National Energy and Climate Plans in accordance with Articles 3 to 5 and Articles 9 to **11** of Regulation [Governance].

2. Member States **shall set targets to meet** this overall 2030 target as part of their Integrated National Energy and Climate Plans in accordance with Articles 3 to 5 and Articles 9 to **13** of Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**. **If, on the basis of the assessment of the final integrated national energy and climate plans submitted pursuant to Article 3 of Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)], the Commission concludes that Member States' targets are insufficient for the collective achievement of the Union's binding overall target, Member States with a target below that resulting from applying the formula set out in Annex Ia shall increase their target accordingly.**

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Text proposed by the Commission

Amendment

Where a Member State cannot meet its target because of exceptional and duly justified circumstances, it may deviate from its target by a maximum of 10 %, notifying the Commission by 2025. Should this put at risk the achievement of the Union binding overall target, the Commission and Member States shall take corrective measures as those set out in Article 27(4) of Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)], to effectively cover the gap.

Amendment 321

Proposal for a directive

Article 3 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that their national policies, including support schemes, are designed to conform to the waste hierarchy, as set out in Article 4 of Directive 2008/98/EC and avoid significant distortive effects on markets for (by) products, wastes and residues. To that end, Member States shall regularly review their national policies and justify any deviation in the reports required under Article 18(c) of Regulation ...of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].

Amendment 113

Proposal for a directive

Article 3 — paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall support the high ambition of Member States through an enabling framework comprising the enhanced use of Union funds, in particular financial instruments, especially in view of reducing the cost of capital for renewable energy projects.

4. The Commission shall support the high ambition of Member States through an enabling framework comprising the enhanced use of Union funds, in particular financial instruments, especially in view of reducing the cost of capital for renewable energy projects **and supporting renewable generation projects of cross-border dimension.**

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Amendment 114
Proposal for a directive
Article 4 — title

Text proposed by the Commission

Financial support for **electricity** from renewable sources

Amendment

Support for **energy** from renewable sources

Amendment 322/rev
Proposal for a directive
Article 4 — paragraph 1

Text proposed by the Commission

1. Subject to **State aid rules**, in order to reach the Union **target** set in Article **3(1)**, Member States may apply support schemes. Support schemes for electricity from renewable sources shall be **designed** so as to avoid **unnecessary distortions** of electricity markets and ensure that producers take into account the supply and demand of electricity as well as possible grid constraints.

Amendment

1. **Pursuant to Article 195 TFEU and** subject to **Articles 107 and 108 thereof**, in order to reach **or exceed** the Union **and national targets** set in Article 3, Member States may apply support schemes. **To avoid unnecessary distortions of raw material markets, support schemes for renewable energy from biomass shall be designed to avoid encouraging inappropriate use of biomass primarily for energy production if there exists industrial or material uses providing higher added-value, which could include giving priority to the use of wastes and residues. Members States should take into account available sustainable supply of biomass.** Support schemes for electricity from renewable sources shall be **market-based** so as to avoid **the distortion** of electricity markets and **shall** ensure that producers take into account the supply and demand of electricity as well as possible **system integration costs or** grid constraints.

Amendment 116
Proposal for a directive
Article 4 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may apply technology-neutral or technology-specific support schemes. Technology-specific support schemes may be applied in particular on the basis of one or more of the following grounds:

(a) the long-term potential of a particular technology;

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Text proposed by the Commission

Amendment

- (b) *the need to achieve technological or regional diversification of the energy mix;*
- (c) *efficient system planning and grid integration;*
- (d) *network constraints and grid stability;*
- (e) *environmental constraints.*

Amendment 117

Proposal for a directive

Article 4 — paragraph 2

Text proposed by the Commission

Amendment

2. Support for electricity from renewable sources shall be designed so as to **integrate** electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues.

2. Support for electricity from renewable sources shall be designed so as to **maximise the integration of** electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues, **while offering renewable energy sources compensation for market distortions.**

Member States may provide for exemptions benefiting small-scale installations of less than 500 kW and demonstration projects. However, electricity from wind energy shall be subject to a threshold of 3 MW of installed electricity capacity or 3 generation units.

Without prejudice to the thresholds mentioned in the second subparagraph, Member States may support renewable energy communities through other mechanisms and procedures.

Amendment 118

Proposal for a directive

Article 4 — paragraph 3 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where support for renewable energy is granted by means of a tendering procedure, paragraph 3a shall apply unless the support is intended for small-scale installations of less than 1 MW, wind energy projects of up to 6 generating units or 6 MW, or demonstration projects.

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Amendment 119

Proposal for a directive

Article 4 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where support for renewable energy is granted by means of a tendering procedure, in order to ensure a high project realisation rate, Member States shall:

- (a) establish and publish non-discriminatory and transparent pre-qualification criteria and rules on the delivery period of the project;**
- (b) consult stakeholders to review the draft tender specifications;**
- (c) publish information about past tenders including project realisation rates.**

Amendment 120

Proposal for a directive

Article 4 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall publish a long-term schedule in relation to the expected allocation of support, covering at least the next five years and including the indicative timing, including frequency of tenders where appropriate, the capacity, the budget or the maximum unitary support expected to be allocated and the eligible technologies.

Amendment 121

Proposal for a directive

Article 4 — paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Member States shall take into account the specificities of renewable energy communities and self-consumers when designing support schemes in order to enable them to compete on an equal footing.

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Amendment 122**Proposal for a directive****Article 4 — paragraph 3 d (new)***Text proposed by the Commission**Amendment*

3d. In order to increase the generation of energy from renewable sources in the outermost regions and small islands, Member States may adapt financial support for projects located in those regions in order to take into account the production costs associated with their specific conditions of isolation and external dependence.

Amendment 123**Proposal for a directive****Article 4 — paragraph 4***Text proposed by the Commission**Amendment*

4. Member States shall assess the effectiveness of their support for electricity from renewable sources at least every four years. Decisions **on the continuation or prolongation of** support and design of new support shall be based on the results of the assessments.

4. Member States shall assess the effectiveness of their support for electricity from renewable sources **and its distributive effects on different consumer groups, including on industrial competitiveness,** at least every four years.

That assessment shall take into account the effect of possible changes to the support schemes on investments. Member States shall include the assessment in their national energy and climate plans and updates of those plans in compliance with the Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].

Long-term planning governing the decisions of the support and design of new support shall be based on the results of the assessments, considering their overall effectiveness in reaching renewable targets and other goals, such as affordability and the development of energy communities, and considering its distributive effects on different consumer groups, including on industrial competitiveness.

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Amendment 124

Proposal for a directive

Article 4 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By ... [2021] and every three years thereafter, the Commission shall report to the European Parliament and to the Council on the performance of support granted by means of tendering procedures in the Union, analysing, in particular the ability of tenders to:

- (a) achieve cost-reduction;**
- (b) achieve technological improvement;**
- (c) achieve high realisation rates;**
- (d) provide non-discriminatory participation of small actors and local authorities.**

Amendment 125

Proposal for a directive

Article 4 — paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. By ... [six months after the date of entry into force of this Directive], the Commission shall review the Guidelines on State aid for environmental protection and energy 2014-2020 (2014/C 200/01) in order to incorporate fully the general principles laid down in Article 4 of this Directive.

Amendment 126

Proposal for a directive

Article 4 — paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. By way of derogation from paragraph 1 of this Article, Member States shall ensure that no support scheme for energy from renewable sources is provided for municipal waste which does not comply with the separate collection obligations set out in Directive 2008/98/EC.

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Amendment 127**Proposal for a directive****Article 5 — paragraph 1***Text proposed by the Commission*

1. Member States shall open support for electricity generated from renewable sources to generators located in other Member States under the conditions laid down in this Article.

Amendment

1. Member States shall open support for electricity generated from renewable sources to generators located in other Member States Under the conditions laid down in this Article. **Member States may limit their support to installations in Member States to which there is a direct connection via interconnectors.**

Amendment 128**Proposal for a directive****Article 5 — paragraph 2***Text proposed by the Commission*

2. Member States shall ensure that support for at least **10 %** of the newly-supported capacity in each year between 2021 and 2025 and at least **15 %** of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States.

Amendment

2. Member States shall ensure that support for at least **8 %** of the newly-supported capacity in each year between 2021 and 2025 and at least **13 %** of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States. **Beyond those minimum levels, Member States shall have the right to decide, in accordance with Articles 7 to 13 of this Directive, to which extent they support energy from renewable sources which is produced in a different Member State.**

Amendment 129**Proposal for a directive****Article 5 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. Member States may request the Commission to exempt them from the obligations laid down in this Article, including the decision to not allow installations located in their territory to participate in support schemes organised in other Member States on one or more of the following grounds:

(a) insufficient interconnection capacity;

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Text proposed by the Commission

Amendment

(b) *insufficient natural resources;*

(c) *detrimental effects on energy security or the smooth functioning of the energy market of the Member State requesting the exemption.*

Any such exemption shall be published in the Official Journal of the European Union and shall be reviewed by 31 December 2025.

Amendment 130

Proposal for a directive

Article 5 — paragraph 3

Text proposed by the Commission

3. Support schemes may be opened to cross-border participation through, inter alia, opened tenders, joint tenders, opened certificate schemes or joint support schemes. The allocation of renewable electricity benefiting from support under opened tenders, joint tenders **or** opened certificate schemes towards Member States respective contributions shall be subject to a cooperation agreement setting out rules for the cross-border disbursement of funding, following the principle that energy should be counted towards the Member State funding the installation.

Amendment

3. Support schemes may be opened to cross-border participation through, inter alia, opened tenders, joint tenders, opened certificate schemes, or joint support schemes. The allocation of renewable electricity benefiting from support under opened tenders, joint tenders, opened certificate schemes towards Member States respective contributions shall be subject to a cooperation agreement setting out rules for the cross-border **scheme, including conditions for participation and** disbursement of funding **taking into account different taxes and fees,** following the principle that energy should be counted towards the Member State funding the installation. **The cooperation agreement shall aim to harmonise the administrative framework conditions in the cooperation countries to ensure a level playing field.**

Amendment 131

Proposal for a directive

Article 5 — paragraph 4

Text proposed by the Commission

4. The Commission shall assess by 2025 the benefits on the cost-effective deployment of renewable electricity in the Union of provisions set out in this Article. On the basis of this assessment, the Commission may propose to **increase** the percentages set out in paragraph 2.

Amendment

4. **The Commission shall assist Member States throughout the negotiation process and the setting up of the cooperation arrangements by providing information and analysis, including quantitative and qualitative data on direct and indirect cost and benefits of cooperation, as well as guidance and technical expertise throughout the process. To that end, the Commission shall encourage the exchange of best practice and develop templates for cooperation agreements facilitating the process.**

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Text proposed by the Commission

Amendment

The Commission shall assess by 2025 the benefits on the cost-effective deployment of renewable electricity in the Union of provisions set out in this Article. On the basis of this assessment, the Commission may propose to **modify** the percentages set out in paragraph 2.

Amendment 132

Proposal for a directive

Article 6 — paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to adaptations necessary to comply with State aid rules, Member States shall ensure that the level of, and the conditions attached to, the support granted to renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and the economics of supported projects.

Member States shall ensure that the level of, and the conditions attached to, the support granted to **new or existing** renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and **their economics**.

When other regulatory instruments are changed and those changes affect supported renewable energy projects, Member States shall ensure that regulatory changes do not have a negative impact on the economics of **the** supported projects.

Amendment 133

Proposal for a directive

Article 6 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that any modification of support schemes is carried out on the basis of long-term planning in accordance with Article 4(4), is publicly announced at least nine months before it is to enter into force and is subject to a transparent and inclusive public consultation process. Any substantial change to an existing support scheme shall include an appropriate transitional period before the new support scheme enters into force.

Where regulatory or grid operation changes impact negatively on the economics of supported projects in a significant or discriminatory manner, Member States shall ensure that those supported projects receive compensation.

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Amendment 307

Proposal for a directive

Article 7 — paragraph 1 — subparagraph 4

Text proposed by the Commission

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than **7 % of** final consumption of energy in road and rail transport **in that Member State. This limit shall be reduced to 3,8 % in 2030 following the trajectory set out in part A of Annex X.** Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change.

Amendment

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than **the contribution from those to the gross final consumption of energy from renewable energy sources in 2017 in that Member State, with a maximum of 7 % of gross final consumption** in road and rail transport. **The contribution from biofuels and bioliquids produced from palm oil shall be 0 % from 2021.** Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change **and other unintended sustainability impacts.**

Amendment 136

Proposal for a directive

Article 7 — paragraph 2 — subparagraph 1

Text proposed by the Commission

For the purposes of paragraph 1(a), gross final consumption of electricity from renewable energy sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, including the production of electricity from renewable self-consumers and energy communities and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill.

Amendment

For the purposes of paragraph 1(a), gross final consumption of electricity from renewable energy sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, including the production of electricity from renewable self-consumers and **renewable** energy communities and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill.

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Amendment 137**Proposal for a directive****Article 7 — paragraph 3 — subparagraph 3**

Text proposed by the Commission

Ambient **heat** energy **captured** by heat pumps shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat to be considered as energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology laid down in Annex VII.

Amendment

Ambient **energy and geothermal** energy **transferred** by heat pumps **for the production of heating or cooling** shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat to be considered as energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology laid down in Annex VII.

Amendment 138**Proposal for a directive****Article 7 — paragraph 3 — subparagraph 4 a (new)**

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 in order to supplement this Directive by establishing a methodology for calculating the quantity of renewable energy used for heating and cooling and district heating and cooling and to revise Annex VII on calculation of energy from heat pumps.

Amendment 139**Proposal for a directive****Article 7 — paragraph 4 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) For the purpose of complying with the target set out in Article 3(1)(a), the contribution of fuels supplied in aviation and maritime sector shall be considered to be 2 times and 1,2 times their energy content respectively, and the contribution of renewable electricity supplied to road vehicles shall be considered to be 2,5 times its energy content.

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Amendments 140 and 308

Proposal for a directive

Article 7 — paragraph 5 — subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the list of feedstocks in parts A and B of Annex IX **in order to add feedstocks, but not to remove them**. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, in compliance with the Union sustainability criteria, supporting the conclusion that the feedstock in question does not create an additional demand for land and promoting the use of wastes and residues, while avoiding significant distortive effects on markets for (by-)products, wastes or residues, delivering substantial greenhouse gas emission savings compared to fossil fuels, and not creating risk of negative impacts on the environment and biodiversity.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 **in order** to amend the list of feedstocks in parts A and B of Annex IX. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the **circular economy, the** waste hierarchy established in Directive 2008/98/EC, in compliance with the Union sustainability criteria, supporting the conclusion that the feedstock in question does not create an additional demand for land and promoting the use of wastes and residues, while avoiding significant distortive effects on markets for (by-)products, wastes or residues, delivering substantial greenhouse gas emission savings compared to fossil fuels **based on a life cycle assessment of emissions**, and not creating risk of negative impacts on the environment and biodiversity.

Amendment 309

Proposal for a directive

Article 7 — paragraph 5 — subparagraph 3

Text proposed by the Commission

Every **2** years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, in line with the principles set out in this paragraph. The first evaluation shall be carried out no later than **6** months after [date of entry into force of this Directive]. If appropriate, the Commission shall adopt delegated acts to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, **but not to remove them**.

Amendment

Every **two** years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, in line with the principles set out in this paragraph. The first evaluation shall be carried out no later than **six** months after [date of entry into force of this Directive]. If appropriate, the Commission shall adopt delegated acts to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks. **The Commission shall carry out a special evaluation in 2025 with a view to deleting feedstocks in Annex IX, and any resulting delegated act shall be adopted within one year of that evaluation.**

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Amendment 310**Proposal for a directive****Article 7 — paragraph 5 — subparagraph 3 a (new)**

Text proposed by the Commission

Amendment

Feedstocks shall only be deleted in Annex IX following a public consultation and in accordance with the principles of stability of financial support established in Article 6. Without prejudice to Article 26, where feedstocks are deleted, existing installations producing biofuels from that feedstock shall be permitted to count that energy as renewable energy and count it towards the fuel supplier obligation in Article 25, up to, but not beyond, their historic levels of production.

Amendment 143**Proposal for a directive****Article 7 — paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. When setting policies for the promotion of production of fuels from feedstocks listed in Annex IX to this Directive, Member States shall ensure that the waste hierarchy established in Directive 2008/98/EC is complied with, including its provisions regarding life cycle thinking on the overall impacts of the generation and management of different waste streams.

Amendment 144**Proposal for a directive****Article 9 — paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. The Commission shall facilitate the establishment of joint projects between Member States, notably via dedicated technical assistance and project development assistance.

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Amendment 145

Proposal for a directive

Article 11 — paragraph 1

Text proposed by the Commission

1. One or more Member States may cooperate with one or more third countries on all types of joint projects regarding the production of electricity from renewable energy sources. Such cooperation may involve private operators.

Amendment

1. One or more Member States may cooperate with one or more third countries on all types of joint projects regarding the production of electricity from renewable energy sources. Such cooperation may involve private operators **and shall take place in full respect of international law.**

Amendment 146

Proposal for a directive

Article 11 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

(ca) **the electricity has been produced in accordance with international law, with a particular focus on human rights law.**

Amendment 147

Proposal for a directive

Article 11 — paragraph 3 — point e

Text proposed by the Commission

(e) the application relates to a joint project that fulfils the criteria in points (b) **and** (c) of paragraph 2 and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.

Amendment

(e) the application relates to a joint project that fulfils the criteria in points (b), (c) **and (ca)** of paragraph 2 and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.

Amendment 148

Proposal for a directive

Article 11 — paragraph 5 — point d

Text proposed by the Commission

(d) include a written acknowledgement of points (b) **and** (c) by the third country in whose territory the installation is to become operational and the proportion or amount of electricity produced by the installation which will be used domestically by that third country.

Amendment

(d) include a written acknowledgement of points (b), (c) **and (ca) of paragraph 2** by the third country in whose territory the installation is to become operational and the proportion or amount of electricity produced by the installation which will be used domestically by that third country.

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Amendment 149**Proposal for a directive****Article 13 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. The Commission shall facilitate the establishment of joint support schemes between Member States, in particular via the dissemination of guidelines and best practices.

Amendment 150**Proposal for a directive****Article 15 — paragraph 1 — subparagraph 1***Text proposed by the Commission**Amendment*

Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution **network infrastructures** for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary.

Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution **networks** for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels, **bioliquids and biomass fuels** or other energy products, **and to renewable liquids and gaseous transport fuels of non-biological origin** are proportionate and necessary **and comply with the energy efficiency first principle.**

Amendment 151**Proposal for a directive****Article 15 — paragraph 1 — subparagraph 2 — point a***Text proposed by the Commission**Amendment*

(a) administrative procedures are streamlined and expedited at the appropriate administrative level;

(a) administrative procedures are streamlined and expedited at the appropriate administrative level **and predictable time-frames for the issue of the necessary permits and licenses are established;**

Amendment 152**Proposal for a directive****Article 15 — paragraph 1 — subparagraph 2 — point d***Text proposed by the Commission**Amendment*

(d) simplified and less burdensome authorisation procedures, including through simple notification **if allowed by the applicable regulatory framework**, are established for decentralised devices for producing energy from renewable sources.

(d) simplified and less burdensome authorisation procedures, including through simple notification are established **for small projects and** for decentralised devices for producing **and storing** energy from renewable sources, **including renewable self-consumers and renewable energy communities.**

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Amendment 153
Proposal for a directive
Article 15 — paragraph 3

Text proposed by the Commission

3. *Member States shall ensure that investors have sufficient predictability of the planned support for energy from renewable sources. To this aim, Member States shall define and publish a long-term schedule in relation to expected allocation for support, covering at least the following three years and including for each scheme the indicative timing, the capacity, the budget expected to be allocated, as well as a consultation of stakeholders on the design of the support.*

Amendment

deleted

Amendment 154
Proposal for a directive
Article 15 — paragraph 4

Text proposed by the Commission

4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial or residential **areas** and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks.

Amendment

4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy, **including for early spatial planning, needs and adequacy assessments taking account of the energy efficiency and demand response, as well as specific provisions on renewable self-consumption and renewable energy communities**, and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial, **commercial** or residential **areas** and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks. **Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure, where appropriate.**

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Amendment 155**Proposal for a directive****Article 15 — paragraph 5 — subparagraph 2***Text proposed by the Commission*

In establishing such measures or in their support schemes, Member States may take into account national measures relating to substantial increases in energy efficiency and relating to cogeneration and to passive, low or zero-energy buildings.

Amendment

In establishing such measures or in their support schemes, Member States may take into account national measures relating to substantial increases in **renewable self-consumption, local energy storage**, energy efficiency and relating to cogeneration and to passive, low or zero-energy buildings.

Amendment 156**Proposal for a directive****Article 15 — paragraph 5 — subparagraph 3***Text proposed by the Commission*

Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources in new buildings and in existing buildings that are subject to major renovation, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU. Member States shall permit those minimum levels to be fulfilled, inter alia, using a significant proportion of renewable energy sources.

Amendment

Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources **or of renewable generation installations** in new buildings and in existing buildings that are subject to major renovation, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU. Member States shall permit those minimum levels to be fulfilled, inter alia, **through district heating and cooling produced** using a significant proportion of renewable energy sources, **through individual or collective self-consumption of renewable energy, in accordance with Article 21, or through renewable based cogeneration and wasted heat and cold.**

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Amendment 157

Proposal for a directive

Article 15 — paragraph 6

Text proposed by the Commission

6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by providing that the roofs of public or mixed private-public buildings are used by third parties for installations that produce energy from renewable sources.

Amendment

6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by **complying with standards for nearly zero energy building as required in Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)], or by** providing that the roofs of public or mixed private-public buildings are used by third parties for installations that produce energy from renewable sources.

Amendment 158

Proposal for a directive

Article 15 — paragraph 7

Text proposed by the Commission

7. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, **as the basis for encouraging such** systems and **equipment**.

Amendment

7. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. **To that end** Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, **and ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as eventual financial instruments and incentives available in the case of replacement, in view of promoting an increased replacement rate of old heating systems and an increased switch to renewable energy based solutions in accordance with Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)].**

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Amendment 159
Proposal for a directive
Article 15 — paragraph 8

Text proposed by the Commission

8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment shall be included in the second comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.

Amendment

8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment ***shall specifically consider spatial analysis of areas suitable for low ecological risk deployment and the potential for small-scale households projects.*** That assessment shall be included in the second comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.

Amendment 160
Proposal for a directive
Article 15 — paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Member States shall ensure that their competent authorities at national, regional and local level include provisions in their mobility and transport plans for the integration and deployment of modes of transport using renewable energy sources.

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Amendment 161

Proposal for a directive

Article 15 — paragraph 9

Text proposed by the Commission

9. Member States shall **remove** administrative barriers to corporate long-term power purchase agreements to finance renewables and facilitate their uptake.

Amendment

9. Member States shall **carry out an assessment of the regulatory and administrative barriers and potential of the purchase of energy from renewable sources by corporate customers in their territories and shall set up an enabling regulatory and administrative framework for enhancing corporate long-term renewables power purchase agreements to finance renewables and facilitate their uptake, ensuring that those agreements are not subject to disproportionate procedures and charges that are not cost reflective. With the conclusion of such agreements, the equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled on behalf of the corporate customer. The enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].**

Amendment 162

Proposal for a directive

Article 16 — paragraph 2

Text proposed by the Commission

2. The single administrative contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities, and deliver a legally binding decision at the end of the process.

Amendment

2. The single administrative contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities, and deliver a legally binding decision at the end of the process. **Applicants should be able to submit all relevant documents in digital form.**

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Amendment 163**Proposal for a directive****Article 16 — paragraph 3**

Text proposed by the Commission

3. The single administrative contact point, in collaboration with transmission and distribution system operators, shall **publish a manual of** procedures for renewable project developers, including for small scale projects **and** renewable self-consumers projects.

Amendment

3. ***In order to facilitate access to the relevant information, the single administrative contact point or the Member State, in collaboration with transmission and distribution system operators, shall set up a single online information platform explaining the*** procedures for renewable project developers, including for small scale projects, renewable self-consumers projects ***and renewable energy community projects. If the Member State decides to have more than one single administrative contact point the information platform shall guide the applicant to the contact point relevant for the applicant's application.***

Amendment 164**Proposal for a directive****Article 16 — paragraph 4**

Text proposed by the Commission

4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article 16(5) and Article 17.

Amendment

4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article **16(4a) and** (5) and Article 17.

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Amendment 165

Proposal for a directive

Article 16 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For installations with an electricity capacity between 50kW and 1MW, the permit granting process shall not exceed one year. In case of extraordinary circumstances, which should be duly justified, this time limit can be extended for three additional months.

The periods referred to in paragraphs 4 and 4a shall be without prejudice to judicial appeals and remedies and may be extended at most by the duration of the judicial appeals and remedies procedures.

Member States shall ensure applicants have access to out of court resolution mechanism or simple and accessible judicial procedures for the settlements of disputes concerning permit granting processes and the issuance of permit to build and operate renewable energy plants.

Amendment 166

Proposal for a directive

Article 16 — paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall facilitate **the repowering** of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process, which shall not exceed one year from the date on which the request for repowering is submitted to the single administrative contact point.

5. Member States shall facilitate **the repowering** of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process, which shall not exceed one year from the date on which the request for repowering is submitted to the single administrative contact point. **Without prejudice to Article 11(4) of the Regulation ... of the European Parliament and of the Council [common rules for the internal market in electricity (recast), 2016/0379(COD)], Member States shall ensure that access and connection rights to the grid are maintained for repowered projects at least in cases in which there is no change in capacity.**

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Amendment 354**Proposal for a directive****Article 16 — paragraph 5 a (new)***Text proposed by the Commission**Amendment*

5a. Member States shall ensure via their permit or concession granting processes that, by 31 December 2022, 90 % of fuel stations along the roads of the core network established by Regulation (EU) No 1315/2013 ('TEN-T Core Network') are equipped with public accessible high-power recharging points for electric vehicles. The Commission is empowered to adopt delegated acts in accordance with Article 32 to extend the scope of this paragraph to fuels falling under Article 25.

Amendment 167**Proposal for a directive****Article 17 — paragraph 1***Text proposed by the Commission**Amendment*

1. Demonstration projects and installations with an electricity capacity of less than 50 kW shall be allowed to connect to the grid following a notification to the distribution system operator.

1. Demonstration projects and installations with an electricity capacity of less than 50 kW shall be allowed to connect to the grid following a notification to the distribution system operator.

By way of derogation from the first subparagraph, for demonstration projects and installations with a capacity of between 10,8 kW and 50kW, the distribution system operator may decide to refuse the simple notification on justified grounds or propose an alternative solution. If so, it shall do so within two weeks of the notification and the applicant may then request connection through the standard procedures. In the absence of a negative decision by the distribution system operator within that time frame the installation may be connected.

Amendment 168**Proposal for a directive****Article 18 — paragraph 1***Text proposed by the Commission**Amendment*

1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, **builders**, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.

1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, **in particular low-income, vulnerable consumers, renewable self-consumers, renewable energy communities builders**, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.

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Amendment 169

Proposal for a directive

Article 18 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure information on intelligent transport systems and connected vehicles in relation to its benefits regarding road safety, congestion reduction and fuel efficiency.

Amendment 170

Proposal for a directive

Article 18 — paragraph 6

Text proposed by the Commission

Amendment

6. Member States, with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens of the benefits and practicalities of developing and using energy from renewable sources.

6. Member States, with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens **on how to exercise their rights as active customers, and** of the benefits and practicalities, **including technical and financial aspects**, of developing and using energy from renewable sources, **including by self-consumption or in the framework of renewable energy communities, as well as of the benefits of cooperation mechanisms between Member States and different kinds of cross-border cooperation.**

Amendment 171

Proposal for a directive

Article 19 — paragraph 2 — subparagraph 3

Text proposed by the Commission

Amendment

Member States shall ensure that no guarantees of origin are issued to a producer that receives financial support from a support scheme for the same production of energy from renewable sources. Member States shall issue **such guarantees of origin and transfer them to the market by auctioning them. The revenues raised as a result of the auctioning shall be used to offset the costs of renewables support.**

Member States shall ensure that **in the case of renewable energy installations commissioned after ... [date of the entry into force of this Directive]** no guarantees of origin are issued to a producer that receives financial support from a support scheme for the same production of energy from renewable sources, **unless there is no double compensation.**

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Text proposed by the Commission

Amendment

It shall be presumed that there is no double compensation where:

- (a) financial support is granted by way of a tender procedure or a tradable green certificate system;*
- (b) the market value of the guarantees of origin is administratively taken into account in the level of financial support; or*
- (c) the guarantees of origin are not issued directly to the producer but to a supplier or consumer who buys the renewable energy either in a competitive setting or in a long-term corporate renewables power purchase agreement.*

In cases other than those referred to in the fourth subparagraph, Member States shall issue the Guarantee of Origin for statistical reasons and cancel them immediately.

Amendment 172

Proposal for a directive

Article 19 — paragraph 7 — subparagraph 1 — point a (new)

Text proposed by the Commission

Amendment

- (aa) whether the energy source from which the energy was produced met the sustainability criteria and the greenhouse gas emissions saving criteria referred to in Article 26.*

Amendment 173

Proposal for a directive

Article 19 — paragraph 7 — subparagraph 1 — point b — point ii

Text proposed by the Commission

Amendment

(ii) gas, or

(ii) gas, *including hydrogen*, or

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Amendment 174

Proposal for a directive

Article 19 — paragraph 8

Text proposed by the Commission

8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EU shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.

Amendment

8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EU shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. ***In relation to paragraph 2, where electricity is generated from high efficiency cogeneration using renewable sources only one guarantee of origin specifying both characteristics, shall be issued.*** Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.

Amendment 175

Proposal for a directive

Article 20 — paragraph 1

Text proposed by the Commission

1. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable energy sources.

Amendment

1. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable energy sources. ***Transmission system operators and distribution system operators shall be responsible for guaranteeing a smooth functioning of the gas network infrastructure, including its maintenance and regular cleaning.***

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Amendment 176
Proposal for a directive
Article 20 — paragraph 3

Text proposed by the Commission

3. Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation [Governance], on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large biomass, solar and geothermal facilities.

Amendment

3. Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**, on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large **sustainable** biomass, **ambient heat in large heat pumps**, solar and geothermal facilities **as well as surplus heat from industry and other sources**.

Amendment 177
Proposal for a directive
Article 21 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

Member States shall ensure that renewable self-consumers, individually or through aggregators:

Amendment

Member States shall ensure that consumers are entitled to become renewable self-consumers. To that end, Member States shall ensure that renewable self-consumers, individually or through aggregators:

Amendment 178
Proposal for a directive
Article 21 — paragraph 1 — subparagraph 1 — point a

Text proposed by the Commission

(a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to disproportionate procedures and charges that are not cost-reflective;

Amendment

(a) are entitled to carry out self-consumption and sell, including through power purchase agreements **and peer-to-peer trading arrangements**, their excess production of renewable electricity without being subject to **discriminatory or** disproportionate procedures and charges that are not cost-reflective;

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Amendment 179

Proposal for a directive

Article 21 — paragraph 1 — subparagraph 1 — point a (new)

Text proposed by the Commission

Amendment

- (aa) are entitled to consume their self-generated renewable electricity, which remains within their premises, without liability for any charge, fee, or tax;*

Amendment 180

Proposal for a directive

Article 21 — paragraph 1 — subparagraph 1 — point a b (new)

Text proposed by the Commission

Amendment

- (ab) are entitled to install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any charge, including taxation and double grid fees for stored electricity which remains within their premises;*

Amendment 181

Proposal for a directive

Article 21 — paragraph 1 — subparagraph 1 — point c

Text proposed by the Commission

Amendment

- (c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis; **and**

- (c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis **without prejudice to the procedures established for the supervision and approval of connection of generation capacity to the grid by distribution system operators pursuant to Articles 15 to 18;**

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Amendment 182**Proposal for a directive****Article 21 — paragraph 1 — subparagraph 1 — point d***Text proposed by the Commission*

(d) receive a remuneration for the self-generated renewable electricity they feed into the grid which **reflects** the market value of the electricity **fed in**.

Amendment

(d) receive a remuneration for the self-generated renewable electricity they feed into the grid which **is equivalent to at least the market price and may take into account the long-term value to the grid, the environment and society in line with the cost benefit analysis of distributed energy resources under [Article 59] of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)]**.

Amendment 183**Proposal for a directive****Article 21 — paragraph 1 — subparagraph 2 a (new)***Text proposed by the Commission**Amendment*

Member States shall ensure that the distribution of the costs for network management and development is fair, and proportionate and reflects the system-wide benefits of self-generation, including the long-term value to the grid, environment and society.

Amendment 184**Proposal for a directive****Article 21 — paragraph 2***Text proposed by the Commission**Amendment*

2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, or located **in** the same commercial, or shared services, site or closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall apply to each renewable self-consumer concerned.

2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, **residential area** or located **within** the same commercial, **industrial** or shared services, site or **in the same** closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall apply to each renewable self-consumer concerned.

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Amendment 185

Proposal for a directive

Article 21 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall carry out an assessment of the existing barriers to and development potential of self-consumption in their territories in order to put in place an enabling framework to promote and facilitate the development of renewable self-consumption.

That enabling framework shall include, inter alia:

- (a) specific measures to ensure that self-consumption is accessible to all consumers, including those in low-income or vulnerable households, or those living in social or rented housing;**
- (b) tools to facilitate access to finance;**
- (c) incentives to building owners to create opportunities for self-consumption for tenants;**
- (d) the removal of unjustified regulatory barriers to renewable self-consumption, including for tenants.**

The enabling framework shall be part of the national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].

Amendment 186

Proposal for a directive

Article 21 — paragraph 3

Text proposed by the Commission

Amendment

3. The renewable **self-consumer's** installation may be managed by a third party for installation, operation, including metering, and maintenance.

3. With their consent, the renewable **self-consumer's** installation **may be owned by a third party or it** may be managed by a third party for installation, operation, including metering, and maintenance. **The third party shall not be considered a renewable self-consumer itself.**

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Amendment 187**Proposal for a directive****Article 22 — paragraph 1 — subparagraph - 1 (new)***Text proposed by the Commission**Amendment*

Member States shall ensure that final customers, particularly household customers, are entitled to participate in a renewable energy community without losing their rights as final customers, and without being subject to unjustified conditions or procedures that would prevent or discourage their participation in a renewable energy community, provided that for private undertakings, their participation does not constitute their primary commercial or professional activity.

Amendment 188**Proposal for a directive****Article 22 — paragraph 1 — subparagraph 1***Text proposed by the Commission**Amendment*

Member States shall ensure that renewable energy communities are entitled to generate, consume, store and sell renewable energy, including through power purchase agreements, without being subject to disproportionate procedures and charges that are not cost-reflective.

Member States shall ensure that renewable energy communities are entitled to generate, consume, store and sell renewable energy, including through power purchase agreements, without being subject to **discriminatory or** disproportionate procedures and charges that are not cost-reflective.

Amendment 189**Proposal for a directive****Article 22 — paragraph 1 — subparagraph 2 — introductory part***Text proposed by the Commission**Amendment*

For the purposes of this Directive, a renewable energy community shall be an SME or a not-for-profit organisation, the shareholders or members of which cooperate in the generation, distribution, storage or supply of energy from renewable sources, **fulfilling** at least **four** out of the following criteria:

For the purposes of this Directive, a renewable energy community shall be an SME or a not-for-profit organisation, the shareholders or members of which cooperate in the generation, distribution, storage or supply of energy from renewable sources.

To benefit from treatment as a renewable energy community, at least 51 % of the seats in the board of directors or managing bodies of the entity shall be reserved for local members, i.e. representatives of local public and local private socio-economic interests or individual citizens.

In addition, a renewable energy community shall fulfil at least three out of the following criteria:

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Amendment 190

Proposal for a directive

Article 22 — paragraph 1 — subparagraph 2 — point a

Text proposed by the Commission

- (a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs **operating in the fields or renewable energy**;

Amendment

- (a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs;

Amendment 191

Proposal for a directive

Article 22 — paragraph 1 — subparagraph 2 — point b

Text proposed by the Commission

- (b) at least 51 % of the shareholders or members with voting rights of the entity are natural persons;

Amendment

- (b) at least 51 % of the shareholders or members with voting rights of the entity are natural persons **or public bodies**;

Amendment 192

Proposal for a directive

Article 22 — paragraph 1 — subparagraph 2 — point c

Text proposed by the Commission

- (c) at least 51 % of the shares or participation rights of the entity are owned by local members, i.e. representatives of local public and local private socio-economic interests or **citizen having a direct interest in the community activity and its impacts**;

Amendment

- (c) at least 51 % of the shares or participation rights of the entity are owned by local members, i.e. representatives of local public and local private socio-economic interests or **individual citizens**;

Amendment 193

Proposal for a directive

Article 22 — paragraph 1 — subparagraph 2 — point d

Text proposed by the Commission

- (d) **at least 51 % of the seats in the board of directors or managing bodies of the entity are reserved to local members, i.e. representatives of local public and local private socio-economic interests or citizens having a direct interest in the community activity and its impacts**;

Amendment

deleted

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Amendment 194**Proposal for a directive****Article 22 — paragraph 1 — subparagraph 2 a (new)**

Text proposed by the Commission

Amendment

Member States shall monitor the application of these criteria and take measures to avoid any abuse or adverse effects on competition.

Amendment 195**Proposal for a directive****Article 22 — paragraph 2**

Text proposed by the Commission

Amendment

2. ***Without prejudice to State aid rules***, when designing support schemes, Member States shall take into account the specificities of renewable energy communities.

2. When designing support schemes, Member States shall take into account the specificities of renewable energy communities ***while ensuring a level playing field between generators of electricity from renewable energy sources.***

Amendment 196**Proposal for a directive****Article 22 — paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall carry out an assessment of the existing barriers and potential of development of renewable energy communities in their territories in order to put in place an enabling framework to promote and facilitate participation by renewable energy communities in the generation, consumption, storage and sale of renewable energy.

That enabling framework shall include:

(a) objectives and specific measures to help public authorities enable the development of renewable energy communities, and to participate directly;

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Text proposed by the Commission

Amendment

- (b) *specific measures to ensure that participation in renewable energy communities is accessible to all consumers, including those in low-income or vulnerable households or in social housing or who are tenants;*
- (c) *tools to facilitate access to finance and information;*
- (d) *regulatory and capacity-building support to public authorities in setting up renewable energy communities;*
- (e) *the removal of unjustified regulatory and administrative barriers to renewable energy communities;*
- (f) *rules to secure the equal and non-discriminatory treatment of consumers that participate in the energy community, ensuring consumer protection equivalent to that of those connected to the distribution grids.*

The enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].

Amendment 197

Proposal for a directive

Article 23 — paragraph 1

Text proposed by the Commission

1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling by at least **1** percentage **point** (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7.

Amendment

1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling by at least **2** percentage **points** (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7. **Where a Member State is unable to achieve this percentage, it shall make public and provide the Commission with a justification for its non-compliance. Member States shall prioritise the best available technologies**

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Amendment 198**Proposal for a directive****Article 23 — paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. *For the purposes of paragraph 1, when calculating the share of renewable energy supplied for heating and cooling and their required yearly increases, Member States:*

- (a) may count any increase achieved in a given year as if it had instead been partially or entirely achieved in any of the two previous or two following years, within the period between 1 January 2021 and 31 December 2030;*
- (b) may count waste heat and cold towards the yearly increase in paragraph 1, subject to a limit of 50 % of the annual increase;*
- (c) shall, where they have a share of renewable energy and waste heat and cold sources in the heating and cooling sector between 50 % and 80 %, reduce the increase to 1 percentage point every year;*
- (d) may define their own level of yearly increase, including whether to apply to cap for waste heat and cold in point (b), as from the year in which they reach a share of renewable energy and waste heat and cold sources in the heating and cooling sector above 80 %.*

Amendment 199**Proposal for a directive****Article 23 — paragraph 2**

Text proposed by the Commission

Amendment

2. Member States **may** designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, which shall contribute to the increase set out in paragraph 1.

2. Member States **shall** designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, which shall contribute to the increase set out in paragraph 1.

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Amendment 200

Proposal for a directive

Article 23 — paragraph 3 — introductory part

Text proposed by the Commission

3. The increase set out in paragraph 1 may be implemented through one or more of the following options:

Amendment

3. The increase set out in paragraph 1 may ***inter alia*** be implemented through one or more of the following options:

Amendment 201

Proposal for a directive

Article 23 — paragraph 3 — point a

Text proposed by the Commission

(a) physical incorporation of renewable energy in the energy and energy fuel supplied for heating and cooling;

Amendment

(a) physical incorporation of renewable energy ***or waste heat and cold*** in the energy and energy fuel supplied for heating and cooling;

Amendment 202

Proposal for a directive

Article 23 — paragraph 3 — point b

Text proposed by the Commission

(b) direct mitigation measures such as installation of highly efficient renewable heating and cooling systems in buildings or renewable energy use for industrial heating and cooling processes;

Amendment

(b) direct mitigation measures such as installation of highly efficient renewable heating and cooling systems in buildings or renewable energy use ***or the use of waste heat and cold*** for industrial heating and cooling processes;

Amendment 203

Proposal for a directive

Article 23 — paragraph 3 — point c a (new)

Text proposed by the Commission

Amendment

(ca) ***other policy measures with an equivalent effect to reach the yearly increase set out in paragraph 1 or 1a.***

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Amendment 204**Proposal for a directive****Article 23 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. When implementing the measures referred to in points (a) to (d) above, Member States shall require the measures to be designed in such a way so as to ensure they are accessible to all consumers, in particular those in low-income or vulnerable households, who may not possess sufficient up-front capital to benefit otherwise.

Amendment 205**Proposal for a directive****Article 23 — paragraph 5 — point b a (new)***Text proposed by the Commission**Amendment*

(ba) the amount of waste heat or cold supplied for heating and cooling;

Amendment 206**Proposal for a directive****Article 23 — paragraph 5 — point c***Text proposed by the Commission**Amendment*

(c) the share of renewable energy in the total amount of energy supplied for heating and cooling; and

(c) the share of renewable energy **and waste heat or cold** in the total amount of energy supplied for heating and cooling; and

Amendment 207**Proposal for a directive****Article 24 — paragraph 1***Text proposed by the Commission**Amendment*

1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be in accordance with standards used under Directive 2010/31/EU.

1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be **provided on an annual basis or upon request** in accordance with standards used under Directive 2010/31/EU.

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Amendment 208

Proposal for a directive

Article 24 — paragraph 2

Text proposed by the Commission

2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves, **or to switch to another supplier of heat or cold which has access to the system referred to in paragraph 4.**

Amendment

2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU, **or will not become such a system within the next five years according to their investment plans,** to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves.

Amendment 209

Proposal for a directive

Article 24 — paragraph 3

Text proposed by the Commission

3. Member States may restrict the right to disconnect **or switch supplier** to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.

Amendment

3. Member States may restrict the right to disconnect to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.

Amendment 210

Proposal for a directive

Article 24 — paragraph 4

Text proposed by the Commission

4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources and for waste heat or cold. **This non-discriminatory access shall enable direct supply of heating or cooling from such sources to customers connected to the district heating or cooling system by suppliers other than the operator of the district heating or cooling system.**

Amendment

4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources, and for waste heat or cold, **based on non-discriminatory criteria set by the competent authority of the Member State. Such criteria shall take into account the economic and technical feasibility for the district heating or cooling system operators and connected customers.**

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Amendment 211
Proposal for a directive
Article 24 — paragraph 5

Text proposed by the Commission

5. An operator of a district heating or cooling system may refuse access to suppliers where the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration. Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system.

Amendment

5. An operator of a district heating or cooling system may refuse access to suppliers where **one or more of the following conditions are met:**

- (a) the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration **or such access would jeopardise the safe operation of the district heating system;**
- (b) **the system constitutes an 'efficient district heating and cooling system' within the meaning of Article 2(41) of Directive 2012/27/EU;**
- (c) **providing access would lead to an excessive heat or cold price increase for final customers compared to the price of using the main local heat supply with which the renewable energy source or waste heat or cold would compete.**

Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system **including the economic consequences of the measures.**

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Amendment 212

Proposal for a directive

Article 24 — paragraph 6

Text proposed by the Commission

6. New district heating or cooling systems may, upon request, be exempted from the application of paragraph 4 for a defined period of time. The competent authority shall decide on such exemption requests on a case-by-case basis. An exemption shall only be granted if the new district heating or cooling system constitutes 'efficient district heating and cooling' **within the meaning of** Article 2(41) of Directive 2012/27/EU and if it exploits the potential for the use of renewable energy sources and of waste heat or cold identified in the comprehensive assessment made in accordance with Article 14 of **Directive 2012/27/EU**.

Amendment

6. New district heating or cooling systems may, upon request, be exempted from the application of paragraph 4 for a defined period of time. The competent authority shall decide on such exemption requests on a case-by-case basis. An exemption shall only be granted if the new district heating or cooling system constitutes 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU and if it exploits the potential for the use of renewable energy sources, **'high efficiency cogeneration' within the meaning of Article 2 (34) of Directive 2012/27/EU**, and of waste heat or cold identified in the comprehensive assessment made in accordance with Article 14 of **Directive 2012/27/EU**.

Amendment 213

Proposal for a directive

Article 24 — paragraph 7

Text proposed by the Commission

7. The right to disconnect **or switch supplier** may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole building level.

Amendment

7. The right to disconnect may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole building level.

Amendment 214

Proposal for a directive

Article 24 — paragraph 8

Text proposed by the Commission

8. Member States shall require electricity distribution system operators to assess at least **biennially**, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

Amendment

8. Member States shall require electricity distribution system operators to assess at least **every four years**, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

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Amendment 215
Proposal for a directive
Article 24 — paragraph 9

Text proposed by the Commission

9. Member States shall designate one or more **independent** authorities to ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined and enforced.

Amendment

9. Member States shall designate one or more **competent** authorities to ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined and enforced.

Amendment 216
Proposal for a directive
Article 25 — paragraph 1 — subparagraph 1

Text proposed by the Commission

With effect from 1 January 2021, Member States shall require fuel suppliers to include a minimum share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin, from **waste-based fossil** fuels and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

Amendment

In order to achieve the target of 12 % of final energy consumption from renewable sources referred to in Article 3 Member States shall require, with effect from 1 January 2021, fuel suppliers to include a minimum share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin, from **recycled carbon** fuels and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year

Amendment 217
Proposal for a directive
Article 25 — paragraph 1 — subparagraph 2

Text proposed by the Commission

The minimum share shall be at least equal to **1,5 %** in 2021, increasing up to at least **6,8 %** in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least **0,5 %** of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least **3,6 %** by 2030, following the trajectory set out in part C of Annex X.

Amendment

The minimum share shall be at least equal to **1,5 %** in 2021, increasing up to at least **10 %** in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least **0,5 %** of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least **3,6 %** by 2030, following the trajectory set out in part C of Annex X.

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Text proposed by the Commission

Amendment

Fuel suppliers supplying only fuels in the form of electricity and renewable liquid and gaseous transport fuels of non-biological origin do not need to comply with the minimum share of advanced biofuels, other biofuels and biogas produced from feedstock listed in Annex IX.

Amendment 218

Proposal for a directive

Article 25 — paragraph 1 — subparagraph 4 — point a

Text proposed by the Commission

- a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, **waste-based fossil** fuels and electricity, shall be taken into account;

Amendment

- a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, **recycled carbon** fuels and electricity, shall be taken into account;

Amendment 219

Proposal for a directive

Article 25 — paragraph 1 — subparagraph 4 — point b — paragraph 1

Text proposed by the Commission

- b) for the calculation of the numerator, the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, **waste based fossil** fuels supplied to all transport sectors, and renewable electricity supplied to road vehicles, shall be taken into account.

Amendment

- b) for the calculation of the numerator, the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, **recycled carbon** fuels supplied to all transport sectors and renewable electricity supplied to road vehicles, shall be taken into account.

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Amendment 220**Proposal for a directive****Article 25 — paragraph 1 — subparagraph 4 — point b — paragraph 2***Text proposed by the Commission*

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1,7 % of the energy content of transport fuels supplied for consumption or use on the market **and the** contribution of fuels supplied in the aviation and maritime sector shall be considered to be **1,2** times their energy content.

Amendment

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to **1,7 %** of the energy content of transport fuels supplied for consumption or use on the market.

Member States can modify the limit set on feedstock included in part B of Annex IX if justified taking into account the availability of feedstock. Any modification shall be subject to the approval of the Commission.

The contribution of fuels supplied in the aviation and maritime sector shall be considered to be **2 times and 1,2** times their energy content **respectively, and the contribution of renewable electricity supplied to road vehicles shall be considered to be 2,5 times its energy content.**

Amendment 221**Proposal for a directive****Article 25 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. Member States may design their national policies to meet the obligations under this Article as a greenhouse gas saving obligation and may apply those policies also to waste based fossil fuels, provided that this does not counteract circular economy objectives and that the share of energy from renewable sources under paragraph 1 is met.

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Amendment 223

Proposal for a directive

Article 25 — paragraph 3 — subparagraph 1

Text proposed by the Commission

3. To determine the share of renewable electricity for the purposes of paragraph 1 **either the average share of electricity from renewable energy sources in the Union or** the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question **may be used. In both cases, an equivalent amount of guarantees of origin issued** in accordance with Article 19 **shall be cancelled.**

Amendment

3. To determine the share of renewable electricity for the purposes of paragraph 1 the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question **is used provided that there is sufficient proof that the renewable electricity is additional. The Commission is empowered to adopt delegated acts** in accordance with Article 32 **in order to supplement this Directive by establishing a methodology, including a methodology for the Member State to set their baseline, in order to prove additionality.**

Amendment 224

Proposal for a directive

Article 25 — paragraph 3 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, to determine the share of electricity for the purposes of paragraph 1 in the case of electricity obtained from a direct connection to an installation generating renewable electricity and supplied to road vehicles, that electricity shall be fully counted as renewable. Similarly, electricity obtained through long-term power purchase agreements for renewable electricity shall be fully counted as renewable electricity. In any event, an equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment 225

Proposal for a directive

Article 25 — paragraph 3 — subparagraph 3 — point a — paragraph 1

Text proposed by the Commission

When electricity is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, either directly or for the production of intermediate products, **either the average share of electricity from renewable energy sources in the Union or the** share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, may be used to determine the share of renewable energy. **In both cases,** an equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment

When electricity is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, either directly or for the production of intermediate products, the average share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, may be used to determine the share of renewable energy. An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

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Amendment 226**Proposal for a directive****Article 25 — paragraph 4 — subparagraph 1***Text proposed by the Commission*

Member States shall put in place **a database** enabling tracing of transport fuels that are eligible for counting towards the numerator set out in paragraph **1(b)**, **and** require the relevant economic operators to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from their point of production to the fuel supplier that places the fuel on the market.

Amendment

The Commission shall put in place **a Union database** enabling tracing of transport fuels, **including electricity**, that are eligible for counting towards the numerator set out in **point (b) of paragraph 1**. **Member States shall** require the relevant economic operators to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from their point of production to the fuel supplier that places the fuel on the market

Amendment 227**Proposal for a directive****Article 25 — paragraph 4 — subparagraph 3***Text proposed by the Commission*

The national databases shall be interlinked so as to allow transactions of fuels between Member States to be traced. In order to ensure the compatibility of national databases, the Commission shall set out technical specifications of their content and use by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.

Amendment

The Commission shall set out technical specifications of their content and use by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.

Amendment 228**Proposal for a directive****Article 25 — paragraph 5***Text proposed by the Commission*

5. Member States shall report on the aggregated information **from the national databases**, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation [Governance].

Amendment

5. Member States shall report on the aggregated information, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**. **The Commission shall publish, on an annual basis, aggregated information from the database.**

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Amendment 229

Proposal for a directive

Article 25 — paragraph 6

Text proposed by the Commission

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to further **specify** the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and **waste-based** fossil fuels and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1.

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 **in order to supplement this Directive by** further **specifying** the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and **low carbon** fossil fuels, **which are generated from gases effluents produced as an unavoidable and not intentional consequence of the manufacturing or production of products that is intended for commercial use and/or for sale**, and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1 **of this Article**.

Amendment 230

Proposal for a directive

Article 25 — paragraph 7

Text proposed by the Commission

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and **promotes** greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1.

Amendment

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**, the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and **ensure** greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. **The assessment shall also analyse if the provisions in this article effectively avoids double accounting of renewable energy.** The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1. **The modified obligations shall at least maintain levels that correspond to advanced biofuel capacity installed and under construction in 2025.**

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Amendment 231**Proposal for a directive****Article 26 — paragraph 1 — subparagraph 1 — introductory part***Text proposed by the Commission*

1. Energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

Amendment

1. ***Irrespective of whether the raw materials were cultivated inside or outside the territory of the Union,*** energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

Amendment 232**Proposal for a directive****Article 26 — paragraph 1 — subparagraph 1 — point c***Text proposed by the Commission*

(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels.

Amendment

(c) eligibility for financial support, ***including fiscal incentives,*** for the consumption of biofuels, bioliquids and biomass fuels.

Amendment 323**Proposal for a directive****Article 26 — paragraph 1 — subparagraph 2***Text proposed by the Commission*

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. ***However, their production from waste and residues covered by Directive 2008/98/EC shall be in line with the principle of the waste hierarchy as laid down in Directive 2008/98/EC.*** This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

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Amendment 234

Proposal for a directive

Article 26 — paragraph 1 — subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues from agricultural land shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if measures have been taken by the operators to minimise negative impacts on soil quality and soil carbon. Information about those measures shall be reported pursuant to Article 27(3).

Amendment 235

Proposal for a directive

Article 26 — paragraph 1 — subparagraph 3

Text proposed by the Commission

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a **fuel capacity** equal to or exceeding 20 MW in case of solid biomass fuels and with **an electrical capacity** equal to or exceeding **0,5** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a **total rated thermal input** equal to or exceeding 20 MW in case of solid biomass fuels and with **a total rated thermal input** capacity equal to or exceeding **2** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment 236

Proposal for a directive

Article 26 — paragraph 2 — point a a (new)

Text proposed by the Commission

Amendment

(aa) highly biodiverse forest and other wooded land which is species-rich and not degraded, or has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;

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Amendment 237**Proposal for a directive****Article 26 — paragraph 2 — point c — introductory part***Text proposed by the Commission*

(c) highly biodiverse grassland **spanning more than one hectare** that is:

Amendment

(c) highly biodiverse grassland, **including wooded meadows and pastures**, that is:

Amendment 238**Proposal for a directive****Article 26 — paragraph 2 — point c — point ii***Text proposed by the Commission*

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded **and** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Amendment

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded **or** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Amendment 239**Proposal for a directive****Article 26 — paragraph 4***Text proposed by the Commission*

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008, **unless verifiable evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.**

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Amendment 240
Proposal for a directive
Article 26 — paragraph 5

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

ii) forest regeneration of harvested areas takes place;

iii) areas of **high** conservation **value**, including wetlands and peatlands, are protected;

iv) **the impacts of forest** harvesting **on** soil quality and biodiversity **are minimised**; and

v) harvesting **does not exceed** the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management **systems are in place at forest holding** level to ensure that:

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit **or equivalent proof of the legal right to harvest** within **the national or regional** legally gazetted boundaries;

ii) forest regeneration of harvested areas takes place;

iii) areas **designated, by international or national law or by the relevant competent authority, to promote the maintenance of biodiversity or for nature conservation purposes**, including **in** wetlands and peatlands, are protected;

iv) harvesting **is carried out considering maintenance of** soil quality and biodiversity **with the aim of minimising negative impacts**; and

v) harvesting **maintains or improves** the long-term production capacity of the forest **at national or regional level**;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **additional information of legality and forest management practices are provided at the supply base** level to ensure that:

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Text proposed by the Commission

Amendment

- i) **the forest biomass has been harvested according to a legal permit;**
- ii) forest regeneration of harvested areas takes place;
- iii) areas of **high** conservation **value**, including **peatlands and** wetlands, are **identified and** protected;
- iv) **impacts of forest** harvesting **on** soil quality and biodiversity **are minimised;**
- v) harvesting **does not exceed the** long-term production capacity of the forest.

- i) **harvesting is carried out in accordance with the conditions of the harvesting permit procedure or equivalent national or regional proof of the legal right to harvest;**
- ii) forest regeneration of harvested areas takes place;
- iii) areas **designated, by international or national law or by the relevant competent authority, to promote the maintenance of biodiversity or for nature** conservation purposes, including **in** wetlands **and peatlands**, are protected;
- iv) harvesting **is carried out considering maintenance of** soil quality and biodiversity; **including surrounding areas provided that they are affected by the harvesting activities;**
- v) harvesting **maintains or improves** long-term production capacity of the forest **at national or regional level; and**
- (vi) **environmental and nature regulations or measures are in place and in line with the relevant Union environmental and nature standards.**

Amendment 241

Proposal for a directive

Article 26 — paragraph 6 — subparagraph 1 — point ii

Text proposed by the Commission

Amendment

- (ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

- (ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, **and that land sector emissions do not exceed removals**, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

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Amendment 242

Proposal for a directive

Article 26 — paragraph 6 — subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that carbon stocks and sinks levels in the forest are maintained **or increased**.

Amendment 243

Proposal for a directive

Article 26 — paragraph 6 — subparagraph 3

Text proposed by the Commission

The Commission **may** establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Amendment

By 1 January 2021, the Commission **shall** establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Amendment 244

Proposal for a directive

Article 26 — paragraph 6 — subparagraph 4

Text proposed by the Commission

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

By 31 December 2023, the Commission shall assess, **in close collaboration with the Member States**, whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6 **for the period after 2030**.

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Amendment 245**Proposal for a directive****Article 26 — paragraph 7 — point a***Text proposed by the Commission*

(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

Amendment

(a) at least 50 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations in operation on or before 5 October 2015;

Amendment 246**Proposal for a directive****Article 26 — paragraph 7 — point b***Text proposed by the Commission*

(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;

Amendment

(b) at least 60 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation from 5 October 2015;

Amendment 247**Proposal for a directive****Article 26 — paragraph 7 — point c***Text proposed by the Commission*

(c) at least **70 %** for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Amendment

(c) at least **65 %** for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation after 1 January 2021;

Amendment 248**Proposal for a directive****Article 26 — paragraph 7 — point d***Text proposed by the Commission*

(d) at least **80 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **85 %** for installations starting operation after 1 January 2026.

Amendment

(d) at least **70 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **80 %** for installations starting operation after 1 January 2026.

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Amendment 249

Proposal for a directive

Article 26 — paragraph 7 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may establish higher greenhouse gas emission savings than those provided for in this paragraph.

Amendments 297 and 356

Proposal for a directive

Article 26 — paragraph 8 — subparagraph 1

Text proposed by the Commission

Amendment

Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 **of this Article** only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU **or produced in electricity-only installations which achieve a net-electrical efficiency of at least 40 % and do not use fossil fuels**. For the purposes of points (a) and (b) of paragraph 1 **of this Article**, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1 **of this Article**, this provision is without prejudice to public support provided under schemes approved by [**1 year** after date of adoption of this Directive].

Amendment 251

Proposal for a directive

Article 26 — paragraph 8 — subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The first subparagraph shall not apply to electricity from installations that are not required to apply high-efficient cogeneration technology pursuant to Article 14 of Directive 2012/27/EU of the European Parliament and of the Council^(1a), provided that those installations exclusively employ biomass fuels produced from residues under normal operating conditions.

^(1a) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

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Amendment 252

Proposal for a directive

Article 26 — paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. By ... [2 years after the date of entry into force of this Directive] and every two years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the impacts and benefits of biofuels consumed in the Union, including on the production of food and feed and other materials, the economic, environmental and social sustainability both in the Union and in third countries.

Amendment 253

Proposal for a directive

Article 26 — paragraph 8 b (new)

Text proposed by the Commission

Amendment

8b. By way of derogation from paragraphs 1 to 8a of this Article, taking account of the special characteristics of the outermost regions as established in Article 349 TFEU, Article 26 of this Directive shall not apply to those regions. By ... [six months after the date of entry into force of this Directive], the Commission shall submit to the European Parliament and to the Council a legislative proposal which sets out criteria for the outermost regions relating to the sustainability of greenhouse gases and the reduction of their use. Those criteria shall take into account the specific local characteristics. In particular, the outermost regions should be able to fully exploit their resources, in compliance with the strict sustainability criteria, to increase their generation of renewable energy and to boost their energy independence.

Amendment 255

Proposal for a directive

Article 27 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site;

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site, **provided that each consignment meets the requirements laid down in Article 26 in its own right and that suitable systems are in place to monitor and measure the compliance of the individual consignments;**

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Amendment 256

Proposal for a directive

Article 27 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to facilitate cross-border trade and disclosure to consumers, guarantees of origin for renewable energy injected into the grid shall contain information on the sustainability criteria and greenhouse gas emission savings as defined in Article 26(2) to (7) and may be transferred separately.

Amendment 257

Proposal for a directive

Article 27 — paragraph 2 — point a

Text proposed by the Commission

Amendment

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process;

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process **provided that each consignment which constitutes the mixture meets the requirements laid down in Article 26;**

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Amendment 258**Proposal for a directive****Article 27 — paragraph 3**

Text proposed by the Commission

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Amendment

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud **including verification ensuring that materials are not intentionally modified or discarded so that the consignment or part thereof could become a waste or residue under Article 26(2) to (7)**. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Amendment 259**Proposal for a directive****Article 27 — paragraph 3 — subparagraph 2**

Text proposed by the Commission

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported.

Amendment

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported. **Information on geographic origin of biofuels, bioliquids and biomass fuels shall be made available to consumers.**

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Amendment 260**Proposal for a directive****Article 27 — paragraph 4***Text proposed by the Commission*

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the **forest holding** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the **supply base** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Amendment 261**Proposal for a directive****Article 27 — paragraph 5 — subparagraph 3***Text proposed by the Commission*

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

Amendment

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for. **Where a Member State raises a concern as to the operation of a voluntary scheme, the Commission shall investigate the matter and take appropriate action.**

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Amendment 262**Proposal for a directive****Article 27 — paragraph 7 a (new)***Text proposed by the Commission**Amendment*

7a. *The Commission may, at any time, verify the reliability of the information relating to the fulfilment of the sustainability criteria or the greenhouse gas emission saving submitted by economic operators operating on the Union market or at the request of a Member State.*

Amendment 263**Proposal for a directive****Article 28 — paragraph 1 — subparagraph 1 a (new)***Text proposed by the Commission**Amendment*

Feedstocks, the production of which has led to direct land-use change, such as a change from one of the following IPCC land cover categories: forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland and where a direct land-use change emission value (el) is calculated in accordance with point 7 of part C of Annex V, shall be considered to have estimated indirect land-use change emissions of zero.

Amendment 264**Proposal for a directive****Article 28 — paragraph 2***Text proposed by the Commission**Amendment*

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural raw materials of those areas on their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council. The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural **and forestry** raw materials of those areas on their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council. The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

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Amendment 265

Proposal for a directive

Article 28 — paragraph 4

Text proposed by the Commission

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture biomass feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

Amendment

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture **and forestry** biomass feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

Amendment 266

Proposal for a directive

Article 28 — paragraph 5 — subparagraph 1

Text proposed by the Commission

The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

Amendment

The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways **based on the latest technological developments and scientific evidence**. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

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Amendment 267**Proposal for a directive****Article 30 — paragraph 1***Text proposed by the Commission*

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass fuels consumed in the Union **and** the impact of **their** production, including impact as a result of displacement, on land use in the Union and the **main** third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation [Governance], and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

Amendment

1. The Commission shall monitor the origin of biofuels **and** bioliquids, and biomass fuels consumed in the Union **as well as** the impact of **the** production **of renewable energy from those and other sources**, including impact as a result of displacement, on land use in the Union and the third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**, and those of relevant third countries, intergovernmental organisations, scientific studies, **satellite-based data** and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security **and on competing material uses**.

Amendment 268**Proposal for a directive****Article 32 — paragraph 2***Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Articles 7 (5) , 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021 .

Amendment

2. The power to adopt delegated acts referred to in Articles 7 (3), 7(5) , 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Amendment 269**Proposal for a directive****Article 32 — paragraph 3 — subparagraph 1***Text proposed by the Commission*

The delegation of power referred to in Articles 7(5) , 7(6); 19 (11), 19(14), 25(6) and 28(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

The delegation of power referred to in Articles 7(3), 7(5) , 7(6); 19(11), 19(14), 25(6) and 28(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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Amendment 270
Proposal for a directive
Annex I a (new)

Text proposed by the Commission

Amendment

Annex Ia

1. A Member State's targets for 2030 shall be the sum of the following components, each expressed in percentage points:

(a) the Member State's national binding target for 2020 as set out in Annex I;

(b) a flat rate contribution (C_{Flat});

(c) a GDP-per-capita based contribution (C_{GDP});

(d) a potential-based contribution ($C_{Potential}$);

(e) a contribution reflecting the interconnection level of the Member State ($C_{Interco}$).

2. C_{Flat} shall be the same for each Member State. All Member States' C_{Flat} shall together contribute 30 % of the difference between the Union's targets for 2030 and 2020.

3. C_{GDP} shall be allocated between Member States based on a GDP per capita index to the Union average, where for each Member State individually the index is capped at 150 % of the Union average. All Member States' C_{GDP} shall together contribute 30 % of the difference between the Union targets for 2030 and 2020.

4. $C_{Potential}$ shall be allocated between Member States based on the difference between a Member State's RES share in 2030 as shown in PRIMES EUCO3535 scenario and its national binding target for 2020. All Member States' $C_{Potential}$ shall together contribute 30 % of the difference between the Union targets for 2030 and 2020.

5. $C_{Interco}$ shall be allocated between Member States based on an electricity interconnection share index to EU average, where for each Member State individually the interconnection share index is capped at 150 % of the EU average. All Member States' $C_{Interco}$ shall together contribute 10 % of the difference between the EU targets for 2030 and 2020.

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Amendment 271**Proposal for a directive****Annex V — Part C — paragraph 3 — point a — formula***Text proposed by the Commission*

SAVING = (E F(t) – E B /E F(t))

Amendment

SAVING = (E F(t) – E B) /E F(t)

Amendment 272**Proposal for a directive****Annex V — Part C — paragraph 15***Text proposed by the Commission*

15. Emission saving from carbon capture and replacement, eccr, shall be **related directly to the production of biofuel or bioliiquid they are attributed to, and shall be** limited to emissions avoided through the capture of CO₂ of which the carbon originates from biomass and which is used in **the energy or transport sector.**

Amendment

15. Emission saving from carbon capture and replacement, eccr, shall be limited to emissions avoided through the capture of CO₂ of which the carbon originates from biomass and which is used **to replace fossil-derived CO₂ used in commercial products and services.**

Amendment 319**Proposal for a directive****Annex VI — part B –paragraph 3 — point a — formula 1***Text proposed by the Commission*

SAVING = (EF(t) – EB(t)) / EF(t)

Amendment

SAVING = (EF(t) – EB(t)) / EF (t)

Amendment 273**Proposal for a directive****Annex VII — paragraph 1 — subparagraph 2 — indent 1***Text proposed by the Commission*

— Qusable = the estimated total usable heat delivered by heat pumps fulfilling the criteria referred to in Article 7 (4), implemented as follows: Only heat pumps for which $SPF > 1,15 * 1/\eta$ shall be taken into account,

Amendment

— Qusable = the estimated total usable heat delivered by heat pumps **for the production of heating and cooling** fulfilling the criteria referred to in Article 7 (4), implemented as follows: Only heat pumps for which $SPF > 1,15 * 1/\eta$ shall be taken into account,

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Amendment 274
Proposal for a directive
Annex IX — Part A — point b

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under point (a) of Article 11(2) of Directive 2008/98/EC.	deleted

Amendments 284 and 311
Proposal for a directive
Annex IX — Part B — point c

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(c) Molasses that are produced as a by-product from of refining sugarcane or sugar beets provided that the best industry standards for the extraction of sugar has been respected.	deleted

Amendment 312
Proposal for a directive
Annex X — part A

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Part A: [...]	deleted

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P8_TA(2018)0010

Energy efficiency *I**

Amendments adopted by the European Parliament on 17 January 2018 on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency (COM(2016)0761 — C8-0498/2016 — 2016/0376(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 458/16)

Amendment 1**Proposal for a directive****Recital 1**

Text proposed by the Commission

- (1) Moderation of energy demand is one of the five dimensions of the Energy Union Strategy adopted on 25 February 2015. Improving energy efficiency will benefit the environment, reduce greenhouse gas emissions, improve energy security by reducing dependence on energy imports from outside the Union, cut energy costs for households and companies, help alleviate energy poverty and lead to increased jobs and economy-wide economic activity. This is in line with the Union commitments made in the framework of the Energy Union and global climate agenda established by the Paris Agreement **of December 2015 by the Parties of the United Nation Framework Convention** on Climate Change.

Amendment

- (1) Moderation of energy demand is one of the five dimensions of the Energy Union Strategy adopted on 25 February 2015. Improving energy efficiency **throughout the full energy chain, including energy generation, transmission, distribution and end-use**, will benefit the environment, **improve air quality and public health**, reduce greenhouse gas emissions, improve energy security by reducing dependence on energy imports from outside the Union, cut energy costs for households and companies, help alleviate energy poverty and lead to increased **competitiveness**, jobs and economy-wide economic activity **thus improving citizens' quality of life**. This is in line with the Union commitments made in the framework of the Energy Union and global climate agenda established by the **Conference of the Parties of the United Nation Framework Convention on Climate Change (COP21) held in Paris in December 2015 ('the Paris Agreement')**, **committing to holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursuing efforts to limit the temperature increase to 1,5 °C above pre-industrial levels..**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0391/2017).

Wednesday 17 January 2018

Amendment 2
Proposal for a directive

Recital 2

Text proposed by the Commission

- (2) Directive 2012/27/EU of the European Parliament and of the Council ⁽⁹⁾ is an element to progress towards the Energy Union, under which energy efficiency should be treated as an energy source in its own right. The ‘energy efficiency first’ principle should be taken into account when setting new rules for the supply side and other policy areas. The Commission should **ensure that** energy efficiency and demand side response **can compete on equal terms with** generation capacity. Energy efficiency needs to be considered whenever energy system **relevant** planning **or** financing decisions are taken. Energy efficiency **improvements** need to be realised whenever it is more cost-effective than equivalent supply-side solutions. This should help to exploit the multiple benefits of energy efficiency **for** Europe’s society, **in particular for citizens and** businesses.

⁽⁹⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Amendment

- (2) Directive 2012/27/EU of the European Parliament and of the Council ⁽⁹⁾ is an element to progress towards the Energy Union, under which energy efficiency should be treated as an energy source in its own right. The ‘energy efficiency first’ principle should be taken into account when setting new rules for the supply side and other policy areas. The Commission should **prioritise** energy efficiency and demand side response **over increased** generation capacity. Energy efficiency needs to be considered whenever energy system planning **and** financing decisions are taken. **Investments to improve final** energy efficiency need to be realised whenever it is more cost-effective than equivalent supply-side solutions. This should help to exploit the multiple benefits of **increasing in** energy efficiency **at all stages of the energy chain and thereby improve the welfare of** Europe’s society. **To unlock the full potential of those benefits, and allow for the successful implementation of the intended policy measures, the Commission and the Member States should work together with local and regional authorities, cities, businesses and citizens across the Union to ensure that the increase in energy efficiency as a result of technological, behavioural and economic changes go hand in hand with increased economic growth.**

⁽⁹⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Amendment 3
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) **All forms of primary energy (non-renewable and renewable) should take into account the additional energy input required to acquire that energy, to establish and operate power installations and to dismantle them, as well as to eliminate the associated threats to the environment.**

Wednesday 17 January 2018

Amendment 4
Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission

Amendment

- (2b) *Member State measures should be supported by well-designed and effective Union financial instruments, such as the European Structural and Investment Funds, the European Fund for Strategic Investments and the European Investment Bank, which should support energy efficiency investments at all stages of the energy chain and use a comprehensive cost-benefit analysis using a model of differentiated discount rates. Financial support should focus on cost-effective methods for increasing energy efficiency, which would lead to a reduction in energy consumption. Reaching an ambitious energy efficiency target requires barriers to be removed such as the recent clarification from Eurostat on how to record energy performance contracts in national accounts in order to make it easier to invest in energy efficiency measures.*

Amendment 5
Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

- (3) The European Council of October 2014 **set** a 27 % energy efficiency target for 2030, to be reviewed by 2020 'having in mind **an** Union level of 30 %'. In December 2015, the European Parliament called upon the Commission to also assess the viability of a 40 % energy efficiency target for the same timeframe. It is therefore appropriate to review and consequently amend the Directive to adapt it to the 2030 perspective.

- (3) The European Council of October 2014 **supported** a 27 % energy efficiency target for 2030, to be reviewed by 2020 'having in mind **a** Union level of 30 %'. In December 2015, the European Parliament called upon the Commission to also assess the viability of a 40 % energy efficiency target for the same timeframe. It is therefore appropriate to review and consequently amend the Directive to adapt it to the 2030 perspective.

Wednesday 17 January 2018

Amendment 102
Proposal for a directive

Recital 4

Text proposed by the Commission

- (4) There are no binding targets at national level in the 2030 perspective. The need for the Union to achieve its energy efficiency targets at EU level, expressed in primary and final energy consumption, in 2020 and 2030 should be clearly set out in the form of a **binding** 30 % target. This clarification at Union level should not restrict Member States as their freedom is kept to set their national contributions based on either primary or final energy consumption, primary or final energy savings, or energy intensity. Member States should set their national indicative energy efficiency contributions taking into account that the Union's 2030 energy consumption has to be no more than 1 321 Mtoe of primary energy and no more than 987 Mtoe of final energy. This means that primary energy consumption should be reduced by 23 % and final energy consumption should be reduced by 17 % in the Union compared to 2005 levels. A regular evaluation of progress towards the achievement of the Union 2030 target is necessary and is provided for in the legislative proposal on Energy Union Governance.

Amendment

- (4) There are no binding targets at national level in the 2030 perspective. The need for the Union to achieve its energy efficiency targets at EU level, expressed in primary and final energy consumption, in 2020 and 2030 should be clearly set out in the form of **an indicative** 30 % target. This clarification at Union level should not restrict Member States as their freedom is kept to set their national contributions based on either primary or final energy consumption, primary or final energy savings, or energy intensity. Member States should set their national indicative energy efficiency contributions taking into account that the Union's 2030 energy consumption has to be no more than 1 321 Mtoe of primary energy and no more than 987 Mtoe of final energy. This means that primary energy consumption should be reduced by 23 % and final energy consumption should be reduced by 17 % in the Union compared to 2005 levels. A regular evaluation of progress towards the achievement of the Union 2030 target is necessary and is provided for in the legislative proposal on Energy Union Governance.

Amendment 7
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) ***The principle of equity among Member States should be applied when determining national energy efficiency targets. Energy is an essential commodity and minimum levels of energy consumption are therefore inevitable, a fact that should be properly taken into account when setting national targets. In general, countries whose energy consumption per capita is below the Union average should be given more flexibility when setting their targets.***

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Amendment 8
Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) *The operational efficiency of energy systems at any given moment is influenced by the ability to feed power generated from different sources — with different degrees of inertia and start-up times — into the grid smoothly and flexibly; improving that efficiency will enable better use to be made of renewable energy, such as wind power combined with gas turbines, to avoid overloading networks served by conventional large power units that have significant thermal inertia.*

Amendment 9
Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

- (4c) *The Commission and the Member States need to ensure that the reduction in energy consumption results from greater energy efficiency and not macro-economic circumstances.*

Amendment 10
Proposal for a directive
Recital 4 d (new)

Text proposed by the Commission

Amendment

- (4d) *Member States should identify cost-effective energy efficiency potentials on the basis of bottom-up calculation for each sector separately, as those are dependent on the energy mix, economy structure and pace of economic development.*

Wednesday 17 January 2018

Amendment 11
Proposal for a directive

Recital 5

Text proposed by the Commission

- (5) The obligation on Member States to establish long-term strategies for **mobilising investment in** the renovation of their national building stock and notify them to the Commission should be removed from Directive 2012/27/EU and added to Directive 2010/31/EU of the European Parliament and of the Council⁽¹⁰⁾ where it fits with long term plans for nearly zero energy buildings and the decarbonisation of buildings.

⁽¹⁰⁾ Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

Amendment

- (5) The obligation on Member States to establish long-term strategies for **facilitating** the renovation of their national building stock and notify them to the Commission should be removed from Directive 2012/27/EU and added to Directive 2010/31/EU of the European Parliament and of the Council⁽¹⁰⁾ where it fits with long term plans for nearly zero energy buildings and the decarbonisation of buildings.

⁽¹⁰⁾ Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

Amendment 12
Proposal for a directive

Recital 6

Text proposed by the Commission

- (6) In view of the climate and energy framework for 2030 the energy savings obligation should be extended beyond 2020. Extending the commitment period beyond 2020 would create greater stability for investors and thus encourage long term investments and long term energy efficiency measures, such as the renovation of buildings.

Amendment

- (6) In view of the climate and energy framework for 2030, the energy savings obligation should be extended beyond 2020. Extending the commitment period beyond 2020 would create greater stability for investors and thus encourage long term investments and long term energy efficiency measures, such as the **deep** renovation of buildings **with the long-term objective of achieving a stock of nearly zero-energy buildings (NZEBS). The energy savings obligation has been key in leading to the creation of local growth and jobs, and should be continued to ensure that the Union can achieve its energy and climate objectives by creating further opportunities and reduce dependency of energy consumption on growth. Cooperation with the private sector is important to assess on which conditions private investment for energy efficiency projects can be unlocked and to develop new revenue models for innovation in the field of energy efficiency.**

Wednesday 17 January 2018

Amendment 13
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) *Energy efficiency improvements also have a positive impact on air quality, as more energy efficient buildings reduce the demand in heating fuels, especially also solid heating fuels. Energy efficiency measures therefore contribute to improving indoor and outdoor air quality and help achieving, in a cost effective manner, the objectives of Union's air quality policy, as established in particular by Directive (EU) 2016/2284 of the European Parliament and of the Council ^(1a). The reduction of energy demand in buildings should be considered to be an element of air quality policy, in general and in particular in Member States where achieving Union's limits on emissions of air pollutants is problematic and energy efficiency could help attain those goals.*

- ^(1a) *Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1).*

Amendment 14
Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

- (7) Member States are required to achieve a cumulative end-use savings requirement for the entire obligation period, equivalent to 'new' savings of 1,5 % **of annual energy sales**. This requirement could be met by **new** policy measures **that are adopted during the new obligation period from 1 January 2021 to 31 December 2030 or by new individual actions as a result of policy measures adopted during or before the previous period, but in respect of which the individual actions that trigger energy savings are actually introduced during the new period.**

- (7) Member States are required to achieve a cumulative end-use savings requirement for the entire obligation period, equivalent to 'new' savings of **at least** 1,5 %. This requirement could be met by **energy savings that stem from** policy measures **provided that it can be demonstrated that those measures result in** individual actions that **deliver verifiable** energy savings **after 2020. Savings in each period should build cumulatively upon the amount of savings to be achieved in previous period(s).**

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Amendment 15
Proposal for a directive

Recital 9

Text proposed by the Commission

- (9) New savings should be additional to business as usual, so that savings that would have occurred in any event may not be claimed. In order to calculate the impact of measures introduced only net savings, measured as the change of energy consumption that is directly attributable to the energy efficiency measure in question, may be counted. To calculate net savings Member States should establish a baseline scenario of how the situation would evolve in the absence of the policy in question. The policy intervention should be evaluated against this defined baseline. Member States should take into account that other policy interventions may be undertaken in the same time frame which may also have an impact on energy savings, so that not all changes observed since the introduction of the policy intervention being evaluated can be attributed to that policy measure only. The actions of the obligated, participating or entrusted party should actually contribute to the achievement of the savings claimed to ensure the fulfilment of the materiality requirement.

Amendment

- (9) New **energy** savings should be additional to business as usual, so that savings that would have occurred in any event may not be claimed. In order to calculate the impact of measures introduced only net savings, measured as the change of energy consumption that is directly attributable to the energy efficiency measure in question, may be counted. To calculate net savings Member States should establish a baseline scenario of how the situation would evolve in the absence of the policy in question. The policy intervention should be evaluated against this defined baseline. Member States should take into account that other policy interventions may be undertaken in the same time frame which may also have an impact on energy savings, so that not all changes observed since the introduction of the policy intervention being evaluated can be attributed to that policy measure only. The actions of the obligated, participating or entrusted party should actually contribute to the achievement of the savings claimed to ensure the fulfilment of the materiality requirement.

Amendment 16
Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) ***It is important to include all energy chain steps into the counting of savings in order to increase the energy savings potential in transmission and distribution of electricity.***

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Amendment 17
Proposal for a directive

Recital 10

Text proposed by the Commission

- (10) Energy savings which result from the implementation of Union legislation may not be claimed unless the measure in question goes beyond the minimum required by the Union legislation in question, whether by setting more ambitious energy efficiency requirements at national level or increasing the take up of the measure. **Recognising that** renovation of buildings is an essential and long term element in increasing energy savings, it is necessary to clarify that all energy savings stemming from measures promoting the renovation of existing buildings can be claimed if they are additional to developments that would have happened in the absence of the policy measure and if the Member State demonstrates that the obligated, participating or entrusted party has actually contributed to the achievement of the savings claimed from the measure in question.

Amendment

- (10) Energy savings which result from the implementation of Union legislation may not be claimed unless the measure in question goes beyond the minimum required by the Union legislation in question, whether by setting more ambitious energy efficiency requirements at national level or increasing the take up of the measure. **Buildings present a substantial potential for further increasing energy efficiency, and** renovation of buildings is an essential and long term element **with economies of scale** in increasing energy savings. It is **therefore** necessary to clarify that all energy savings stemming from measures promoting the renovation of existing buildings can be claimed if they are additional to developments that would have happened in the absence of the policy measure and if the Member State demonstrates that the obligated, participating or entrusted party has actually contributed to the achievement of the savings claimed from the measure in question.

Amendment 18
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

- (10a) **The effective management of water can make a significant contribution to energy savings. The water and wastewater sector account for 3,5 % of electricity use in the Union ^(1a). Moreover, water demand is expected to increase by 25 % by 2040, mainly in urban areas. At the same time, water leaks account for 24 % of the total amount of water consumed in the Union, resulting in energy and water losses. All measures aiming to achieve more effective water management and a reduction in water use therefore have the potential to make a significant contribution to the Union's energy efficiency objective ^(1b).**

^(1a) World Energy Outlook 2016, International Energy Agency, 2016

^(1b) World Energy Outlook 2016, International Energy Agency, 2016

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Amendment 19
Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) *This review includes provisions related to the treatment of energy efficiency as an infrastructure priority, recognising that it fulfils the definition of infrastructure used by the IMF and other economic institutions, and makes it a crucial element and a priority consideration in future investment decisions on the Union's energy infrastructure ^(1a).*

^(1a) *Wording from the European Parliament report of 2 June 2016 on the implementation of the Energy Efficiency Directive (2012/27/EU)-(2015/2232(INI))*

Amendment 20
Proposal for a directive
Recital 10 c (new)

Text proposed by the Commission

Amendment

(10c) *The energy sector is the largest consumer of water in the Union, accounting for 44 % of water consumption ^(1a). The use of smart technologies and processes for the efficient management of water has the potential to generate significant energy savings while enhancing the competitiveness of enterprises.*

^(1a) *Commission staff working document, Agriculture and sustainable water management in the EU, 28 April 2017.*

Amendment 21
Proposal for a directive
Recital 10 d (new)

Text proposed by the Commission

Amendment

(10d) *The water and wastewater sector can also contribute to the production of renewable energy and the reduction of fossil energy supply. For instance, the recovery of energy from sludge produced through the treatment of wastewater, makes it possible to produce energy on site.*

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Amendment 22
Proposal for a directive

Recital 12

Text proposed by the Commission

- (12) Improvements to the energy efficiency of buildings should benefit in particular **consumers** affected by energy poverty. Member States can already require obligated parties to include social aims in energy saving measures, in relation to energy poverty, **and** this possibility should now be extended to alternative measures and transformed into an obligation while leaving full flexibility to Member States with regard to the size, scope and content of such measures. In line with Article 9 of the Treaty, the Union's energy efficiency policies should be inclusive and therefore **also** ensure accessibility of energy efficiency measures **for energy poor** consumers.

Amendment

- (12) Improvements to the energy efficiency of buildings should benefit **all consumers and** in particular **low-income households, including those** affected by energy poverty. **Each Member State may define energy poverty and what constitutes a low-income household in accordance with its specific national circumstances.** Member States can already require obligated parties to include social aims in energy saving measures, in relation to energy poverty. This possibility should now be extended to alternative measures and **be** transformed into an obligation while leaving full flexibility to Member States with regard to the size, scope and content of such measures. In line with Article 9 of the Treaty, the Union's energy efficiency policies should be inclusive and therefore ensure accessibility of energy efficiency measures **to energy-poor, low-income** consumers.

Amendment 23
Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

- (12a) **Reacting to daytime and night-time demand for electricity is an important instrument for improving energy efficiency, since it significantly increases energy saving opportunities for consumers by allowing them to make decisions based on information indicating the possibility of optimising energy consumption when energy is in demand, including at peak times, so as to enable better use of transmission networks and productive resources.**

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Amendment 24
Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

Amendment

- (12b) *Low energy bills should be achieved by assisting consumers in reducing their energy use via reduction of energy needs of buildings, improvements in the efficiency of appliances, availability of low energy transport modes integrated with public transport and cycling. Improving building envelopes and reducing energy needs and uses are fundamental aspects to ameliorate health conditions of low income segments of the population.*

Amendment 25
Proposal for a directive
Recital 12 c (new)

Text proposed by the Commission

Amendment

- (12c) *It is crucial to raise awareness and provide accurate information about the benefits of increased energy efficiency and its possible implementation to all Union citizens. Increased energy efficiency is also crucial for geopolitical position and security of the Union through lowering its dependency on import of fuels from third countries.*

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Amendment 26
Proposal for a directive
Recital 12 d (new)

Text proposed by the Commission

Amendment

- (12d) *Around 50 million households in the Union are affected by energy poverty. Energy efficiency measures must therefore be central to any cost-effective strategy to address energy poverty and consumer vulnerability and are complementary to social security policies at Member State level. To ensure that energy efficiency measures reduce energy poverty for tenants sustainably, the cost-effectiveness of such measures, as well as affordability to owners and tenants should be taken into account, and adequate financial support for such measures should be guaranteed at Member State level. The Union's building stock will need to become, in the long term, NZEBs, in line with the objectives of the Paris Agreement. Present building renovation rates are insufficient and buildings occupied by low-income citizens affected by energy poverty are the hardest to reach. The measures laid down in this Regulation with regard to energy savings obligations, energy efficiency obligation schemes and alternative policy measures are therefore of particular importance.*

Amendment 27
Proposal for a directive
Recital 12 e (new)

Text proposed by the Commission

Amendment

- (12e) *The costs and benefits of all energy efficiency measures taken, including pay-back periods, should be made fully transparent to consumers.*

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Amendment 28
Proposal for a directive

Recital 13

Text proposed by the Commission

- (13) Energy generated on or in buildings from renewable energy technologies reduces the supplied fossil energy. The reduction of energy consumption and the use of energy from renewable sources in the buildings sector are important measures to reduce the Union's energy dependency and greenhouse gas emissions, especially in view of ambitious climate and energy objectives set for 2030 as well as the global commitment made in the **Conference of the Parties of the United Nation Framework Convention on Climate Change (COP21) held in Paris in December 2015. Member States should therefore be able to take into account a certain amount of renewable energy generated on or in buildings for own use into account to satisfy their energy savings requirements. For this purpose Member States should be allowed to use calculation methodologies established under Directive 2010/31/EU.**

Amendment

- (13) Energy generated on or in buildings from renewable energy technologies reduces the supplied fossil energy. The reduction of energy consumption and the use of energy from renewable sources in the buildings sector are important measures to reduce the Union's energy dependency and greenhouse gas emissions, especially in view of ambitious climate and energy objectives set for 2030 as well as the global commitment made in the **Paris Agreement.**

Amendment 29
Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

- (13a) **The energy balance in Member States' businesses and industries can be improved, building on the principles of the circular economy, by means of the proper use of industrial waste as secondary raw materials, provided that their energy potential is higher than the potential of alternative primary raw materials.**

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Amendment 30
Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

- (13b) *Taking advantage of new business models and technologies, Member States should endeavour to promote and facilitate the uptake of energy efficiency measures, including through innovative energy services for large and small customers.*

Amendment 31
Proposal for a directive
Recital 13 c (new)

Text proposed by the Commission

Amendment

- (13c) *Member States should demonstrate a high degree of flexibility in the design and implementation of alternative measures for determining their national priorities for energy efficiency, including both energy efficient products and energy-efficient technological production processes. Support is required for actions focusing on targets related to the efficient use of natural resources or to the need to introduce the circular economy.*

Wednesday 17 January 2018

Amendment 32
Proposal for a directive
Recital 14

Text proposed by the Commission

(14) As part of the measures set out in the Commission's Communication New Deal for Energy Consumers, in the context of the Energy Union and the Heating and Cooling strategy, consumers' minimum rights to clear and timely information about their energy consumption need to be strengthened. Articles 9 to 11 and Annex VII of Directive 2012/27/EU should be amended to provide for frequent and enhanced feedback on energy consumption. It should also be clarified that rights relating to billing and billing information apply for consumers of heating, cooling or hot water supplied from a central source even where they have no direct, individual contractual relationship with an energy supplier. Therefore, for the purposes of these provisions, the term 'final user', **should cover** final customers purchasing heating, cooling or hot water for their own **use as well as** occupants of individual units of multi-apartment or multi-purpose buildings where such units are supplied from a central source. The term 'sub-metering' should refer to measuring consumption in individual units of such buildings. By 1 January 2020 newly installed heat meters and heat cost allocators should be remotely readable to ensure cost-effective, frequent provision of consumption information. The new Article 9a is intended to apply only to heating, cooling and hot water supplied from a central source.

Amendment

(14) As part of the measures set out in the Commission's Communication New Deal for Energy Consumers, in the context of the Energy Union and the Heating and Cooling strategy, consumers' minimum rights to **accurate, reliable**, clear and timely information about their energy consumption need to be strengthened. **Whilst individual metering should continue to be required where it is technically feasible and cost-effective in terms of being proportionate in relation to the potential energy savings**, Articles 9 to 11 and Annex VII to Directive 2012/27/EU should be amended to provide for frequent and enhanced feedback on energy consumption, **taking into account the availability and capabilities of measurement devices, with the aim to optimise energy use. Member States should also take into account that the successful implementation of new technologies for measuring energy consumption require enhanced investment in education and skills for both users and energy suppliers.** It should also **be** clarified that rights relating to billing and billing **or consumption** information apply for consumers of heating, cooling or hot water supplied from a central source even where they have no direct, individual contractual relationship with an energy supplier. Therefore, for the purposes of these provisions, the term 'final user', **in addition to** final customers purchasing heating, cooling or hot water for their own **end use, should also cover** occupants of individual units of multi-apartment or multi-purpose buildings where such units are supplied from a central source **who have no direct or individual contract with the energy supplier.** The term 'sub-metering' should refer to measuring consumption in individual units of such buildings. By 1 January 2020 newly installed heat meters and heat cost allocators should be remotely readable to ensure cost-effective, frequent provision of consumption information. The new Article 9a is intended to apply only to heating, cooling and hot water supplied from a central source.

Wednesday 17 January 2018

Amendment 33
Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) *Billing information and annual statements are an important means by which customers are informed. Data on consumption and costs can also convey other information that helps consumers to compare their current deal with other offers and resort to complaint management and dispute resolutions. However, considering that bill-related disputes are a very common source of consumer complaints, a factor which contributes to persistently low levels of consumer satisfaction and engagement in the energy sector, it is necessary to make bills simpler, clearer and easier to understand, while ensuring that separate instruments, such as billing information, information tools and annual statements, provide all the necessary information to enable consumers to regulate their energy consumption, compare offers and switch suppliers.*

Wednesday 17 January 2018

Amendment 34
Proposal for a directive
Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) *Small and medium-sized enterprises (SMEs) that fall within the scope of this Directive are those that employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million, in accordance with Article 2(1) of the Annex to Commission Recommendation 2003/361/EC ^(1a).*

^(1a) *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (O) L 124, 20.5.2003, p. 36).*

Amendment 36
Proposal for a directive
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) *The increase in energy efficiency is a direct result of the following steps in the energy generation and conversion processes: efficient conversion of primary energy into final energy, efficient transmission of this energy to consumers in the form of electricity, heat or fuels, and its sparing use by end users; the savings effect on the consumer market should not be considered to be a sole objective of such effectiveness, as this effect may result from unfavourable energy prices.*

Wednesday 17 January 2018

Amendment 37
Proposal for a directive
Recital 16

Text proposed by the Commission

- (16) Reflecting technological progress and the growing share of renewable energy sources in the electricity generation sector, the default coefficient for savings in kWh electricity should be reviewed in order to reflect changes in the primary energy factor (PEF) for electricity. **Calculations of the PEF for electricity are based on annual average values. The Physical energy content accounting method is used for nuclear electricity and heat generation and the Technical conversion efficiency method is used for electricity and heat generation from fossil fuels and biomass. For non-combustible renewable energy, the method is the direct equivalent based on the Total primary energy approach. To calculate the primary energy share for electricity in CHP the method set out in Annex II of Directive 2012/27/EU is applied. An average market position is used rather than a marginal one. Conversion efficiencies are assumed to be 100 % for non-combustible renewables, 10 % for geothermal power stations and 33 % for nuclear power stations. Total efficiency for cogeneration is calculated based on the most recent data from Eurostat. As for system boundaries the PEF is 1 for all energy sources. Calculations are based on the most recent version of the PRIMES Reference Scenario. The PEF value is based on the projection for 2020. The analysis covers the EU Member States and Norway. The dataset for Norway is based on ENTSO-E data.**

Amendment

- (16) **Strictly limited to the objectives of this Directive and** reflecting technological progress and the growing share of renewable energy sources in the electricity generation sector, the default coefficient for savings in kWh electricity should be **carefully analysed and possibly** reviewed in order to reflect changes in the primary energy factor (PEF) for electricity, **reflecting the energy mix** of the **respective Member State by way of a comparable and transparent methodology.**

Wednesday 17 January 2018

Amendment 38
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) *Taking into account that the European Council, in its conclusions of 10 June 2011 on the Energy Efficiency Plan, stressed that buildings represent 40 % of the Union's primary energy consumption, which represents 50 % of final energy consumption, and, in order to enable economic growth and encourage employment in sectors requiring special qualifications, namely in the construction and construction products manufacturing sectors, in professional activities such as architecture and urban planning and advisory services concerning heating and cooling technologies, the Member States should establish a long-term strategy in those fields that would extend beyond 2020.*

Amendment 39
Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

Amendment

- (16b) *The primary energy factor (PEF) should be used as a tool to reduce the consumption of and dependency on fossil fuels and increase energy efficiency as well as the further expansion of renewable energy resources. In this regard, the default coefficient for savings in kWh electricity should be adapted when technological, economic or social developments demonstrate the need for a lower default coefficient. The Commission should analyse, and, if appropriate, present a legislative proposal to amend the default coefficient of the PEF by 2024.*

Amendment 40
Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

- (17) *In order to ensure that the Annexes to the Directive and the harmonised efficiency reference values referred to in Article 14(10) can be updated, it is necessary to extend the delegation of powers granted to the Commission.*

deleted

Wednesday 17 January 2018

Amendment 41
Proposal for a directive

Recital 18

Text proposed by the Commission

(18) In order to be able to evaluate the effectiveness of Directive 2012/27/EU, a requirement for a general review of **the** Directive and a report to the European Parliament and the Council by 28 February 2024 should be introduced.

Amendment

(18) In order to be able to evaluate the effectiveness of Directive 2012/27/EU, a requirement for a general review of **that** Directive and **to submit** a report to the European Parliament and **to** the Council by 28 February 2024 should be introduced. ***This date ~~but~~ will be after the UNFCCC global stocktake in 2023 in order to allow necessary alignments to that process to be introduced, also taking into account economic and innovation developments.***

Amendment 42
Proposal for a directive

Recital 19 a (new)

Text proposed by the Commission

(19a) Member States whose per capita GDP is lower than the average Union per capita GDP should be able to increase the consumption of primary energy, provided that its conversion into final energy, its further transmission and distribution, as well as useful savings on the consumer market takes into account a significant increase in energy efficiency at each stage of a technological process consisting in the flow of released primary energy stream.

Amendment

(19a) ***Member States whose per capita GDP is lower than the average Union per capita GDP should be able to increase the consumption of primary energy, provided that its conversion into final energy, its further transmission and distribution, as well as useful savings on the consumer market takes into account a significant increase in energy efficiency at each stage of a technological process consisting in the flow of released primary energy stream.***

Amendment 43
Proposal for a directive

Recital 19 b (new)

Text proposed by the Commission

(19b) Local and regional authorities should be given a leading role in the development and design, execution and assessment of the measures laid down in the Directive, so that they are able properly to address the specific features of their own climate, culture and society.

Amendment

(19b) ***Local and regional authorities should be given a leading role in the development and design, execution and assessment of the measures laid down in the Directive, so that they are able properly to address the specific features of their own climate, culture and society.***

Wednesday 17 January 2018

Amendments 110/rev and 100

Proposal for a directive

Article 1 — paragraph 1 — point 1

Directive 2012/27/EU

Article 1 — paragraph 1

Text proposed by the Commission

1. This Directive establishes a common framework of measures to promote energy efficiency within the Union in order to ensure that the Union's 2020 20 % headline targets and its **2030 30 %** binding headline targets on energy efficiency are met and paves the way for further energy efficiency improvements beyond **those dates**. It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of indicative national energy efficiency targets **and contributions** for 2020 and 2030.

Amendment

1. This Directive establishes a common framework of measures to promote energy efficiency within the Union, **implementing the 'energy efficiency first' principle throughout the full energy chain, including energy generation, transmission, distribution and end-use**, in order to ensure that the Union's 2020 20 % headline targets and its **2030 minimum 35 %** binding headline targets on energy efficiency are met and paves the way for further energy efficiency improvements beyond **2030, in line with the Union's long-term energy and climate goals for 2050 and the Paris Agreement**. It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of indicative national energy efficiency targets for 2020 and **national energy efficiency targets for 2030**.

Amendment 46

Proposal for a directive

Article 1 — paragraph 1 — point 1

Directive 2012/27/EU

Article 1 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive contributes to the implementation of the 'energy efficiency first' principle and ensures that energy efficiency and demand side response can compete on equal terms with generation capacity. Energy efficiency shall be considered where energy system relevant planning or financing decisions are taken.

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Amendment 47**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2012/27/EU

Article 1 — paragraph 1 b (new)

*Text proposed by the Commission**Amendment*

1b. *In order to mobilise private financing for energy efficiency measures and energy renovations, the Commission shall start a dialogue with both public and private financial institutions to map out potential policy mechanisms. Given the large potential for energy efficiency improvements in the building sector, investments in that sector shall be particularly considered, with a primary focus on residential buildings with low-income households at risk of energy poverty. In addition, to make investments in energy efficiency projects more financially interesting and feasible for investors, the Commission shall consider options on how to bundle small projects into larger ones. The Commission shall provide guidance for Member States on how to unlock private investment by 1 January 2019.*

Amendment 51**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2012/27/EU

Article 3 — paragraphs 1, 2, 3

*Text proposed by the Commission**Amendment*

Article 3

Article 3

Energy efficiency targets

Energy efficiency targets

1. Each Member State shall set an indicative national energy efficiency target for 2020, based on either primary or final energy consumption, primary or final energy savings, or energy intensity. Member States shall notify those targets to the Commission in accordance with Article 24(1) and Annex XIV Part 1. When doing so, they shall also express those targets in terms of an absolute level of primary energy consumption and final energy consumption in 2020 and shall explain how, and on the basis of which data, this has been calculated.

1. Each Member State shall set an indicative national energy efficiency target for 2020, based on either primary or final energy consumption, primary or final energy savings, or energy intensity. Member States shall notify those targets to the Commission in accordance with Article 24(1) and Annex XIV Part 1. When doing so, they shall also express those targets in terms of an absolute level of primary energy consumption and final energy consumption in 2020 and shall explain how, and on the basis of which data, this has been calculated.

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Text proposed by the Commission

When setting those targets, Member States shall take into account:

- (a) that the Union's 2020 energy consumption has to be no more than 1 483 Mtoe of primary energy **and** no more than 1 086 Mtoe of final energy;
- (b) the measures provided for in this Directive;
- (c) the measures adopted to reach the national energy saving targets adopted pursuant to Article 4(1) of Directive 2006/32/EC; and
- (d) other measures to promote energy efficiency within Member States and at Union level.

When setting those targets, Member States may also take into account national circumstances affecting primary energy consumption, such as:

- (a) remaining cost-effective energy-saving potential;
- (b) GDP evolution and forecast;
- (c) changes of energy imports and exports;
- (d) development of all sources of renewable energies, nuclear energy, carbon capture and storage; and
- (e) early action.

2. By 30 June 2014, the Commission shall assess progress achieved and whether the Union is likely to achieve energy consumption of no more than 1 483 Mtoe of primary energy **and** no more than 1 086 Mtoe of final energy in 2020.

3. In carrying out the review referred to in paragraph 2, the Commission shall:

- (a) sum the national indicative energy efficiency targets reported by Member States;
- (b) assess whether the sum of those targets can be considered a reliable guide to whether the Union as a whole is on track, taking into account the evaluation of the first annual report in accordance with Article 24(1), and the evaluation of the National Energy Efficiency Action Plans in accordance with Article 24(2);

Amendment

When setting those targets, Member States shall take into account:

- (a) that the Union's 2020 energy consumption has to be no more than 1 483 Mtoe of primary energy **or** no more than 1 086 Mtoe of final energy;
- (b) the measures provided for in this Directive;
- (c) the measures adopted to reach the national energy saving targets adopted pursuant to Article 4(1) of Directive 2006/32/EC; and
- (d) other measures to promote energy efficiency within Member States and at Union level.

When setting those targets, Member States may also take into account national circumstances affecting primary energy consumption, such as:

- (a) remaining cost-effective energy-saving potential;
- (b) GDP evolution and forecast;
- (c) changes of energy imports and exports;
- (d) development of all sources of renewable energies, nuclear energy, carbon capture and storage; and
- (e) early action.

2. By 30 June 2014, the Commission shall assess progress achieved and whether the Union is likely to achieve energy consumption of no more than 1 483 Mtoe of primary energy **and/or** no more than 1 086 Mtoe of final energy in 2020.

3. In carrying out the review referred to in paragraph 2, the Commission shall:

- (a) sum the national indicative energy efficiency targets reported by Member States;
- (b) assess whether the sum of those targets can be considered a reliable guide to whether the Union as a whole is on track, taking into account the evaluation of the first annual report in accordance with Article 24(1), and the evaluation of the National Energy Efficiency Action Plans in accordance with Article 24(2);

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*Text proposed by the Commission**Amendment*

(c) take into account complementary analysis arising from:

(c) take into account complementary analysis arising from:

(i) an assessment of progress in energy consumption, and in energy consumption in relation to economic activity, at Union level, including progress in the efficiency of energy supply in Member States that have based their national indicative targets on final energy consumption or final energy savings, including progress due to these Member States' compliance with Chapter III of this Directive;

(i) an assessment of progress in energy consumption, and in energy consumption in relation to economic activity, at Union level, including progress in the efficiency of energy supply in Member States that have based their national indicative targets on final energy consumption or final energy savings, including progress due to these Member States' compliance with Chapter III of this Directive;

(ii) results from modelling exercises in relation to future trends in energy consumption at Union level.

(ii) results from modelling exercises in relation to future trends in energy consumption at Union level.

(d) compare the results under points (a) to (c) with the quantity of energy consumption that would be needed to achieve energy consumption of no more than 1 483 Mtoe of primary energy **and** no more than 1 086 Mtoe of final energy in 2020.

(d) compare the results under points (a) to (c) with the quantity of energy consumption that would be needed to achieve energy consumption of no more than 1 483 Mtoe of primary energy **and/or** no more than 1 086 Mtoe of final energy in 2020.

Amendment 101**Proposal for a directive****Article 1 — point 2**

Directive 2012/27/EU

Article 3 — paragraph 4

*Text proposed by the Commission**Amendment*

4. Each Member State shall set indicative national energy efficiency **contributions** towards the Union's 2030 target referred to in Article 1 paragraph 1 in accordance with Articles [4] and [6] of Regulation (EU) XX/20XX [Governance of the Energy Union]. When setting those contributions, Member States shall take into account that the Union's 2030 energy consumption has to be no more than 1 321 Mtoe of primary energy and no more than 987 Mtoe of final energy. Member States shall notify those contributions to the Commission as part of their integrated national energy and climate plans in accordance with the procedure pursuant to Articles [3] and [7] to [11] of Regulation (EU) XX/20XX [Governance of the Energy Union].

4. Each Member State shall set indicative national energy efficiency **targets** towards the Union's 2030 target referred to in Article 1 paragraph 1 **and** in accordance with Articles [4] and [6] of Regulation (EU) XX/20XX [Governance of the Energy Union]. When setting those contributions, Member States shall take into account that the Union's 2030 energy consumption has to be no more than 1 321 Mtoe of primary energy and no more than 987 Mtoe of final energy. Member States shall notify those contributions to the Commission as part of their integrated national energy and climate plans in accordance with the procedure pursuant to Articles [3] and [7] to [11] of Regulation (EU) XX/20XX [Governance of the Energy Union].

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Amendments 54, 105 and 107

Proposal for a directive

Article 1 — paragraph 1 — point 3

Directive 2012/27/EU

Article 7

Text proposed by the Commission

Amendment

Article 7

Article 7

Energy savings obligation

Energy savings obligation

1. Member States shall achieve cumulative end-use energy savings at least equivalent to:

(a) new savings each year from 1 January 2014 to 31 December 2020 of 1,5 % of annual energy sales to final customers by volume, averaged over the most recent three-year period prior to 1 January 2013;

(b) new savings each year from 1 January 2021 to 31 December 2030 of 1,5 % of annual energy sales to final customers by volume, averaged over the most recent three-year period prior to 1 January 2019.

Member States shall continue to achieve new annual savings of 1,5 % for ten year periods after 2030, unless reviews by the Commission by 2027 and every 10 years thereafter conclude that this is not necessary to achieve the Union's long term energy and climate targets for 2050.

For the **purposes of** point (b), and without prejudice to paragraphs 2 and 3, Member States may count **only those** energy savings that stem from new policy measures introduced after 31 December 2020 or policy measures **introduced during the period from 1 January 2014 to 31 December 2020** provided it can be demonstrated that those measures result in individual actions that are undertaken after 31 December 2020 and deliver savings.

1. Member States shall achieve cumulative end-use energy savings at least equivalent to:

(a) new savings each year from 1 January 2014 to 31 December 2020 of 1,5 % of annual energy sales to final customers by volume, averaged over the most recent three-year period prior to 1 January 2013;

(b) new savings each year from 1 January 2021 to 31 December 2030 of **at least** 1,5 % of annual energy sales to final customers by volume averaged over the most recent three-year period prior to 1 January 2019.

Member States shall continue to achieve new annual savings of 1,5 % for ten year periods after 2030, unless reviews by the Commission by 2027 and every 10 years thereafter conclude that this is not necessary to achieve the Union's long term energy and climate targets for 2050.

Savings in each period shall build cumulatively upon the amount of savings to be achieved in the previous period(s). Where earlier policy measures, programmes, and/or individual actions are no longer delivering savings, the loss of those savings shall be accounted for when calculating the overall amount of savings to be achieved at the end of each period, and the loss replaced by new savings.

Savings required for the period referred to in point (b) shall be cumulative and additional to the savings required for the period referred to in point (a). To that end, and without prejudice to paragraphs 2 and 3, Member States may count energy savings that stem from new policy measures introduced after 31 December 2020 or **earlier** policy measures, provided it can be demonstrated that those measures result in **new** individual actions that are undertaken after 31 December 2020 and deliver savings. **Member States may also count savings from the individual actions that are undertaken during the period from 1 January 2014 to 31 December 2020 provided that they continue to deliver verifiable energy savings after 2020.**

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Text proposed by the Commission

Amendment

The sales of energy, by volume, used in transport may be partially or fully excluded from these calculations.

For the purposes of the period referred to in point (a) only, the sales of energy, by volume, used in transport may be partially or fully excluded from these calculations. **Sales of energy used in transport shall be fully included in the calculations for the period referred to in point (b) and beyond.**

Member States shall decide how the calculated quantity of new savings is to be phased over each period referred to in points (a) and (b) as long as the required total cumulative savings have been achieved by the end of each period.

Member States shall decide how the calculated quantity of new savings is to be phased over each period referred to in points (a) and (b) as long as the required total cumulative savings have been achieved by the end of each period.

2. Subject to paragraph 3, each Member State may:

2. Subject to paragraph 3, each Member State may:

(a) carry out the calculation required by point (a) of paragraph 1 using values of 1 % in 2014 and 2015; 1,25 % in 2016 and 2017; and 1,5 % in 2018, 2019 and 2020;

(a) carry out the calculation required by point (a) of paragraph 1 using values of 1 % in 2014 and 2015; 1,25 % in 2016 and 2017; and 1,5 % in 2018, 2019 and 2020;

(b) exclude from the calculation all or part of the sales, by volume, of energy used in industrial activities listed in Annex I to Directive 2003/87/EC;

(b) exclude from the calculation all or part of the sales, by volume, of energy used in industrial activities listed in Annex I to Directive 2003/87/EC;

(c) allow energy savings achieved in the energy transformation, distribution and transmission sectors, including efficient district heating and cooling infrastructure, as a result of implementing the requirements set out in Article 14(4), point (b) of Article 14(5) and Article 15(1) to (6) and (9), to be counted towards the amount of energy savings required under paragraph 1;

(c) allow energy savings achieved in the energy transformation, distribution and transmission sectors, including efficient district heating and cooling infrastructure, as a result of implementing the requirements set out in Article 14(4), point (b) of Article 14(5) and Article 15(1) to (6) and (9), to be counted towards the amount of energy savings required under **point (a) and (b) of** paragraph 1; **and**

(d) count energy savings resulting from individual actions newly implemented since 31 December 2008 that continue to have an impact in 2020 and **beyond and** which can be measured and verified, towards the amount of energy savings referred to in paragraph 1; **and**

(d) count energy savings resulting from individual actions newly implemented since 31 December 2008 that continue to have an impact in 2020 and which can be measured and verified, towards the amount of energy savings referred to in **point (a) of** paragraph 1.

(e) **exclude from the calculation of the energy savings requirement referred to in paragraph 1 the verifiable amount of energy generated on or in buildings for own use as a result of policy measures promoting new installation of renewable energy technologies.**

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Text proposed by the Commission

3. All the options chosen under paragraph 2 taken together must amount to no more than 25 % of the amount of energy savings referred to in paragraph 1. Member States shall apply and calculate the effect of the options chosen for the periods referred to in points (a) and (b) of paragraph 1 separately:

(a) for the calculation of the amount of energy savings required for the period referred to in point (a) of paragraph 1 Member States may make use of points (a), (b), (c), and (d) of paragraph 2;

(b) for the calculation of the amount of energy savings required for the period referred to in point (b) of paragraph 1 Member States may make use of points (b), (c), (d) and (e) of paragraph 2, provided individual actions in the meaning of point (d) continue to have a verifiable and measurable impact after 31 December 2020.

4. Energy savings achieved after 31 December 2020 may not count towards the cumulative savings amount required for the period from 1 January 2014 to 31 December 2020.

5. Member States shall ensure that savings resulting from policy measures referred to in Articles 7a and 7b and Article 20 (6) are calculated in accordance with Annex V.

6. Member States shall achieve the required amount of savings under paragraph 1 either by establishing an energy efficiency obligation scheme referred to in Article 7a or by adopting alternative measures referred to in Article 7b. Member States may combine an energy efficiency obligation scheme with alternative policy measures.

7. Member States shall demonstrate that where there is an overlap in the impact of policy measures or individual actions, there is no double counting of energy savings.;

Amendment

3. All the options chosen under paragraph 2 taken together must amount to no more than 25 % of the amount of energy savings referred to in paragraph 1. Member States shall apply and calculate the effect of the options chosen for the periods referred to in points (a) and (b) of paragraph 1 separately:

(a) for the calculation of the amount of energy savings required for the period referred to in point (a) of paragraph 1 Member States may make use of points (a), (b), (c), and (d) of paragraph 2

(b) for the calculation of the amount of energy savings required for the period referred to in point (b) of paragraph 1 Member States may make use of points (b), (c), (d) and (e) of paragraph 2, provided individual actions in the meaning of point (d) continue to have a verifiable and measurable impact after 31 December 2020.

4. Energy savings achieved after 31 December 2020 may not count towards the cumulative savings amount required for the period from 1 January 2014 to 31 December 2020.

5. Member States shall ensure that savings resulting from policy measures referred to in Articles 7a and 7b and Article 20 (6) are calculated in accordance with Annex V.

6. Member States shall achieve the required amount of savings under paragraph 1 either by establishing an energy efficiency obligation scheme referred to in Article 7a or by adopting alternative measures referred to in Article 7b. Member States may combine an energy efficiency obligation scheme with alternative policy measures.

7. Member States shall demonstrate that where there is an overlap in the impact of policy measures or individual actions, there is no double counting of energy savings.;

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Amendment 55**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7a — paragraph 1

Text proposed by the Commission

1. Where Member States decide to fulfil their obligations to achieve the amount of savings required under Article 7 (1) by way of an energy efficiency obligation scheme they shall ensure that obligated parties referred to in paragraph 2 operating in each Member State's territory achieve, without prejudice to Article 7(2), the cumulative end-use energy savings requirement set out in Article 7(1).

Amendment

1. Where Member States decide to fulfil their obligations to achieve the amount of savings required under Article 7 (1) by way of an energy efficiency obligation scheme they shall ensure that obligated parties referred to in paragraph 2 operating in each Member State's territory achieve, without prejudice to Article 7(2), the cumulative end-use energy savings requirement set out in Article 7(1) **or allow the obligated parties to contribute annually to the Energy Efficiency National Fund in accordance with Article 20(6).**

Amendment 56**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7a — paragraph 2

Text proposed by the Commission

2. Member States shall designate, on the basis of objective and non-discriminatory criteria, obligated parties among energy distributors **and/or** retail energy sales companies **operating in its territory and may include** transport fuel distributors or transport fuel retailers operating in **its** territory. The amount of energy savings needed to fulfil the obligation shall be achieved by the obligated parties among final customers, designated by the Member State, independently of the calculation made pursuant to Article 7(1), or, if Member States so decide, through certified savings stemming from other parties as described in point (b) of paragraph 5.

Amendment

2. Member States shall designate, on the basis of objective and non-discriminatory criteria, obligated parties among energy distributors, retail energy sales companies **and** transport fuel distributors or transport fuel retailers operating in **their** territory. The amount of energy savings needed to fulfil the obligation shall be achieved by the obligated parties among final customers, designated by the Member State, independently of the calculation made pursuant to Article 7(1), or, if Member States so decide, through certified savings stemming from other parties as described in point (b) of paragraph 5.

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Amendment 57

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 2012/27/EU

Article 7a — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where retail energy sales companies are designated as obligated parties according to paragraph 2, Member States shall ensure that in fulfilling their obligation, retail energy sales companies do not create any barriers for consumers to switch from one supplier to another.

Amendment 59

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 2012/27/EU

Article 7a — paragraph 5 — point b

Text proposed by the Commission

Amendment

(b) may permit obligated parties to count towards their obligation certified energy savings achieved by energy service providers or other third parties including when obligated parties promote measures through other State-approved bodies or through public authorities that may or may not involve formal partnerships and may be in combination with other sources of finance. Where Member States so permit, they shall ensure that an approval process is in place which is clear, transparent and open to all market actors, and which aims at minimising the costs of certification;

(b) may permit obligated parties to count towards their obligation certified energy savings achieved by energy service providers or other third parties including when obligated parties promote measures through other State-approved bodies or through public authorities that may or may not involve formal partnerships and may be in combination with other sources of finance. Where Member States so permit, they shall ensure that an **accredited** approval process is in place which is clear, transparent, **participative** and open to all market actors, and which aims at minimising the costs of certification;

Amendment 60

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 2012/27/EU

Article 7a — paragraph 5 — point c a (new)

Text proposed by the Commission

Amendment

(ca) **allow additional savings achieved through more sustainable technologies in district heating and cooling systems in urban environments (leading equally to reductions of pollutants and particulates) to be counted towards the amount of energy savings required under paragraph 1;**

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Amendment 61**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7a — paragraph 5 — point c b (new)

Text proposed by the Commission

Amendment

(cb) promote the adoption of measures that tackle the heating and cooling potential for energy savings, possibly providing additional rewards for interventions resulting in pollution mitigation;

Amendment 62**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7a — paragraph 5 — point c c (new)

Text proposed by the Commission

Amendment

(cc) establish instruments that certify energy savings resulting from energy audits or equivalent energy management systems referred to in Article 8 in order to count those savings towards the amount of energy savings required under paragraph 1;

Amendment 63**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7a — paragraph 5 — point c d (new)

Text proposed by the Commission

Amendment

(cd) may permit obligated parties to count towards their obligation the end-use energy savings achieved in efficient heating and cooling infrastructure;

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Amendment 65

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 2012/27/EU

Article 7a — paragraph 5 — point c f (new)

Text proposed by the Commission

Amendment

(cf) shall assess and take measures to minimise the impact of the direct and indirect costs of such schemes on the competitiveness of energy-intensive industries exposed to international competition.

Amendment 66

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 2012/27/EU

Article 7a — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. As part of their integrated national energy and climate plans, Member States shall inform the Commission about their intended policy measures under point (c) of Article 7(2). The impact of these measures shall be calculated and included in those plans. The calculation used by the Member States shall be based on objective, non-discriminatory criteria, to be drawn up in consultation with the Commission, by 1 January 2019.

Amendment 67

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 2012/27/EU

Article 7b — paragraph 1

Text proposed by the Commission

Amendment

1. Where Member States decide to fulfil their obligations to achieve the savings required under Article 7(1) by way of alternative policy measures they shall ensure that the energy savings required under Article 7(1) are achieved among final customers.

1. Where Member States decide to fulfil their obligations to achieve the savings required under Article 7(1) by way of alternative policy measures they shall ensure that the energy savings required under Article 7(1) are **fully** achieved among final customers.

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Amendment 68**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7b — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Furthermore, all opportunities to increase energy efficiency, including from higher performing fuel used in transport shall be eligible towards the cumulative end-use energy savings requirement set out in Article 7(1).

Amendment 69**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2012/27/EU

Article 7b — paragraph 2

Text proposed by the Commission

Amendment

2. In designing alternative policy measures to achieve energy savings, Member States shall take into account the effect on households affected by energy poverty.

2. In designing alternative policy measures to achieve energy savings, Member States shall take into account the effect on ***low-income*** households, ***including those*** affected by energy poverty, ***and ensure measures are implemented as a priority in those households and in social housing.***

Member States shall calculate the amount of savings achieved in those households as compared to the total amount of savings achieved in all households under this Article.

Those savings shall be published and included in the integrated national energy and climate progress reports in accordance with Article 21 of Regulation (EU) XX/20XX [Governance of the Energy Union].

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Amendment 70

Proposal for a directive

Article 1 — paragraph 1 — point 4 a (new)

Directive 2012/27/EU

Article 7 c (new)

Text proposed by the Commission

Amendment

(4a) The following article is inserted:

‘Article 7c

Provision of energy efficiency services

The Commission, in close cooperation with Member States, shall ensure that services on the energy efficiency market are provided in a transparent competitive context in order to enable the final consumer to enjoy the benefits, in terms of lower costs and better quality of service, associated with energy efficiency measures. To that end, Member States shall ensure that businesses, particularly SMEs, have non-discriminatory access to the market in energy efficiency services, thereby enabling them to participate on equal terms with vertically integrated operators and overcoming the positions of competitive advantage established for distributors or sellers of energy. Member States shall accordingly adopt every act necessary to ensure that integrated operators offer third parties the same conditions and means as they employ to provide energy efficiency services.’

Amendment 71

Proposal for a directive

Article 1 — paragraph 1 — point 5 — point b

Directive 2012/27/EU

Article 9 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that, in so far as it is technically possible, financially reasonable and proportionate in relation to the potential energy savings, final customers for natural gas are provided with competitively priced individual meters that accurately reflect the final customer’s actual energy consumption and that provide information on actual time of use.;

Member States shall ensure that, in so far as it is technically possible, financially reasonable and proportionate in relation to the potential energy savings, final customers for natural gas are provided, **as regards the selected technology and functionality, with** competitively priced individual meters **and heating controls** that accurately reflect the final customer’s actual energy consumption and that provide information on actual time of use **and others features, as applicable in alignment with the provisions related to electricity metering in Articles 19 to 22 of Directive (EU) .../... [on common rules for the internal market in electricity (recast)].**

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Amendment 72**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point c — point ii a (new)**

Directive 2012/27/EU

Article 9 — paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The smart metering system shall provide final consumers with access to their energy consumption data and time series on the market settlement periods.

Amendment 73**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point d**

Directive 2012/27/EU

Article 9 — paragraph 3

Text proposed by the Commission

Amendment

(d) paragraph 3 is ***deleted***;(d) paragraph 3 is ***replaced by the following***:

‘3. Concerning data format and functionalities the provisions shall be aligned to Articles 18 to 21 of Directive 2009/72/EC of the European Parliament and of the Council^(1a) as far as appropriate. Consumer data shall be treated in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council^(1b). No costs shall be charged to final customers for access to their data in a format that is useful for them.

^(1a) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

^(1b) 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) (OJ L 119, 4.5.2016, p. 1).’

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Amendment 74**Proposal for a directive****Article 1 — paragraph 1 — point 6**

Directive 2012/27/EU

Article 9a

*Text proposed by the Commission**Amendment*

Article 9a

Article 9a

Metering, sub-metering and cost allocation for heating and cooling and domestic hot water

Metering, sub-metering and cost allocation for heating and cooling and domestic hot water

1. Member States shall ensure that final customers for district heating, district cooling and domestic hot water are provided with competitively priced meters that accurately reflect the final customer's actual energy consumption.

1. Member States shall ensure that final customers for district heating, district cooling and domestic hot water are provided with competitively priced meters that accurately reflect the final customer's actual energy consumption.

Where heating **and** cooling or hot water are supplied to a building from a central source servicing multiple buildings or from district heating **and** cooling network, a **heat or hot water** meter shall **always** be installed at the heat exchanger or point of delivery.

Where heating, cooling or hot water are supplied to a building from a central source servicing multiple buildings or from **a** district heating **or** cooling network, a meter shall be installed at the heat exchanger or point of delivery.

2. In multi-apartment and multi-purpose buildings with a central heating or cooling source or supplied from district heating and cooling systems, individual meters shall be installed to measure the consumption of heat or cooling or hot water for each building unit.

2. In multi-apartment and multi-purpose buildings with a central heating or cooling source or supplied from district heating and cooling systems, individual meters shall be installed to measure the consumption of heat or cooling or hot water for each building unit, **where technically feasible and cost effective in terms of being proportionate in relation to the potential energy savings.**

Where the use of individual meters is not technically feasible or where it is not cost-efficient to measure heating or cooling in each building unit, individual heat cost allocators shall be used to measure heat consumption at each radiator unless it is shown by the Member State in question that the installation of such heat cost allocators would not be cost efficient. In those cases, alternative cost-efficient methods of heat consumption measurement may be considered. **The conditions of** technical non-feasibility and non-cost effectiveness shall be clearly set out and published by each Member State.

Where the use of individual meters is not technically feasible or where it is not cost-efficient to measure heating or cooling in each building unit, individual heat cost allocators shall be used to measure heat consumption at each radiator unless it is shown by the Member State in question that the installation of such heat cost allocators would not be cost efficient. In those cases, alternative cost-efficient methods of heat consumption measurement may be considered. **After consulting the Commission, the general criteria, methodologies and/or procedures to determine** technical non-feasibility and non-cost effectiveness shall be clearly set out and published by each Member State.

Wednesday 17 January 2018

Text proposed by the Commission

Amendment

In new buildings *of the kind referred to in the first subparagraph or when such a building undergoes major renovation, as set out in Directive 2010/31/EU*, individual meters shall *always* be provided.

3. Where multi-apartment and multi-purpose buildings are supplied from district heating or cooling, or where own common heating or cooling systems for such buildings are prevalent, Member States shall introduce transparent rules on the allocation of the cost of heating, cooling and hot water consumption in such buildings to ensure transparency and accuracy of accounting for individual consumption including:

(a) hot water for domestic needs;

(b) heat radiated from the building installation and for the purposes of heating the common areas (where staircases and corridors are equipped with radiators);

(c) for the purpose of heating or cooling apartments.

4. For the purposes of this Article, as of 1 January 2020 meters and cost allocators *installed* shall be remotely readable devices.

Meters and cost allocators that have already been installed but which are not remotely readable shall be provided with this capability or be replaced with remotely readable devices by 1 January 2027, except where the Member State in question shows that this is not cost-efficient.

In new *multi-apartment* buildings *and in the residential part of new multi-purpose buildings, where these have a central heating source for hot water or are supplied from district heating systems*, individual meters shall, *notwithstanding the first and second subparagraphs*, be provided *for hot water*.

3. Where multi-apartment and multi-purpose buildings are supplied from district heating or cooling, or where own common heating or cooling systems for such buildings are prevalent, Member States shall introduce transparent rules on the allocation of the cost of heating, cooling and hot water consumption in such buildings to ensure transparency and accuracy of accounting for individual consumption including:

(a) hot water for domestic needs;

(b) heat radiated from the building installation and for the purposes of heating the common areas (where staircases and corridors are equipped with radiators);

(c) for the purpose of heating or cooling apartments.

4. For the purposes of this Article, as of 1 January 2020 meters and *heat* cost allocators *newly installed* shall be remotely readable devices. *The conditions regarding technical feasibility and cost effectiveness set out in the first and second subparagraphs of paragraph 2 shall continue to apply.*

Meters and *heat* cost allocators that have already been installed but which are not remotely readable shall be provided with this capability or be replaced with remotely readable devices by 1 January 2027, except where the Member State in question shows that this is not cost-efficient.

Wednesday 17 January 2018

Amendment 75

Proposal for a directive

Article 1 — paragraph 1 — point 7 — point b

Directive 2012/27/EU

Article 10 — paragraph 1

Text proposed by the Commission

1. Where final customers do not have smart meters as referred to in Directive 2009/73/EC, Member States shall ensure, by 31 December 2014, that billing information is accurate and based on actual consumption, in accordance with point 1.1 of Annex VII, for gas, where this is technically possible and economically justified.

Amendment

1. Where final customers do not have smart meters as referred to in Directive 2009/73/EC, Member States shall ensure, by 31 December 2014, that billing information is **reliable**, accurate and based on actual consumption, in accordance with point 1.1 of Annex VII, for gas, where this is technically possible and economically justified.

Amendment 76

Proposal for a directive

Article 1 — paragraph 1 — point 7 — point c

Directive 2012/27/EU

Article 10 — paragraph 2 — subparagraph 1

Text proposed by the Commission

Meters installed in accordance with Directive 2009/73/EC shall **enable** accurate billing information based on actual consumption. Member States shall ensure that final customers have the possibility of easy access to complementary information on historical consumption allowing detailed self-checks.

Amendment

Meters installed in accordance with Directive 2009/73/EC shall **provide** accurate billing information based on actual consumption. Member States shall ensure that final customers have the possibility of easy access to complementary information on historical consumption allowing detailed self-checks.

Amendment 77

Proposal for a directive

Article 1 — paragraph 1 — point 8

Directive 2012/27/EU

Article 10a

Text proposed by the Commission

Article 10a

Amendment

Article 10a

Billing and consumption information for heating and cooling and domestic hot water

Billing and consumption information for heating and cooling and domestic hot water

Wednesday 17 January 2018

Text proposed by the Commission

Amendment

1. Member States shall ensure that billing and consumption information is accurate and based on actual consumption, in accordance with points 1 and 2 of Annex VIIa for all final users **where meters or cost allocators are installed.**

This obligation may, except in the case of sub-metered consumption under Article 9a(2), be fulfilled by a system of regular self-reading by the final customer whereby they communicate readings from their meter **to the energy supplier.** Only in cases where the final customer has not provided a meter reading for a given billing interval shall billing be based on estimated consumption or a flat rate.

2. Member States:

(a) shall require that, if information on the energy billing and historical consumption of final users is available, it be made available, to an energy service provider designated by the final user;

(b) shall ensure that final customers are offered the option of electronic billing information and bills **and that they receive, on request, a clear and understandable explanation of how their bill was drawn up, especially where bills are not based on actual consumption;**

(c) shall ensure that **appropriate** information is provided with the bill **based on actual consumption** to all final users in accordance with point 3 of Annex VII;

1. Member States shall ensure that, **where meters or heat cost allocators are installed,** billing and consumption information is **reliable,** accurate and based on actual consumption **or heat cost allocator readings,** in accordance with points 1 and 2 of Annex VIIa for all final users, **namely for natural or legal persons purchasing heating, cooling or hot water for their own end use, or natural or legal persons occupying an individual building or a unit in a multi-apartment or multi-purpose building supplied with heating, cooling or hot water from a central source who has no direct or individual contract with the energy supplier.**

This obligation may, **where a Member State so provides, and** except in the case of sub-metered consumption **based on heat cost allocators** under Article 9a(2), be fulfilled by a system of regular self-reading by the final customer **or final user** whereby they communicate readings from their meter. Only in cases where the final customer **or final user** has not provided a meter reading for a given billing interval shall billing be based on estimated consumption or a flat rate.

2. Member States:

(a) shall require that, if information on the energy billing and historical consumption **or heat cost allocator readings** of final users is available, it be made available **upon request by the final user,** to an energy service provider designated by the final user;

(b) shall ensure that final customers are offered the option of electronic billing information and bills;

(c) shall ensure that **clear and understandable** information is provided with the bill to all final users in accordance with point 3 of Annex VIIa;

Wednesday 17 January 2018

Text proposed by the Commission

(d) may provide that, at the request of the final customer, the provision of billing information shall not be considered to constitute a request for payment. In such cases, Member States shall ensure flexible arrangements for actual payment are offered;

Amendment

(d) may provide that, at the request of the final customer, the provision of billing information shall not be considered to constitute a request for payment. In such cases, Member States shall ensure flexible arrangements for actual payment are offered;

(da) shall promote cybersecurity and ensure the privacy and data protection of final users in compliance with relevant Union law.

2a. Member States shall decide who is to be responsible for providing the information referred to in paragraphs 1 and 2 to final users that have no direct or individual contract with an energy supplier.

Amendment 78

Proposal for a directive

Article 1 — paragraph 1 — point 11 — point -a (new)

Directive 2012/27/EU

Article 15 — paragraph 4 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(-a) in paragraph 4, the following subparagraph is added:

‘A common methodology shall be established by the Commission after consulting relevant stakeholders, in order to encourage network operators to reduce losses, implement a cost/energy effective infrastructure investment programme and properly account for the energy efficiency and flexibility of the grid. The Commission shall, by ... [12 months after the date of entry into force of this Directive], adopt a delegated act in accordance with Article 23, supplementing this Directive by specifying that methodology.’

Wednesday 17 January 2018

Amendment 79**Proposal for a directive****Article 1 — paragraph 1 — point 11 — point a — point ii**

Directive 2012/27/EU

Article 15 — paragraph 5 — subparagraph 3

Text proposed by the Commission

Transmission system operators and distribution system operators shall comply with the **requirements** set out in Annex XII;

Amendment

Transmission system operators and distribution system operators shall **take into account the need to ensure continuity in heat supply when connecting, guaranteeing access to the grid and dispatching high efficiency cogeneration, and shall** comply with the **requirements** set out in Annex XII.

Amendment 80**Proposal for a directive****Article 1 — paragraph 1 — point 11 a (new)**

Directive 2012/27/EU

Article 19 a (new)

*Text proposed by the Commission**Amendment*

(11a) The following article is inserted:

‘Article 19a**Financing energy efficiency by European banks**

The European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) shall adapt their policy objectives with a view to recognising energy efficiency as an energy source in its own right and energy efficiency investments as part of their infrastructure investment portfolio.

The EIB and the EBRD shall, together with national promotional banks, design, generate and finance programmes and projects tailored to the efficiency sector, including for energy poor households.

Member States shall make full use of the possibilities and tools proposed by the Smart Finance for Smart Buildings Initiative.’

Wednesday 17 January 2018

Amendment 82

Proposal for a directive

Article 1 — paragraph 1 — point 12 a (new)

Directive 2012/27/EU

Article 23 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

(12a) In Article 23, the following paragraph is inserted:

'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 83

Proposal for a directive

Article 1 — paragraph 1 — point 12 b (new)

Directive 2012/27/EU

Article 24 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

(12b) In Article 24, the following paragraph is inserted:

'4a. In the context of the State of the Energy Union report, the Commission shall report on the functioning of the carbon market in accordance with Article 29(1) and (2)(c) of Regulation (EU) XX/20XX [Governance of the Energy Union], taking into consideration the effects of the implementation of this Directive.'

Wednesday 17 January 2018

Amendment 84**Proposal for a directive****Article 1 — paragraph 1 — point 13**

Directive 2012/27/EU

Article 24 — paragraph 12

Text proposed by the Commission

12. The Commission shall evaluate this Directive by 28 February 2024 at the latest, and every five years thereafter, and shall submit a report to the European Parliament and the Council. That report shall be accompanied, if appropriate, by proposals for further measures.

Amendment

12. The Commission shall evaluate this Directive by 28 February 2024 at the latest, and every five years thereafter, and shall submit a report to the European Parliament and the Council **assessing the general effectiveness of the Directive and the need to adjust further the Union's energy efficiency policy in accordance with the objectives of the Paris Agreement, economic and innovation developments**. That report shall be accompanied, if appropriate, by proposals for further measures.

Amendment 85**Proposal for a directive****Article 1 — paragraph 1 — point 13 a (new)**

Directive 2012/27/EU

Article 24 — paragraph 12 a (new)

*Text proposed by the Commission**Amendment*

(13a) In Article 24, the following paragraph is added:

12a. By 31 December 2019, the Commission shall carry out a separate in-depth analysis of the energy efficiency potential relating to:

- (a) the conversion and transformation of energy;**
- (b) the transmission and distribution of energy;**
- (c) the production and subsequent transportation of energy supplies, namely energy spent in the extraction of fossil fuels and its transport to the place of usage;**
- (d) energy storage.**

By 31 January 2021, the Commission shall, if appropriate, based on its findings, submit to the European Parliament and the Council, a legislative proposal in this regard.

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Amendment 114

Proposal for a directive

Annex I — point 1 — point a

Directive 2012/27/EU

Annex IV — footnote 3

Text proposed by the Commission

- (a) in Annex IV, footnote 3 is replaced by the following: '(3) Applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption. For savings in kWh electricity Member States may apply a default coefficient of **2,0**. **Member States may apply** a different coefficient provided they can justify it.'

Amendment

- (a) in Annex IV, footnote 3 is replaced by the following: '(3) Applicable **for the purpose of this Directive only and** when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption. For savings in kWh electricity Member States **shall apply a coefficient established through a transparent method comparable across Member States, on the basis of national circumstances affecting primary energy consumption. Those circumstances shall be duly substantiated, measurable and verifiable and based on objective and non-discriminatory criteria.** For savings in kWh electricity **Member States may apply a default coefficient of 2,3 or a different coefficient provided they can justify it.** **When doing so, Member States shall take into account their energy mix included in their integrated national energy and climate plans to be notified to the Commission in accordance with Article [3] of Regulation (EU) XX/20XX [Governance of the Energy Union]. The default coefficient shall be revised every 5 years based upon actual observed data.**

Amendment 87

Proposal for a directive

Annex I — point 1 — point b

Directive 2012/27/EU

Annex V — paragraph 2 — point a

Text proposed by the Commission

- (a) the savings must be shown to be additional to those that would have occurred in any event without the activity of the obligated, participating or entrusted parties and/or implementing authorities. To determine what savings can be claimed as additional Member States shall establish a baseline that describes how energy consumption would evolve in the absence of the policy measure in question. The baseline shall reflect at least the following factors: energy consumption trends, changes in consumer behaviour, technological progress and changes caused by other measures implemented at national and **EU** level;

Amendment

- (a) the savings must be shown to be additional to those that would have occurred in any event without the activity of the obligated, participating or entrusted parties and/or implementing authorities. To determine what savings can be claimed as additional Member States shall establish a baseline that describes how energy consumption would evolve in the absence of the policy measure **and the resulting new individual action** in question. The baseline shall reflect at least the following factors: energy consumption trends, changes in consumer behaviour, technological progress and changes caused by other measures implemented at national and **Union** level;

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Amendment 88**Proposal for a directive****Annex I — point 1 — point b**

Directive 2012/27/EU

Annex V — paragraph 2 — point b

Text proposed by the Commission

(b) savings resulting from the implementation of mandatory Union **legislation** are considered **as** savings that would have occurred in any event without the activity of the obligated, participating or entrusted parties and/or implementing authorities, and thus may not be claimed under paragraph 1 of Article 7, except for savings related to the renovation of existing buildings provided the materiality criterion referred to in part 3(h) is ensured;

Amendment

(b) savings resulting from the implementation of mandatory Union legislation are considered **to be** savings that would have occurred in any event without the activity of the obligated, participating or entrusted parties and/or implementing authorities, and thus may not be claimed under paragraph 1 of Article 7, except for savings related to **measures promoting** the renovation of existing buildings provided the materiality criterion referred to in part 3(h) is ensured;

Amendment 89**Proposal for a directive****Annex I — point 1 — point b**

Directive 2012/27/EU

Annex V — paragraph 2 — point h

Text proposed by the Commission

(h) the calculation of energy savings shall take into account the lifetime of measures. **This may** be done by counting the savings each individual action will achieve between its implementation date and 31 December 2020 or 31 December 2030 as appropriate. Alternatively, Member States may adopt another method that is estimated to achieve at least the same total quantity of savings. When using other methods, Member States shall ensure that the total amount of energy savings calculated using these other methods does not exceed the amount of energy savings that would have been the result of their calculation when counting the savings each individual action will achieve between its implementation date and 31 December 2020 or 31 December 2030 as appropriate. Member States shall describe in detail in their Integrated National Energy and Climate plans under the Energy Union Governance the other methods they have used and which provisions have been made to ensure they meet this binding calculation requirement.

Amendment

(h) the calculation of energy savings shall take into account the lifetime of measures **and the rate at which the savings decline over time. This calculation shall** be done by counting the savings each individual action will achieve between its implementation date and 31 December 2020 or 31 December 2030 as appropriate. Alternatively, Member States may adopt another method that is estimated to achieve at least the same total quantity of savings. When using other methods, Member States shall ensure that the total amount of energy savings calculated using these other methods does not exceed the amount of energy savings that would have been the result of their calculation when counting the savings each individual action will achieve between its implementation date and 31 December 2020 or 31 December 2030 as appropriate. Member States shall describe in detail in their Integrated National Energy and Climate plans under the Energy Union Governance **Regulation** the other methods they have used and which provisions have been made to ensure they meet this binding calculation requirement.

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Amendment 90

Proposal for a directive

Annex I — point 1 — point b

Directive 2012/27/EU

Annex V — paragraph 3 — point d

Text proposed by the Commission

(d) the amount of energy savings required or to be achieved by the policy measure is expressed in **either** final **or** primary energy consumption, using the conversion factors set out in Annex IV;

Amendment

(d) the amount of energy savings required or to be achieved by the policy measure is expressed in final **and** primary energy consumption, using the conversion factors set out in Annex IV;

Amendment 91

Proposal for a directive

Annex I — point 1 — point b

Directive 2012/27/EU

Annex V — paragraph 3 — subparagraph 2

Text proposed by the Commission

For policy measures taken pursuant to point (e) of Article 7(2) Member States may use the calculation methodology established under Directive 2010/31/EU as far as this is in line with the requirements of Article 7 of this Directive and this Annex.

Amendment

deleted

Amendment 92

Proposal for a directive

Annex I — point 2 — point b

Directive 2012/27/EU

Annex VII a

Text proposed by the Commission

Annex VII a

Minimum requirements for billing and consumption information **based on actual consumption of** heating, cooling and hot water

1. Billing based on actual consumption

Amendment

Annex VII a

Minimum requirements for billing and consumption information **for** heating, cooling and hot water

1. Billing based on actual consumption **or heat cost allocator readings**

Wednesday 17 January 2018

Text proposed by the Commission

In order to enable final users to regulate their own energy consumption, billing shall take place on the basis of actual consumption at least once per year.

2. Minimum frequency of billing or consumption information

As of [Please insert herethe **entry into force**] where remotely readable meters or cost allocators have been installed, billing or consumption information based on actual consumption shall be **made available** at least quarterly upon request or where final customers have opted to receive electronic billing, or else twice yearly.

As of 1 January 2022, where remotely readable meters or cost allocators have been installed, billing or consumption information shall be **made available** at least monthly. Heating and cooling may be exempted from this outside the heating/cooling seasons.

3. Minimum information contained in the bill **based on actual consumption**

Member States shall ensure that the following information is made available to final users in clear and understandable terms in or with their bills:

- (a) current actual prices and actual consumption of energy;
- (b) information on the fuel mix used, including for final users supplied by district heating or district cooling;

Amendment

In order to enable final users to regulate their own energy consumption, billing shall take place on the basis of actual consumption **or heat cost allocator readings** at least once per year.

2. Minimum frequency of billing or consumption information

As of [Please insert herethe **date of transposition**] where remotely readable meters or **heat** cost allocators have been installed, billing or consumption information based on actual consumption **or heat cost allocator readings** shall be **provided to final users** at least quarterly upon request or where final customers have opted to receive electronic billing, or else twice yearly.

As of 1 January 2022, where remotely readable meters or **heat** cost allocators have been installed, billing or consumption information **based on actual consumption or heat cost allocator readings** shall be **provided to all final users** at least monthly. **It shall also be made available continuously via the internet and shall be updated as frequently as allowed by the measurement devices and systems used.** Heating and cooling may be exempted from this outside the heating/cooling seasons.

3. Minimum information contained in the bill

Member States shall ensure that the following information is **accurate and** made available to final users in clear and understandable terms in or with their bills **where these are based on actual consumption or heat cost allocator readings**:

- (a) current actual prices and actual consumption of energy **or total heat cost and heat cost allocator readings**;
- (b) information on the fuel mix used **and the related greenhouse gas emissions**, including for final users supplied by district heating or district cooling, **and an explanation of the different taxes, levies and tariffs applied**;

Wednesday 17 January 2018

Text proposed by the Commission

- (c) comparisons of the final users current energy consumption with consumption for the same period in the previous year, in graphic form, climate corrected for heating and cooling;
- (d) contact information for final customers' organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures, comparative end-user profiles and objective technical specifications for energy-using equipment.

In addition, Member States shall ensure that comparisons with an average normalised or benchmarked final user in the same user category ***are made available to final users in*** clear and understandable ***terms, in, with or signposted to within, their bills.***

Amendment

- (c) comparisons of the final users current energy consumption with consumption for the same period in the previous year, in graphic form, climate corrected for heating and cooling;
- (d) contact information for final customers' organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures, comparative end-user profiles and objective technical specifications for energy-using equipment.
- (da) information on relevant complaints procedures, ombudsman services or alternative dispute resolution mechanisms;***
- (db) comparisons with an average normalised or benchmarked final user in the same user category.***

Bills that are not based on actual consumption or heat cost allocator readings shall contain a clear and understandable explanation of how the amount set out in the bill was calculated, and at least the information referred to in points (d) and (da).

Amendment 93

Proposal for a directive

Annex I — point 2 a (new)

Directive 2012/27/EU

Annex IX — Part 1 — paragraph 4 — point g

Present text

- (g) Economic analysis: Inventory of effects

The economic analyses shall take into account all relevant economic effects.

Amendment

2a. In the fourth paragraph of Part 1 of Annex IX, point g is replaced by the following:

- '(g) Economic analysis: Inventory of effects

The economic analyses shall take into account all relevant economic effects.

Wednesday 17 January 2018

*Present text**Amendment*

Member States **may** assess and take into account in decision making costs and energy savings from the increased flexibility in energy supply and from a more optimal operation of the electricity networks, including avoided costs and savings from reduced infrastructure investment, in the analysed scenarios.

Member States **shall** assess and take into account in decision making costs and energy savings from the increased flexibility in energy supply and from a more optimal operation of the electricity networks, including avoided costs and savings from reduced infrastructure investment, in the analysed scenarios.

The costs and benefits taken into account shall include at least the following:

The costs and benefits taken into account shall include at least the following:

(i) Benefits

(i) Benefits

- Value of output to the consumer (heat and electricity)
- External benefits such as environmental and health benefits, **to the extent possible**

- Value of output to the consumer (heat and electricity)
- External benefits such as environmental, **greenhouse gas emissions** and health **and safety** benefits

- **Labour market effects, energy security and competitiveness**

(ii) Costs

(ii) Costs

- Capital costs of plants and **equipments**
- Capital costs of the associated energy networks
- Variable and fixed operating costs
- Energy costs
- Environmental **and** health **cost, to the extent possible**

- Capital costs of plants and **equipment**
- Capital costs of the associated energy networks
- Variable and fixed operating costs
- Energy costs
- Environmental, health **and safety** costs
- **Labour market costs, energy security and competitiveness'**

Wednesday 17 January 2018

Amendment 94

Proposal for a directive

Annex — point 2 b (new)

Directive 2012/27/EU

Annex XII — paragraph 1 — point a

Present text

Amendment

'a) set up and make public their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections **and grid reinforcements**, improved operation of the grid and rules on the non-discriminatory implementation of the grid codes, which are necessary in order to integrate new producers feeding electricity produced from high-efficiency cogeneration into the interconnected grid;

(2b) In the first paragraph of Annex XII, point (a) is replaced by the following:

'a) set up and make public their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections, **grid reinforcements and the introduction of new grids**, improved operation of the grid and rules on the non-discriminatory implementation of the grid codes, which are necessary in order to integrate new producers feeding electricity produced from high-efficiency cogeneration into the interconnected grid **and other diffused sources.**'

Wednesday 17 January 2018

P8_TA(2018)0011

Governance of the Energy Union *I**

Amendments adopted by the European Parliament on 17 January 2018 on the proposal for a regulation of the European Parliament and of the Council on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013 (COM(2016)0759 — C8-0497/2016 — 2016/0375(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 458/17)

Amendment 1**Proposal for a regulation****Recital 1***Text proposed by the Commission*

- (1) This Regulation sets out the necessary legislative foundation for a reliable **and** transparent Governance that ensures the achievement of the objectives and targets of the Energy Union through complementary, coherent and ambitious efforts by the Union and its Member States, while **promoting the Union's Better Regulation principles**.

Amendment

- (1) This Regulation sets out the necessary legislative foundation for a reliable, **inclusive, cost-efficient, transparent and predictable** Governance that ensures the achievement of the **2030 and long-term** objectives and targets of the Energy Union **in line with the 2015 Paris Agreement on climate change following the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (the 'Paris Agreement')**, through complementary, coherent, and ambitious efforts by the Union and its Member States, while **limiting administrative complexity**.

Amendment 3**Proposal for a regulation****Recital 3***Text proposed by the Commission*

- (3) The goal of a resilient Energy Union with an ambitious climate policy at its core is to give Union consumers, both households and businesses, secure, sustainable, competitive and affordable energy, which requires a fundamental transformation of Europe's energy system. That objective can only be achieved through coordinated action, combining both legislative and non-legislative acts at Union **and** national level.

Amendment

- (3) The goal of a resilient Energy Union with an ambitious climate policy at its core is to give Union consumers, both households and businesses, secure, sustainable, competitive and affordable energy, **and to foster research and innovation by means of attracting investments**, which requires a fundamental transformation of Europe's energy system. That objective can only be achieved through coordinated action, combining both legislative and non-legislative acts at Union, **macro-regional, regional, national, and local** level.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committees responsible, pursuant to Rule 59(4) fourth subparagraph (A8-0402/2017).

Wednesday 17 January 2018

Amendment 4
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) ***A fully functional and resilient Energy Union would convert the Union into a leading region for innovation, investments, growth and social and economic development, in turn providing a good example of how pursuing high ambitions in terms of climate change mitigation is intertwined with measures to foster innovation, investments and growth.***

Amendment 5
Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

- (4) The Commission's proposal was developed in parallel to and is adopted together with a series of initiatives in sectorial energy policy, notably with regard to renewable energy, energy efficiency and market design. Those initiatives form a package under the overarching theme of energy efficiency first, the Union's global leadership in renewables, and a fair deal for energy consumers.

- (4) The Commission's proposal was developed in parallel to and is adopted together with a series of initiatives in sectorial energy policy, notably with regard to renewable energy, energy efficiency (***including on the energy performance of buildings***) and market design. Those initiatives form a package under the overarching theme of energy efficiency first, the Union's global leadership in renewables, and a fair deal for energy consumers, ***including by addressing energy poverty and promoting fair competition on the internal market.***

Wednesday 17 January 2018

Amendment 6
Proposal for a regulation

Recital 5

Text proposed by the Commission

- (5) The European Council **agreed** on 24 October 2014 **on the** 2030 Framework for Energy and Climate for the Union based on four key targets: at least 40 % cut in economy wide greenhouse gas ('GHG') emissions, at least 27 % improvement in energy efficiency with a view to a level of 30 %, at least 27 % for the share of renewable energy consumed in the Union, and at least 15 % for electricity interconnection. It specified that the target for renewable energy is binding at Union level and that it will be fulfilled through Member States' contributions guided by the need to deliver collectively the Union target.

Amendment

- (5) The European Council **proposed** on 24 October 2014 **a** 2030 Framework for Energy and Climate for the Union based on four key targets: at least 40 % cut in economy wide greenhouse gas ('GHG') emissions, at least 27 % improvement in energy efficiency with a view to a level of 30 %, at least 27 % for the share of renewable energy consumed in the Union, and at least 15 % for electricity interconnection. It specified that the target for renewable energy is binding at Union level and that it will be fulfilled through Member States' contributions guided by the need to deliver collectively the Union target. **However, this Regulation reflects the targets agreed upon in the sectoral legislation.**

Amendment 7
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **The European Council agreed on 24 October 2014 that the Commission, supported by the Member States, will take urgent measures in order to ensure the achievement of a minimum target of 10 % of existing electricity interconnections, as a matter of urgency, and no later than 2020, at least for Member States which have not yet attained a minimum level of integration in the internal energy market.**

Wednesday 17 January 2018

Amendment 8
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) *The Paris Agreement substantially increased the level of global ambition on climate change mitigation, with signatories to it committing to ‘holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels’. The Union needs to prepare for much deeper and faster cuts in emissions than previously foreseen. At the same time such reductions are feasible at a lower cost than previously assessed, given the pace of development and deployment of renewable energy technologies.*

Amendment 9
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

- (6b) *In line with the aim of the Paris Agreement to achieve a balance between anthropogenic emissions by sources and removals of GHG by sinks in the second half of the 21st century, the Union should aim, on an equitable basis, to reach net-zero emissions domestically by 2050, followed by a period of negative emissions.*

Wednesday 17 January 2018

Amendment 10
Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

- (6c) *For the climate system it is the cumulative total anthropogenic emissions over time that are relevant for the total concentration of greenhouse gases in the atmosphere. In order to be consistent with the commitments of Paris Agreement, it is necessary to analyse the global carbon budget which is consistent with pursuing efforts to limit the temperature increase to 1,5 °C above pre-industrial levels, and establish a Union fair share of the remaining global carbon budget for the Union. Long-term climate and energy strategies should be consistent with that carbon budget.*

Amendment 11
Proposal for a regulation
Recital 6 d (new)

Text proposed by the Commission

Amendment

- (6d) *The Union and the Member States should keep the climate and energy targets under regular review and should revise the targets upwards as necessary, to reflect successive reviews carried out within the UNFCCC process and to reflect the latest scientific evidence on the pace and impacts of climate change.*

Amendment 12
Proposal for a regulation
Recital 6 e (new)

Text proposed by the Commission

Amendment

- (6e) *Even though the Union pledged to deliver by far the most ambitious cuts in GHG emissions by 2030, it cannot combat the threat of climate change alone. The Commission and the Member States should use every opportunity to persuade in particular countries profiting from international trade with the Union to assume a proportional share of global responsibility and raise the level of their ambition to the one of the Union.*

Wednesday 17 January 2018

Amendment 13
Proposal for a regulation

Recital 7

Text proposed by the Commission

- (7) The European Council also concluded on 24 October 2014⁽¹⁴⁾ that a reliable and transparent governance system, without any unnecessary administrative burden, should be developed to help ensure that the Union meets its energy policy goals, **with the necessary flexibility for Member States and** fully respecting **their** freedom to determine their energy mix. It emphasized that such governance system should build on existing building blocks, such as national climate programmes, national plans for renewable energy and energy efficiency as well as the need to streamline and bring together separate planning and reporting strands. It also agreed to step up the role and rights of consumers, transparency and predictability for investors, inter alia by systematic monitoring of key indicators for an affordable, safe, competitive, secure and sustainable energy system and to facilitate coordination of national energy policies and foster regional cooperation between Member States.

⁽¹⁴⁾ Conclusions of the European Council 23 — 24 October 2014 (EUCO 169/14).

Amendment

- (7) The European Council also concluded on 24 October 2014⁽¹⁴⁾ that a reliable and transparent governance system, without any unnecessary administrative burden **and with sufficient flexibility for Member States**, should be developed to help ensure that the Union meets its energy policy goals, **while** fully respecting **Member States'** freedom to determine their energy mix. It emphasized that such governance system should build on existing building blocks, such as national climate programmes, national plans for renewable energy and energy efficiency as well as the need to streamline and bring together separate planning and reporting strands. It also agreed to step up the role and rights of consumers, transparency and predictability for investors, inter alia by systematic monitoring of key indicators for an affordable, safe, competitive, secure and sustainable energy system and to facilitate coordination of national **climate and** energy policies and foster regional cooperation between Member States.

⁽¹⁴⁾ Conclusions of the European Council 23 — 24 October 2014 (EUCO 169/14).

Amendment 14
Proposal for a regulation

Recital 10

Text proposed by the Commission

- (10) The Conclusions of the Council of 26 November 2015⁽¹⁶⁾ recognised that the Governance of the Energy Union will be an essential tool for the efficient and effective construction of the Energy Union and the achievement of its objectives. They underlined that the governance system should be based on the principles of integration of strategic planning and reporting on the implementation of climate and energy policies and coordination between actors responsible for energy and climate policy, at Union, regional and national level. They also underlined that the Governance should ensure that the agreed energy and climate targets for 2030 are met; and that the Governance would monitor the Union's collective progress towards the achievement of **the policy** objectives across the five dimensions of the Energy Union.

⁽¹⁶⁾ Conclusions of the Council of 26 November 2015 (14632/15).

Amendment

- (10) The Conclusions of the Council of 26 November 2015⁽¹⁶⁾ recognised that the Governance of the Energy Union will be an essential tool for the efficient and effective construction of the Energy Union and the achievement of its objectives. They underlined that the governance system should be based on the principles of integration of strategic planning and reporting on the implementation of climate and energy policies and coordination between actors responsible for energy and climate policy, at Union, regional and national level. They also underlined that the Governance should ensure that the agreed energy and climate targets for 2030 are met; and that the Governance would monitor **each Member State's and** the Union's collective progress towards the achievement of **targets and** objectives across the five dimensions of the Energy Union.

⁽¹⁶⁾ Conclusions of the Council of 26 November 2015 (14632/15).

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Amendment 15
Proposal for a regulation

Recital 12

Text proposed by the Commission

- (12) Therefore, the main objective of the Energy Union Governance should be to enable the achievement of the objectives of the Energy Union and in particular the targets of the 2030 Framework for Climate and Energy. This Regulation is therefore linked to sectorial legislation implementing the 2030 targets for energy and climate. While Member States need flexibility to choose policies that are best-matched to their national energy mix and preferences, that flexibility should be compatible with further market integration, increased competition, the attainment of climate and energy objectives and the gradual shift towards a low-carbon economy.

Amendment

- (12) Therefore, the main objective of the Energy Union Governance should be to enable the achievement of the objectives of the Energy Union and in particular the targets of the 2030 Framework for Climate and Energy, **in the field of GHG emissions reduction, renewable energy sources and energy efficiency**. This Regulation is therefore linked to sectorial legislation implementing the 2030 targets for energy and climate. While Member States need flexibility to choose policies that are best-matched to their national energy mix and preferences, that flexibility should be compatible with further market integration, increased competition, the attainment of climate and energy objectives and the gradual shift towards a **sustainable** low-carbon economy **based on a highly energy-efficient, renewables-based energy system. A mandatory template for the long-term climate and energy strategies should be introduced to ensure their quality and comparability**.

Amendment 16
Proposal for a regulation

Recital 13

Text proposed by the Commission

- (13) The transition to a low-carbon economy requires changes in investment behaviour and incentives across the entire policy spectrum. Achieving greenhouse gas emission reductions requires a boost to efficiency and innovation in the European economy and in particular should also lead to improvements of air quality.

Amendment

- (13) The **socially acceptable** transition to a **sustainable**, low-carbon economy requires **substantial** changes in investment behaviour, **particularly regarding public and private investment**, and incentives across the entire policy spectrum **as well as regional market reform**. Achieving greenhouse gas emission reductions requires a boost to efficiency and innovation in the European economy and in particular should also **create sustainable jobs and** lead to improvements of air quality.

Wednesday 17 January 2018

Amendment 17
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

- (13a) *The Union and the Member States should undertake concrete actions by which to ban energy subsidies, at least for fossil fuels, in order to comply with the international commitments of the G-7 and the G-20 and in the Paris Agreement.*

Amendment 18
Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

- (14) As greenhouse gases and air pollutants largely derive from common sources, policy designed to reduce GHGs can have co-benefits for air quality that could offset **some or all of** the near-term costs of GHG mitigation. As data reported under Directive 2001/81/EC of the European Parliament and the Council⁽¹⁸⁾ represent an important input for the compilation of the GHG inventory and the national plans, the importance of compilation and reporting of consistent data between Directive 2001/81/EC and the GHG inventory should be recognised.

⁽¹⁸⁾ Directive 2001/81/EC of the European Parliament and the Council on National Emission Ceilings for certain pollutants (OJ L 309, 27.11.2001, p. 22).

- (14) As greenhouse gases and air pollutants largely derive from common sources, policy designed to reduce GHGs can have co-benefits for **public health and** air quality, **in particular in urban areas**, that could offset the near-term costs of GHG mitigation. As data reported under Directive 2001/81/EC of the European Parliament and the Council⁽¹⁸⁾ represent an important input for the compilation of the GHG inventory and the national plans, the importance of compilation and reporting of consistent data between Directive 2001/81/EC and the GHG inventory should be recognised.

⁽¹⁸⁾ Directive 2001/81/EC of the European Parliament and the Council on National Emission Ceilings for certain pollutants (OJ L 309, 27.11.2001, p. 22).

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Amendment 19
Proposal for a regulation
Recital 16

Text proposed by the Commission

- (16) In line with the Commission's strong commitment to Better Regulation, the Energy Union Governance should result in a significant reduction of administrative **burden** for the Member States, the Commission and other Union Institutions and it should help to ensure coherence and adequacy of policies and measures at Union **and** national level with regard to the transformation of the energy system towards a low-carbon economy.

Amendment

- (16) In line with the Commission's strong commitment to Better Regulation **and consistent with a policy for research, innovation and investments**, the Energy Union Governance should result in a significant reduction of administrative **complexity** for the Member States **and relevant stakeholders**, the Commission and other Union Institutions and it should help to ensure coherence and adequacy of policies and measures at Union, **macro-regional, regional**, national, **and local** level with regard to the transformation of the energy system towards a **sustainable** low-carbon economy

Amendment 20
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) The achievement of the Energy Union objectives should be ensured through a combination of Union initiatives and coherent national policies set out in integrated national energy and climate plans. Sectorial Union legislation in the energy and climate fields sets out planning requirements, which have been useful tools to drive change at the national level. Their introduction at different moments in time has led to overlaps and insufficient consideration of synergies and interactions between policy areas. Current separate planning, reporting and monitoring in the climate and energy fields should **therefore as far as possible** be streamlined and integrated.

Amendment

- (17) The achievement of the Energy Union **targets and** objectives should be ensured through a combination of Union initiatives and coherent national policies set out in integrated national energy and climate plans. Sectorial Union legislation in the energy and climate fields sets out planning requirements, which have been useful tools to drive change at the national level. Their introduction at different moments in time has led to overlaps and insufficient consideration of synergies and interactions between policy areas, **to the detriment of cost-efficiency**. Current separate planning, reporting and monitoring in the climate and energy fields should, **where relevant**, be streamlined and integrated.

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Amendment 21
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) ***An assessment of the interactions between existing and planned policies and measures to achieve decarbonisation is necessary and Member States should produce a quantitative or qualitative evaluation.***

Amendment 22
Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

- (17b) ***Member States should ensure policy coherence between their national energy and climate plans and their long-term low emission strategies with the UN 2030 Agenda for Sustainable Development.***

Amendment 23
Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

- (18) The integrated national energy and climate plans should cover ten-year periods and provide an overview of the current energy system and policy situation. They should set out national objectives for each of the five key dimensions of the Energy Union and corresponding policies and measures to meet those objectives and have an analytical basis. The national plans covering the first period from 2021 to 2030 should pay particular attention to the 2030 targets for greenhouse gas emission reductions, renewable energy, energy efficiency and electricity interconnection. Member States should aim to ensure that the national plans are consistent with and contribute to achieving the Sustainable Development Goals.

- (18) The integrated national energy and climate plans should cover ten-year periods and provide an overview of the current energy system and policy situation. They should set out national ***targets or*** objectives for each of the five key dimensions of the Energy Union and corresponding policies and measures to meet those objectives and have an analytical basis. The national plans covering the first period from 2021 to 2030 should pay particular attention to the 2030 targets for greenhouse gas emission reductions, renewable energy, energy efficiency and electricity interconnection. Member States should aim to ensure that the national plans are consistent with and contribute to achieving the Sustainable Development Goals.

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Amendment 24
Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

- (18a) When preparing their integrated national energy and climate plan, Member States should assess the number of households in energy poverty, taking into account the necessary domestic energy services needed to guarantee basic standards of living in the relevant national context, which they may not be able to afford due to a combination of low income, high energy expenditure and poor energy efficiency of their households. Member States should outline existing and planned policies and measures addressing energy poverty **and, where necessary, include a national objective to reduce the number of households in energy poverty. The Commission should adopt a common methodology for Member States to define energy poverty and each Member State should define households in energy poverty in accordance with their specific national circumstances.**

Amendment 25
Proposal for a regulation
Recital 18 b (new)

Text proposed by the Commission

Amendment

- (18b) **Member States should ensure that Union funding from the 2014 to 2020 multiannual financial framework is included in their integrated national energy and climate plans. National allocations from the post-2020 multiannual financial framework should actively contribute to the achievement of Energy Union targets and objectives, in particular in the sectors of greenhouse gas emission reductions including removals by sinks, renewable energy and energy efficiency. To that end, the programming process at national and local level for the post-2020 multiannual financial framework should take place in combination with a Commission assessment of integrated national energy and climate plans to reflect a high ambition, in particular in the light of the long-term objectives of the Paris Agreement and the Sustainable Development Goals.**

Wednesday 17 January 2018

Amendment 26
Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

- (19a) **Member States should establish a permanent multi-level energy dialogue platform gathering local authorities, civil society organisations, business community, investors and other relevant stakeholders to discuss the different options envisaged for energy and climate policies. Integrated national energy and climate plans as well as long-term climate and energy strategies should be discussed within the framework of that platform.**

Amendment 27
Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

- (20) The implementation of policies and measures in the areas of the energy and climate has an impact on the environment. Member States should therefore ensure that the public is given early and effective opportunities to participate in and to be consulted on the preparation of the integrated national energy and climate plans in accordance, where applicable, with the provisions of Directive 2001/42/EC of the European Parliament and of the Council⁽²⁴⁾ and the United Nations Economic Commission for Europe ('UNECE') Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the 'Aarhus convention'). Member States should also ensure involvement of social partners in the preparation of the integrated national energy and climate plans.

⁽²⁴⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

- (20) The implementation of policies and measures in the areas of the energy and climate has an impact on the environment. Member States should therefore ensure that the public is given early and effective opportunities to participate **actively** in and to be consulted on the preparation of the integrated national energy and climate plans **and long-term climate and energy strategies** in accordance, where applicable, with the provisions of Directive 2001/42/EC of the European Parliament and of the Council⁽²⁴⁾ and the United Nations Economic Commission for Europe ('UNECE') Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the 'Aarhus convention'). Member States should also ensure involvement of **the** social partners, **local authorities and all relevant stakeholders from early stages of the planning and reporting processes and** in the preparation of the integrated national energy and climate plans **and long-term strategies**.

⁽²⁴⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

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Amendment 28
Proposal for a regulation

Recital 21

Text proposed by the Commission

- (21) Regional cooperation **is key to ensure an effective achievement of the objectives of the Energy Union.** Member States should get the opportunity to comment on other Member States' plans before they are finalised to avoid inconsistencies and potential negative impacts on other Member States and ensure that common objectives are met collectively. Regional cooperation in elaborating and finalising national plans as well as in the subsequent implementation of national plans should be essential to improve effectiveness and efficiency of measures and foster market integration and energy security.

Amendment

- (21) **Macro-regional and** regional cooperation **are necessary for Member States to implement, jointly, certain policies and measures contributing to the achievement of common targets and objectives in a cost-optimal manner. The Commission should facilitate such cooperation between the Member States.** Member States should **also** get the opportunity to comment on other Member States' plans before they are finalised to avoid inconsistencies and potential negative impacts on other Member States and ensure that common objectives are met collectively. **Macro-regional and** regional cooperation in elaborating and finalising national plans as well as in the subsequent implementation of national plans should be essential to improve effectiveness and efficiency of measures and foster market integration and energy security.

Amendment 30
Proposal for a regulation

Recital 22

Text proposed by the Commission

- (22) National plans should be stable to ensure transparency and predictability of national policies and measures in order to ensure **investor** certainty. **Updates** of national plans **should however be foreseen once during the ten-year period covered to** give Member States the opportunity to adapt to significant changing circumstances. **For the plans covering the period from 2021 to 2030, Member States should be able to update their plans by 1 January 2024.** Targets, objectives and **contributions** should only be modified to reflect an increased overall ambition in particular as regards the **2030** targets for energy and climate. As part of **the updates**, Member States should make efforts to mitigate any adverse environmental impacts that become apparent as part of the integrated reporting.

Amendment

- (22) National plans should be stable to ensure transparency and predictability of national policies and measures in order to ensure **investment** certainty. **The regular submission** of national plans **over ten-year rolling periods** give Member States the opportunity to adapt to significant changing circumstances. Targets **and** objectives should only be modified to reflect an increased overall ambition in particular as regards the targets for energy and climate. As part of **those plans**, Member States should make efforts to mitigate any adverse environmental impacts that become apparent as part of the integrated reporting.

Wednesday 17 January 2018

Amendment 31
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Stable long-term **low emission** strategies are crucial to contribute towards economic transformation, jobs, growth and the achievement of broader sustainable development goals, as well as to move in a fair and cost-effective manner towards the long-term goal set by the Paris Agreement. Furthermore, Parties to the Paris Agreement are invited to communicate, by 2020, their mid-century, long-term low greenhouse gas emission development strategies.

Amendment

(23) Stable long-term **climate and energy** strategies are crucial to contribute towards economic transformation, jobs, growth and the achievement of broader sustainable development goals, as well as to move in a fair and cost-effective manner towards the long-term goal set by the Paris Agreement. Furthermore, Parties to the Paris Agreement are invited to communicate, by 2020, their mid-century, long-term low greenhouse gas emission development strategies.

Amendment 32
Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) **Member States should develop long-term climate and energy strategies for 2050 and beyond identifying the necessary transformations in different sectors that are necessary to shift to a renewable energy system and achieve the goals of the Paris Agreement. The strategies should be consistent with the Union's fair share of remaining global carbon budget and should be developed in an open and transparent manner and with the full involvement of relevant stakeholders. The integrated national energy and climate plans should be based on the long-term climate and energy strategies and consistent with them.**

Wednesday 17 January 2018

Amendment 33
Proposal for a regulation
Recital 23 b (new)

Text proposed by the Commission

Amendment

- (23b) *The land use, land use change and forestry (LULUCF) sector is highly exposed and very vulnerable to climate change. At the same time, the sector has huge potential to provide for long-term climate benefits and to contribute significantly to the achievement of Union and international long-term climate goals. It can contribute to climate change mitigation in several ways, in particular by reducing emissions, maintaining and enhancing sinks and carbon stocks, and providing bio-materials that can substitute fossil or carbon-intensive materials. In order for measures aiming in particular at increasing carbon sequestration to be effective, the sustainable resource management and long-term stability and adaptability of carbon pools is essential. Long-term strategies are essential to allow for sustainable investments in the long run.*

Amendment 34
Proposal for a regulation
Recital 23 c (new)

Text proposed by the Commission

Amendment

- (23c) *When developing further interconnections, it is important to make a complete assessment of the costs and benefits, including the full technical, socio-economic and environmental impacts, thereof as required by the TEN-E Regulation and take into account the positive externalities of interconnections, such as the integration of renewables, the security of supply and the increased competition in the internal market.*

Wednesday 17 January 2018

Amendment 35
Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) As is the case for planning, sectorial Union legislation in the energy and climate fields sets out reporting requirements, many of which have been useful tools to drive change at the national level, but those requirements have been introduced at different moments in time which has led to overlaps and insufficient consideration of synergies and interactions between policy areas such as GHG mitigation, renewable energy, energy efficiency and market integration. To strike the right balance between the need to ensure a proper follow-up of the implementation of national plans and the need to reduce administrative **burden**, Member States should establish biennial progress reports on the implementation of the plans and other developments in the energy system. Some reporting however, particularly with regard to reporting requirements in the climate field stemming from the United Nations Framework Convention on Climate Change ('UNFCCC') and Union Regulations, would still be necessary on a yearly basis.

Amendment

(24) As is the case for planning, sectorial Union legislation in the energy and climate fields sets out reporting requirements, many of which have been useful tools to drive change at the national level, **complementary to market reforms**, but those requirements have been introduced at different moments in time which has led to overlaps and **cost-inefficiency, as well as** insufficient consideration of synergies and interactions between policy areas such as GHG mitigation, renewable energy, energy efficiency and market integration. To strike the right balance between the need to ensure a proper follow-up of the implementation of national plans and the need to reduce administrative **complexity**, Member States should establish biennial progress reports on the implementation of the plans and other developments in the energy system. Some reporting however, particularly with regard to reporting requirements in the climate field stemming from the United Nations Framework Convention on Climate Change ('UNFCCC') and Union Regulations, would still be necessary on a yearly basis.

Amendment 36
Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Member States' integrated progress reports should mirror the elements set out in the template for the national plans. A template for the integrated progress reports should be detailed in subsequent implementing act(s) given their technical nature and the fact that the first progress reports are due in 2021. The progress reports should be carried out in order to ensure transparency towards the Union, other Member States **and** market actors including consumers. They should be comprehensive across the five dimensions of the Energy Union and, for the first period, at the same time put emphasis on areas covered by the targets of the 2030 Climate and Energy Framework.

Amendment

(25) Member States' integrated progress reports should mirror the elements set out in the template for the national plans. A template for the integrated progress reports should be detailed in subsequent implementing act(s) given their technical nature and the fact that the first progress reports are due in 2021. The progress reports should be carried out in order to ensure transparency towards the Union, other Member States, **regional and local authorities**, market actors including consumers, **any other relevant stakeholders and the general public**. They should be comprehensive across the five dimensions of the Energy Union and, for the first period, at the same time put emphasis on areas covered by the targets of the 2030 Climate and Energy Framework.

Wednesday 17 January 2018

Amendment 37
Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The experience in the implementation of Regulation (EU) No 525/2013 demonstrated the importance of transparency, accuracy, consistency, completeness and comparability of information. Building on that experience, this Regulation should ensure that Member States report on their policies and measures and projections as a key component of the progress reports. The information in those reports should be essential for demonstrating the timely implementation of commitments under Regulation [] [ESR]. Operating and continuously improving systems at Union and Member State level coupled with better guidance on reporting should significantly contribute towards an on-going strengthening of the information necessary in order to track progress in the decarbonisation dimension.

Amendment

(28) The experience in the implementation of Regulation (EU) No 525/2013 demonstrated the importance of transparency, accuracy, consistency, completeness and comparability of information. Building on that experience, this Regulation should ensure that Member States **use credible and consistent data and assumptions across the five dimensions and make publicly available data used in making scenarios and modelling and** report on their policies and measures and projections as a key component of the progress reports. The information in those reports should be essential for demonstrating the timely implementation of commitments under Regulation [] [ESR]. Operating and continuously improving systems at Union and Member State level coupled with better guidance on reporting should significantly contribute towards an on-going strengthening of the information necessary in order to track progress in the decarbonisation dimension.

Amendment 38
Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) In order to limit administrative **burden** on Member States and the Commission, the latter should establish **an** online **reporting** platform to facilitate communication **and promote** cooperation. That should ensure timely submission of reports and facilitate improved transparency on national reporting. The **e-reporting** platform should complement, build on and benefit from existing reporting processes, databases and e-tools, such as those of the European Environment Agency, Eurostat, the Joint Research Centre and the lessons learned from the Union's Eco-Management and Audit Scheme.

Amendment

(30) In order to **increase transparency in energy and climate policy-making and to** limit administrative **complexity** on Member States and the Commission, the latter should establish **a public** online platform to facilitate **public access to information**, communication **between the Commission and the Member States as well as** cooperation **among Member States**. That should ensure timely submission of reports and facilitate improved transparency on national reporting. The **e-platform** platform should complement, build on and benefit from existing reporting processes, databases and e-tools, such as those of the European Environment Agency, Eurostat, the Joint Research Centre and the lessons learned from the Union's Eco-Management and Audit Scheme.

Wednesday 17 January 2018

Amendment 39
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) As concerns data to be provided to the Commission by means of national planning and reporting, information from Member States should not duplicate data and statistics which have already been made available via Eurostat in the context of Regulation (EC) No 223/2009 of the European Parliament and of the Council⁽²⁷⁾ in the same form as under the planning and reporting obligations of this Regulation and are still available from Eurostat with the same values. Where available and appropriate in terms of timing, reported data and projections provided in the national energy and climate plans should build on and be consistent with Eurostat data and the methodology used for reporting European statistics in accordance with Regulation (EC) No 223/2009.

⁽²⁷⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

Amendment

(31) ***In order to avoid delayed action at Union level, the Commission should use annual GHG, renewables and energy efficiency estimates provided by the European Environment Agency to assess progress towards 2030 targets.*** As concerns data to be provided to the Commission by means of national planning and reporting, information from Member States should not duplicate data and statistics which have already been made available via Eurostat in the context of Regulation (EC) No 223/2009 of the European Parliament and of the Council⁽²⁷⁾ in the same form as under the planning and reporting obligations of this Regulation and are still available from Eurostat with the same values. Where available and appropriate in terms of timing, reported data and projections provided in the national energy and climate plans should build on and be consistent with Eurostat data and the methodology used for reporting European statistics in accordance with Regulation (EC) No 223/2009.

⁽²⁷⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

Wednesday 17 January 2018

Amendment 40
Proposal for a regulation
Recital 32

Text proposed by the Commission

- (32) In view of the collective achievement of the objectives of the Energy Union Strategy, it will be essential for the Commission to assess national plans **and, based on** progress reports, **their implementation. For the first ten-year period, this concerns in particular the achievement of the** Union-level 2030 targets for energy and climate **and national contributions to those targets.** Such assessment should be undertaken on a biennial basis, and on an annual basis **only** where necessary, and should be consolidated in the Commission's State of the Energy Union reports.

Amendment

- (32) In view of the collective achievement of the objectives of the **five dimensions of the** Energy Union Strategy, **in particular the creation of a fully functional and resilient Energy Union,** it will be essential for the Commission to assess **draft national plans as well as the implementation of notified** national plans **by means of** progress reports. **This is particularly the case with regard to the** Union-level 2030 targets for energy and climate **for the first ten-year period.** Such assessment should be undertaken on a biennial basis, and on an annual basis where necessary, and should be consolidated in the Commission's State of the Energy Union reports.

Amendment 41
Proposal for a regulation
Recital 33

Text proposed by the Commission

- (33) Aviation has impacts on the global climate as a result of the release of CO₂ as well as of other emissions, including nitrogen oxides emissions, and mechanisms, such as cirrus cloud enhancement. In the light of the rapidly developing scientific understanding of those impacts, an updated assessment of the non-CO₂ impacts of aviation on the global climate is already foreseen in Regulation (EU) No 525/2013. The modelling used in this respect should be adapted to scientific progress. Based on its assessments of such impacts, the Commission **could** consider relevant policy options for addressing them.

Amendment

- (33) Aviation has impacts on the global climate as a result of the release of CO₂ as well as of other emissions, including nitrogen oxides emissions, and mechanisms, such as cirrus cloud enhancement. In the light of the rapidly developing scientific understanding of those impacts, an updated assessment of the non-CO₂ impacts of aviation on the global climate is already foreseen in Regulation (EU) No 525/2013. The modelling used in this respect should be adapted to scientific progress. Based on its assessments of such impacts, the Commission **should, by 1 March 2020,** consider relevant policy options for addressing them **and present a legislative proposal, if appropriate.**

Wednesday 17 January 2018

Amendment 42
Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission

Amendment

- (33a) *In accordance with the current UNFCCC greenhouse gas reporting guidelines, the calculation and reporting of methane emissions is based on global warming potentials (GWP) relating to a 100-year time horizon. Given the high GWP and relatively short atmospheric lifetime of methane, leading to a significant impact on the climate in the short and middle term, the Commission should analyse the implications for policies and measures of adopting a 20-year time horizon for methane. Based on its analysis, the Commission should consider relevant policy options for rapidly addressing methane emissions through a Union Methane Strategy, prioritising energy and waste-related methane emissions.*

Amendment 43
Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

- (34) To help ensure coherence between national and Union policies and objectives of the Energy Union, there should be an on-going dialogue between the Commission and the Member States. **As appropriate**, the Commission should issue recommendations to Member States including on the level of ambition of the draft national plans, on the subsequent implementation of policies and measures of the notified national plans, and on other national policies and measures of relevance for the implementation of the Energy Union. Member States should take **utmost account of** such recommendations and explain in subsequent progress reports how they have been implemented.

- (34) To help ensure coherence between national and Union policies and objectives of the Energy Union, there should be an on-going dialogue between the Commission and the Member States **and, where appropriate, between the Member States**. The Commission should issue recommendations to Member States including on the level of ambition of the draft national plans, on the subsequent implementation of policies and measures of the notified national plans, and on other national policies and measures of relevance for the implementation of the Energy Union. Member States should take such recommendations **into account** and explain in subsequent progress reports how they have been implemented.

Wednesday 17 January 2018

Amendment 44
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Should the ambition **of** integrated national energy and climate plans **or their updates** be insufficient for the collective achievement of the Energy Union objectives and, for the first period, in particular the 2030 targets for renewable energy and energy efficiency, the Commission should take measures at Union level in order to ensure the collective achievement of these objectives and targets (thereby closing any 'ambition gap'). Should progress made by the Union towards these objectives and targets be insufficient for their delivery, the Commission should, in addition to issuing recommendations, take measures at Union level or Member States should take additional measures in order to ensure achievement of these objectives and targets (thereby closing any 'delivery gap'). Such measures should take into account early ambitious **contributions** made by Member States to the 2030 targets for renewable energy and energy efficiency when sharing the effort for collective target achievement. In the area of renewable energy, such measures can also include financial contributions by Member States to a financing platform managed by the Commission, which would be used to contribute to renewable energy projects across the Union. Member States' national renewable energy targets for 2020 should serve as baseline shares of renewable energy from 2021 onwards. In the area of energy efficiency, additional measures can in particular aim at improving the energy efficiency of products, buildings and transport.

Amendment

(35) Should the ambition **and the targets, policies and measures described in the** integrated national energy and climate plans be insufficient for the collective achievement of the Energy Union objectives and, for the first period, in particular the 2030 targets for renewable energy and energy efficiency, the Commission should take measures at Union level in order to ensure the collective achievement of these objectives and targets **and Member States should review upwards their national targets in the field of renewable energy sources by 31 December 2020** (thereby closing any 'ambition gap'). Should progress made by the Union towards these objectives and targets be insufficient for their delivery, the Commission may, in addition to issuing recommendations, take measures at Union level or request additional measures from Member States in order to ensure their achievement (thereby closing any 'delivery gap'). Such measures should take into account early ambitious **efforts** made by Member States to the 2030 targets for renewable energy and energy efficiency when sharing the effort for collective target achievement. In the area of renewable energy, such measures can also include **voluntary** financial contributions by Member States to a financing platform managed by the Commission, which would be used to contribute to renewable energy projects across the Union, **including those of Energy Union interest**. Member States' national renewable energy targets for 2020 should serve as baseline shares of renewable energy from 2021 onwards **and should be maintained throughout the period**. In the area of energy efficiency, additional measures can in particular aim at improving the energy efficiency of products, buildings and transport.

Wednesday 17 January 2018

Amendment 45
Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) Member States and the Commission should ensure close cooperation on all matters relating to the implementation of the Energy Union and this Regulation, with close involvement of the European Parliament. The Commission should **as appropriate** assist Member States in implementing this Regulation, particularly with regard to the establishment of the national plans and associated capacity building.

Amendment

(38) Member States and the Commission should ensure close cooperation on all matters relating to the implementation of the Energy Union and this Regulation, with close involvement of the European Parliament. The Commission should assist Member States in implementing this Regulation, particularly with regard to the establishment, **implementation and monitoring** of the **integrated national energy and climate** plans **and the long-term climate and energy strategy** and associated capacity building **by mobilising internal resources from the European Environment Agency, the Joint Research Centre, internal modelling capacity and, where appropriate, external expertise.**

Amendment 46
Proposal for a regulation
Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) **This Regulation includes provisions related to the treatment of energy efficiency as an infrastructure priority, recognising that it fulfils the definition of infrastructure used by the IMF and other economic institutions, and to make it a crucial element and a priority consideration in future investment decisions on the Union's energy infrastructure ^(1a).**

^(1a) European Parliament report of 2 June 2016 on the implementation of the Energy Efficiency Directive (2012/27/EU)-(2015/2232(INI))

Wednesday 17 January 2018

Amendment 47
Proposal for a regulation
Recital 43

Text proposed by the Commission

- (43) The Commission should be assisted in its tasks under this Regulation by an Energy **Union** Committee to prepare implementing acts. It should replace and take **on** the assignments of the Climate Change Committee and other committees as appropriate.

Amendment

- (43) The Commission should be assisted in its tasks under this Regulation by an Energy **and Climate** Committee to prepare implementing acts. ***As regards matters related to the implementation of climate specific provisions, the Commission should be assisted by the Climate Change Committee established under Regulation (EU) No 525/2013.***

Amendment 48
Proposal for a regulation
Recital 44 a (new)

Text proposed by the Commission

Amendment

- (44a) ***In preparation for a future review of this Regulation and in the context of the Union cyber security strategy, the Commission should, in close cooperation with the Member States, assess whether it might be necessary to add additional uniform planning and reporting requirements on the Member States' efforts to improve the protection of critical infrastructure of the Union's energy system against any form of cyber threats, in particular in the view of the increasing number of potentially critical cyber attacks during the last decade, in order to guarantee energy security in any circumstances. However, such an improved coordination within the Union should not affect Member States' national security interest by revealing sensitive information.***

Wednesday 17 January 2018

Amendment 49
Proposal for a regulation
Article 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Article 1	Article 1
Subject matter and scope	Subject matter and scope
<p>1. This Regulation establishes a Governance mechanism to:</p> <p>(a) implement strategies and measures designed to meet the objectives and targets of the Energy Union, and for the first ten-year period from 2021 to 2030 in particular the EU's 2030 targets for energy and climate;</p> <p>(b) ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of reporting by the Union and its Member States to the UNFCCC and Paris Agreement secretariat.</p>	<p>1. This Regulation establishes a Governance mechanism to:</p> <p>(-a) implement long-term climate and energy strategies and measures designed to fulfil Union greenhouse gas emissions commitments consistent with the Paris Agreement;</p> <p>(a) implement strategies and measures designed to meet the objectives and targets of the Energy Union, and for the first ten-year period from 2021 to 2030 in particular the Union's 2030 targets for energy and climate;</p> <p>(aa) structure partnerships and cooperation between Member States at macro-regional and regional level, designed to achieve the targets, objectives and commitments of the Energy Union;</p> <p>(b) ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of reporting by the Union and its Member States to the UNFCCC and Paris Agreement secretariat;</p> <p>(ba) contribute to greater regulatory certainty as well as contribute to greater investor certainty and help take full advantage of opportunities for economic development, investment stimulation, job creation and social cohesion;</p> <p>(bc) support a just transition for citizens and regions which could be negatively impacted by the transition to a low-carbon economy.</p>

The governance mechanism shall be based on integrated national energy and climate plans covering ten-year periods starting from 2021 to 2030, corresponding integrated national energy and climate progress reports by the Member States and integrated monitoring arrangements by the European Commission. It shall define a structured, iterative process between the Commission and Member States in view of the finalisation of the national plans and their subsequent implementation, including with regard to regional cooperation, and corresponding Commission action.

The governance mechanism shall be based on integrated national energy and climate plans covering ten-year periods starting from 2021 to 2030, corresponding integrated national energy and climate progress reports by the Member States and integrated monitoring arrangements by the European Commission. It shall define a structured, **transparent**, iterative process between the Commission and Member States **ensuring full participation of the general public and local authorities** in view of the finalisation of the national plans and their subsequent implementation, including with regard to **macro-regional and regional cooperation**, and corresponding Commission action.

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*Text proposed by the Commission**Amendment*

2. This Regulation shall apply to the following five dimensions of the Energy Union:

(a) energy security,

(b) energy market,

(c) energy efficiency,

(d) decarbonisation and

(e) research, innovation and competitiveness.

2. This Regulation shall apply to the following five dimensions of the Energy Union:

(a) energy security,

(b) **internal** energy market,

(c) energy efficiency,

(d) decarbonisation and

(e) research, innovation and competitiveness.

Amendment 50

Proposal for a regulation

Article 2 — paragraph 1

*Text proposed by the Commission**Amendment*

For the purposes of this Regulation, the definitions in [recast of Directive 2009/28/EC as proposed by COM(2016)0767], Directive 2010/31/EU and Directive 2012/27/EU **shall** apply.

For the purposes of this Regulation, the definitions in [recast of Directive 2009/28/EC as proposed by COM(2016)0767], [**recast of Directive 2009/72/EC as proposed by COM(2016)XXXX**], Directive 2010/31/EU and Directive 2012/27/EU apply.

Amendment 51

Proposal for a regulation

Article 2 — paragraph 2 — point 3

*Text proposed by the Commission**Amendment*

(3) ‘adopted policies and measures’ mean policies and measures for which an official government decision has been made by the date of submission of the national plan or progress report and there is a clear commitment to proceed with implementation;

(3) ‘adopted policies and measures’ mean policies and measures for which an official **central or sub-national** government decision has been made by the date of submission of the national plan or progress report and there is a clear commitment to proceed with implementation;

Wednesday 17 January 2018

Amendment 52

Proposal for a regulation

Article 2 — paragraph 2 — point 9

Text proposed by the Commission

(9) *'the Union's 2030 targets for energy and climate' means the Union-wide binding target of at least 40 % domestic reduction in economy-wide greenhouse gas emissions as compared to 1990 to be achieved by 2030, the Union-level binding target of at least 27 % for the share of renewable energy consumed in the Union in 2030, the Union-level target of at least 27 % for improving energy efficiency in 2030, to be reviewed by 2020 having in mind an EU level of 30 %, and the 15 % electricity interconnection target for 2030 or any subsequent targets in this regard agreed by the European Council or Council and Parliament for the year 2030.*

Amendment

deleted

Amendment 53

Proposal for a regulation

Article 2 — paragraph 2 — point 11 a (new)

Text proposed by the Commission

Amendment

(11a) *'early efforts' means early progress of a Member State made, from 2021 onwards, towards its target for renewable energy as referred to in Article 3 of [recast of Renewable Energy Directive] and its target for improving energy efficiency as referred to in Article 1 (1) and Article 3(4) of Directive 2012/27/EU;*

Amendment 54

Proposal for a regulation

Article 2 — paragraph 2 — points 17 a (new)

Text proposed by the Commission

Amendment

(17a) *'energy efficiency first' means the prioritisation, in all energy planning, policy and investment decisions, of measures to make energy demand and energy supply more efficient, by means of cost-optimal energy end-use savings, demand-side response initiatives and more efficient conversion, transmission and distribution of energy;*

Wednesday 17 January 2018

Amendment 59
Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

Article 3

Integrated national energy and climate plans

Integrated national energy and climate plans

1. By 1 January 2019 and every ten years thereafter, each Member State shall notify to the Commission an integrated national energy and climate plan. The plans shall contain the elements set out in paragraph 2 and Annex I. The first plan shall cover the period from 2021 to 2030. The following plans shall cover the ten-year period immediately following the end of the period covered by the previous plan.

1. By 1 January 2019 and every ten years thereafter, each Member State shall notify to the Commission an integrated national energy and climate plan. The plans shall contain the elements set out in paragraph 2 and Annex I. The first plan shall cover the period from 2021 to 2030. The following plans shall cover the ten-year period immediately following the end of the period covered by the previous plan..

2. The integrated national energy and climate plans shall consist of the following main sections:

2. The integrated national energy and climate plans shall consist of the following main sections:

(a) an overview of the process followed for establishing the integrated national energy and climate plan consisting of an executive summary, a description of the consultation and involvement of **stakeholders** and their results, **and of regional** cooperation with other Member States in preparing the plan;

(a) an overview of the process followed for establishing the integrated national energy and climate plan consisting of:

(1) an executive summary,

(2) a description of the consultation and involvement of **local authorities, civil society, business, the social partners and citizens** and their results,

(3) **a description of macro-regional and regional** cooperation with other Member States in preparing the plan;

(b) a description of the national objectives, targets **and contributions** for each of the five dimensions of the Energy Union;

(b) a description of the national objectives **and** targets for each of the five dimensions of the Energy Union;

(c) a description of the policies and measures foreseen to meet the corresponding objectives, targets **and contributions** set out under point (b);

(c) a description of the **planned** policies, measures **and investment strategies** foreseen to meet the corresponding objectives **and** targets set out under point (b);

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Text proposed by the Commission

(d) a description of the current situation of the five dimensions of the Energy Union including with regard to the energy system and greenhouse gas emissions and removals as well as projections with regard to the objectives referred to in point (b) with already existing (implemented and adopted) policies and measures;

(e) an assessment of the impacts of the planned policies and measures to meet the objectives referred to in **point (b)**;

(f) an annex, drawn up in accordance with the requirements and structure laid down in Annex II to this Regulation, setting out the Member State's methodologies and policy measures for achieving the energy savings requirement in accordance with Article 7 to Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] and Annex V thereto.

3. When preparing the national plans referred to in paragraph 1, Member States shall take into account the interlinkages between the five dimensions of the Energy Union **and they shall** use consistent data and assumptions across the five dimensions where relevant.

Amendment

(d) a description of the current situation of the five dimensions of the Energy Union including with regard to the energy system and greenhouse gas emissions and removals as well as projections with regard to the objectives **and targets** referred to in point (b) with already existing (implemented and adopted) policies and measures **and a description of the regulatory and non-regulatory barriers and hurdles to delivering the targets and objectives**;

(e) an assessment of the impacts of **individual and aggregated** planned policies and measures to meet the **targets and objectives** referred to in **Articles 1, 4, 13a and 14 and on environmental, including air quality and nature protection, health, macro-economic, and social impacts**;

(ea) an assessment of the impacts of the planned policies and measures on competitiveness linked to the five dimensions of the Energy Union;

(eb) an assessment of the potential impacts of climate in the Member State, including direct and indirect impacts, and resilience strategies to manage the climate impacts, such as national adaptation plans;

(ec) following the development of an investment strategy, an estimation of the public and private investment necessary to implement the planned policies and measures;

(f) an annex, drawn up in accordance with the requirements and structure laid down in Annex II to this Regulation, setting out the Member State's methodologies and policy measures for achieving the energy savings requirement in accordance with Article 7 to Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] and Annex V thereto.

3. When preparing the national plans referred in paragraph 1, Member States shall:

(a) limit administrative complexity and costs for all relevant stakeholders;

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Text proposed by the Commission

Amendment

- (b) take into account the interlinkages between the five dimensions of the Energy Union, **in particular the energy efficiency first principle**;
- (c) use **credible and** consistent data and assumptions across the five dimensions where relevant **and make the data used for modelling exercises publicly available**;
- (d) **ensure consistency with the objectives set out in Article 1 and with the national long-term climate and energy strategies as provided in Article 14**;
- (e) **assess the number of households in energy poverty**, taking into account the necessary **domestic energy services needed to guarantee basic standards of living in the relevant national context, and outline existing and planned policies and measures addressing energy poverty, including social policy measures and other relevant national programmes**;
In the event that a Member State has a significant number of households in energy poverty, as supported by the assessment based on verifiable data, using geographical dispersion indicators, it should include in its plan a national indicative objective to reduce energy poverty;
- (f) **include provisions to avoid, mitigate or, if the project is of public interest and no alternatives are available, compensate any adverse environmental impacts that become apparent as part of the integrated reporting pursuant to Articles 15 to 22**;
- (g) **take into consideration the latest country-specific recommendations issued in the context of the European Semester**.

3a. Member State shall ensure that, following their first integrated national energy and climate plans each of their subsequent plans, notified to the Commission in accordance with paragraph 1., modify their national targets and objectives, as referred to in Article 4, to reflect an increase in ambition as compared to that set out in its previous integrated national energy and climate plan.

3b. Member States shall make available to the public the plans submitted to the Commission pursuant to this Article.

4. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I in order to adapt it to amendments to the Union Energy and Climate policy framework, energy market developments and new UNFCCC and Paris Agreement requirements.

4. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I in order to adapt it to amendments to the Union Energy and Climate policy framework, energy market developments and new UNFCCC and Paris Agreement requirements.

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Amendment 60
Proposal for a regulation
Article 4 — title

Text proposed by the Commission

National objectives, targets **and contributions** for each of the five dimensions of the Energy Union

Amendment

Targets **and objectives** for each of the five dimensions of the Energy Union

Amendment 61
Proposal for a regulation
Article 4 — paragraph 1

Text proposed by the Commission

Member States shall set out in their integrated national energy and climate plan the following main objectives, targets **and contributions**, as specified in Section A.2. of Annex I:

Amendment

Member States shall set out in their integrated national energy and climate plan the following main objectives **and** targets, as specified in Section A.2. of Annex I:

Amendment 62
Proposal for a regulation
Article 4 — paragraph 1 — point a — point 1 — point ii a (new)

Text proposed by the Commission

Amendment

(**ii**a) **trajectories that the Member State plans to maintain and enhance the carbon removals from sinks consistent with the long-term climate and energy strategies as referred to in Article 14;**

Amendment 63
Proposal for a regulation
Article 4 — paragraph 1 — point a — point 1 — point iii

Text proposed by the Commission

iii. **where applicable**, other national objectives and targets consistent with **existing** long-term **low emission** strategies;

Amendment

iii. other national objectives and targets consistent with **the Paris Agreement and the** long-term **climate and energy** strategies;

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Amendment 64**Proposal for a regulation****Article 4 — paragraph 1 — point a — point 2 — point i***Text proposed by the Commission*

-
- i. with a view to achieving the Union's binding target of at least 27% renewable energy in 2030 as referred to in Article 3 of [recast of Directive 2009/28/EC as proposed by COM(2016)0767], **a contribution to this target in terms of the Member State's share of energy from renewable sources in gross final consumption of energy in 2030, with a linear trajectory for that contribution from 2021 onwards;**

Amendment

-
- i. with a view to achieving the Union's binding target of at least **35 %** renewable energy in 2030 as referred to in [Article 3] of [recast of Directive 2009/28/EC as proposed by COM(2016)0767],

Amendment 291**Proposal for a regulation****Article 4 — paragraph 1 — point a — point 2 — point i a (new)***Text proposed by the Commission**Amendment*

-
- ia. the Member State's national target of energy from renewable sources in gross final consumption of energy in 2030 established pursuant to Article 3 and Annex Ia to Directive (EU).../... [recast of Directive 2009/28/EC as proposed by COM(2016)0767], with a progressive trajectory ensuring a regular deployment of renewable energy from 2021 onwards as set out in Annex Ia to this Regulation;**

Amendment 292**Proposal for a regulation****Article 4 — paragraph 1 — point a — point 2 — point i b (new)***Text proposed by the Commission**Amendment*

-
- ib. The trajectory referred to in paragraph ia shall:**

- (i) start from the share of energy from renewable sources in 2020 as set out in the third column of the table in part A of Annex I to Directive (EU) .../... [recast of Directive 2009/28/EC as proposed by COM(2016)0767]. If a Member State surpasses its binding 2020 national target, its trajectory may start at the level achieved in 2020;**

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Text proposed by the Commission

Amendment

(ii) **consist of a minimum of three reference points calculated as an average of the two or three preceding years as set out in Annex Ia;**

(iii) **reach at least its 2030 national target;**

Amendment 67

Proposal for a regulation

Article 4 — paragraph 1 — point a — point 2 — point i c (new)

Text proposed by the Commission

Amendment

ic. The Member State's trajectory referred to in points ia and ib, taken together, shall add up to the Union's binding linear trajectory and shall reach the Union's binding target of at least 35 % energy from renewable sources in gross final consumption of energy in 2030;

Amendment 68

Proposal for a regulation

Article 4 — paragraph 1 — point a — point 2 — point i d (new)

Text proposed by the Commission

Amendment

id. the Member State's trajectories for the overall share of renewable energy in final energy consumption from 2031 onwards shall be consistent with the long-term climate and energy strategies.

Amendments 69 and 287

Proposal for a regulation

Article 4 — paragraph 1 — point a — point 2 — point ii

Text proposed by the Commission

Amendment

ii. trajectories for the sectorial share of renewable energy in final energy consumption from 2021 to 2030 in the heating and cooling, electricity, and transport sectors;

ii. **the Member State's indicative** trajectories for the sectorial share of renewable energy in final energy consumption from 2021 to 2030 in the heating and cooling, electricity, and transport sectors;

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Amendment 70**Proposal for a regulation****Article 4 — paragraph 1 — point a — point 2 — point iii***Text proposed by the Commission*

iii. trajectories by renewable energy technology that the Member State plans to use to achieve the overall and sectorial trajectories for renewable energy from 2021 to 2030 including total expected gross final energy consumption per technology and sector in Mtoe **and** total planned installed capacity per technology and sector in MW;

Amendment

iii. **indicative** trajectories by renewable energy technology that the Member State plans to use to achieve the overall and sectorial trajectories for renewable energy from 2021 to 2030 including total expected gross final energy consumption per technology and sector in Mtoe, total planned installed capacity per technology and sector **including repowering** in MW;

Amendment 71**Proposal for a regulation****Article 4 — paragraph 1 — point a — point 2 — point iii a (new)***Text proposed by the Commission**Amendment*

iiia. the Member State's share of, as well as objectives and trajectories for energy from renewable energy produced by cities, renewable energy communities and self-consumers from 2021 to 2030, including expected gross final energy consumption in Mtoe.

Amendment 73**Proposal for a regulation****Article 4 — paragraph 1 — point b — point 1***Text proposed by the Commission*

(1) the **indicative** national energy efficiency **contribution** to achieving the Union's binding energy efficiency target of **30%** in 2030 as referred to in Article 1(1) and Article 3(4) of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761], based on either primary or final energy consumption, primary or final energy savings, or energy intensity.

Amendment

(1) **the binding** national energy efficiency **target** to achieving the Union's binding energy efficiency target of **40 %** in 2030 as referred to in Article 1(1) and Article 3(4) of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761], based on either primary or final energy consumption, primary or final energy savings, or energy intensity, **with a linear trajectory for that target from 2021 onwards.**

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Text proposed by the Commission

Member States shall express their **contribution** in terms of absolute level of primary energy consumption and final energy consumption in 2020 and 2030, **with a linear trajectory for that contribution from 2021 onwards**. They shall explain their underlying methodology and the conversion factors used;

Amendment

Member States shall express their **energy efficiency targets** in terms of absolute level of primary energy consumption and final energy consumption in 2020 and 2030. They shall explain their underlying methodology and the conversion factors used **in accordance with Annexes IV and V to ... [of the version as amended in accordance with proposal COM(2016)0761];**

The trajectory referred to in the first sub-paragraph shall consist of biennial interim targets starting in 2022 and then every two years;

Amendment 74

Proposal for a regulation

Article 4 — paragraph 1 — point b — point 2

Text proposed by the Commission

(2) the cumulative amount of energy savings to be achieved over the period 2021-2030 under Article 7 on energy saving obligations of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761];

Amendment

(2) the cumulative amount of **additional** energy savings to be achieved over the period 2021-2030 **and beyond** under Article 7 on energy saving obligations of Directive 2012/27/EU [version as amended by proposal COM(2016)0761];

Amendment 75

Proposal for a regulation

Article 4 — paragraph 1 — point b — point 3

Text proposed by the Commission

(3) the **objectives** for the long-term renovation of the national stock of residential and **commercial** buildings (both public and private);

Amendment

(3) **based on an analysis of the existing building stock**, the **milestones for 2030 and 2040 for the long-term strategies for the renovation of the national stock of residential and non-residential buildings**, both public and private, **measuring progress towards the 2050 goal in accordance with Article 2a of Directive 2010/31/EU [as amended by proposal COM(2016)0765];**

Wednesday 17 January 2018

Amendment 76**Proposal for a regulation****Article 4 — paragraph 1 — point b — point 3 a (new)**

Text proposed by the Commission

Amendment

(3a) the planned policies and actions as well as progress towards transforming the national building stock into highly energy efficient and decarbonised building stock, including an evidence-based estimate of expected energy savings and wider benefits, to be achieved from 2020 to 2030;

Amendment 77**Proposal for a regulation****Article 4 — paragraph 1 — point b — point 4**

Text proposed by the Commission

Amendment

(4) the total floor area to be renovated or equivalent annual energy savings to be achieved **from 2020 to 2030** under Article 5 on the exemplary role of public bodies' buildings of Directive 2012/27/EU;

(4) the total floor area to be renovated **and corresponding energy savings achieved through the renovation** or equivalent annual energy savings **stemming from the alternative approach to be achieved from 2020 to 2030** under Article 5 of Directive 2012/27/EU [as amended by proposal COM(2016)0761];

Amendment 78**Proposal for a regulation****Article 4 — paragraph 1 — point b — point 4 a (new)**

Text proposed by the Commission

Amendment

(4a) the identified potential for energy savings in heating and cooling, including the outcome of the comprehensive assessment of the potential for the application of high-efficiency cogeneration and efficient and innovative district heating and cooling;

Wednesday 17 January 2018

Amendment 79

Proposal for a regulation

Article 4 — paragraph 1 — point b — point 5

Text proposed by the Commission

(5) other national energy efficiency objectives, including long term targets or strategies and sectorial targets in areas such as transport, **heating and cooling**;

Amendment

(5) other national energy efficiency objectives, including long term targets or strategies and sectorial targets in areas such as transport, **the manufacturing industry and water and waste water or from sector coupling policies; as well as efficiency in other sectors with high energy efficiency potential throughout the entire flow chain from primary energy to end-users or such as data centres**;

Amendment 80

Proposal for a regulation

Article 4 — paragraph 1 — point c — point 1

Text proposed by the Commission

(1) national objectives with regard to increasing the diversification of energy sources and supply from third countries;

Amendment

(1) national objectives with regard to increasing the diversification of energy sources and supply from third countries, **for the purpose of increasing the resilience of macro-regional, regional and national energy systems**;

Amendment 81

Proposal for a regulation

Article 4 — paragraph 1 — point c — point 2

Text proposed by the Commission

(2) national objectives with regard to reducing energy import dependency from third countries;

Amendment

(2) national objectives with regard to reducing energy import dependency from third countries **for the purpose of increasing the resilience of macro-regional, national and regional energy systems**;

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Amendment 82**Proposal for a regulation****Article 4 — paragraph 1 — point c — point 4***Text proposed by the Commission*

(4) national objectives with regard to **deployment of** domestic energy sources (**notably renewable energy**);

Amendment

(4) national objectives with regard to **increasing the flexibility of the national energy system, in particular by means of deploying energy efficiency measures, domestic and regional renewable** energy sources, **demand response and storage**;

Amendment 83**Proposal for a regulation****Article 4 — paragraph 1 — point d — point 1***Text proposed by the Commission*

(1) the level of electricity interconnectivity that the Member State aims for in 2030 in consideration of the electricity interconnection target for 2030 of **at least** 15 %; Member States shall explain the underlying methodology used;

Amendment

(1) the level of electricity interconnectivity that the Member State aims for in 2030 in consideration of the **indicative** electricity interconnection target for 2030 of **at least** 15 %, **taking into account the 2020 interconnection target of 10 %, national and regional market conditions and potential, all aspects of cost-benefit analyses, the actual level of implementation of PCIs, as well as measures to increase the tradable capacity in existing interconnections**; Member States shall explain the underlying methodology used, **taking into account the methodology proposed by the Commission**;

Amendment 84**Proposal for a regulation****Article 4 — paragraph 1 — point d — point 2***Text proposed by the Commission*

(2) key national objectives for electricity and gas transmission infrastructure that are necessary for the achievement of objectives and targets under any of the five dimensions of the Energy Union Strategy;

Amendment

(2) key national objectives for electricity and gas transmission **and distribution** infrastructure **and its modernisation** that are necessary for the achievement of objectives and targets under any of the five dimensions of the Energy Union Strategy. **For any planned major infrastructure project, a preliminary assessment of its compatibility with and contributions to the five dimensions of the Energy Union, in particular with regard to security of supply and competition**;

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Amendment 85

Proposal for a regulation

Article 4 — paragraph 1 — point d — point 3

Text proposed by the Commission

(3) national objectives related to other aspects of the internal energy market such as market integration and coupling, including a timeframe for when the objectives should be met;

Amendment

(3) national objectives related to other aspects of the internal energy market such as **increasing system flexibility, in particular through the removal of obstacles to free price formation**, market integration and coupling, **smart grids, aggregation, demand response, storage, distributed generation, mechanisms for dispatching, re-dispatching and curtailment, real-time price signals**, including a timeframe for when the objectives should be met;

Amendment 86

Proposal for a regulation

Article 4 — paragraph 1 — point d — point 3 a (new)

Text proposed by the Commission

Amendment

(3a) **national objectives related to the non-discriminatory participation of renewable energy, demand response and storage, including via aggregation in all energy markets, including a timeframe for when the objectives should be met;**

Amendment 87

Proposal for a regulation

Article 4 — paragraph 1 — point d — point 3 b (new)

Text proposed by the Commission

Amendment

(3b) **national objectives with regard to ensuring that consumers participate in the energy system and benefit from self-generation and new technologies, including smart meters;**

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Amendment 88**Proposal for a regulation****Article 4 — paragraph 1 — point d — point 4***Text proposed by the Commission*

(4) national objectives with regard to ensuring electricity system adequacy **as well as flexibility of the energy system with regard to renewable energy production**, including a timeframe for when the objectives should be met;

Amendment

(4) national objectives with regard to ensuring electricity system adequacy, **ensuring that no capacity mechanisms are implemented, or where implemented for the purpose of security of supply are limited to the extent possible** including a timeframe for when the objectives should be met;

Amendment 89**Proposal for a regulation****Article 4 — paragraph 1 — point e — point 1***Text proposed by the Commission*

(1) national objectives and funding targets for public **and private** research and innovation relating to the Energy Union; if applicable, including a timeframe for when the objectives should be met. Such targets and objectives should be coherent with those set out in the Energy Union Strategy and the SET-Plan;

Amendment

(1) national objectives and funding targets for public **support for** research and innovation relating to the Energy Union **and its expected leveraging effect on private research**; if applicable, including a timeframe for when the objectives should be met. Such targets and objectives should be coherent with those set out in the Energy Union Strategy and the SET-Plan;

Amendment 90**Proposal for a regulation****Article 4 — paragraph 1 — point e — point 2***Text proposed by the Commission*

(2) national 2050 objectives **for the deployment** of **low-carbon** technologies;

Amendment

(2) national 2050 objectives **related to the promotion of sustainable** technologies;

Amendment 91**Proposal for a regulation****Article 4 — paragraph 1 — point e — point 3***Text proposed by the Commission*

(3) **national objectives with regard to competitiveness.**

Amendment

deleted

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Amendment 92
Proposal for a regulation
Article 5 — title

Text proposed by the Commission

Member States' **contribution** setting process in the area of renewable energy

Amendment

Member States' **target** setting process in the area of renewable energy

Amendment 93
Proposal for a regulation
Article 5 — paragraph 1

Text proposed by the Commission

1. When setting their **contribution** for their share of energy from renewable sources in gross final consumption of energy in 2030 and the last year of the period covered for the subsequent national plans, pursuant to Article 4(a)(2)(i), Member States shall take into account the following:

Amendment

1. When setting their **target** for their share of energy from renewable sources in gross final consumption of energy in 2030 and the last year of the period covered for the subsequent national plans, pursuant to Article 4(a)(2)(i), Member States shall take into account the following:

Amendment 94
Proposal for a regulation
Article 5 — paragraph 1 — point d — point i

Text proposed by the Commission

(i) equitable distribution of deployment across the European Union;

Amendment

(i) equitable **and cost-effective** distribution of deployment across the European Union;

Amendment 95
Proposal for a regulation
Article 5 — paragraph 1 — point d a (new)

Text proposed by the Commission

Amendment

(da) **the baseline share of energy from renewable sources in its gross final consumption of energy set out in Article 3(3) of Directive (EU) .../... [recast Directive 2009/28/EC];**

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Amendment 96
Proposal for a regulation
Article 5 — paragraph 2

Text proposed by the Commission

2. Member States shall collectively ensure that the sum of their **contributions** adds up to **at least 27 % of energy produced** from renewable sources in gross final energy consumption at Union level by 2030.

Amendment

2. Member States shall collectively ensure that the sum of their **targets** adds up to **a linear trajectory reaching at least 35 %** from renewable **energy** sources in gross final energy consumption at Union level by 2030.

Amendment 97
Proposal for a regulation
Article 6 — title

Text proposed by the Commission

Member States' **contribution** setting process in the area of energy efficiency

Amendment

Member States' **binding target** setting process in the area of energy efficiency

Amendment 98
Proposal for a regulation
Article 6 — paragraph 1 — introductory part

Text proposed by the Commission

1. When setting their **indicative** national energy efficiency **contribution** for 2030 and the last year of the period covered for the subsequent national plans pursuant to Article 4(b)(1), Member States shall ensure that:

Amendment

1. When setting their **binding** national energy efficiency **target** for 2030 and the last year of the period covered for the subsequent national plans pursuant to Article 4(b)(1), Member States shall ensure that:

Amendment 99
Proposal for a regulation
Article 6 — paragraph 1 — point a

Text proposed by the Commission

(a) the Union's 2020 energy consumption is no more than 1 483 Mtoe of primary energy and no more than 1 086 Mtoe of final energy, the Union's 2030 energy consumption is no more than **1 321** Mtoe of primary energy and no more than **987** Mtoe of final energy for the first ten-year period;

Amendment

(a) the Union's 2020 energy consumption is no more than 1 483 Mtoe of primary energy and no more than 1 086 Mtoe of final energy, the Union's 2030 energy consumption is no more than **1 132** Mtoe of primary energy and no more than **849** Mtoe of final energy for the first ten-year period;

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Amendment 100

Proposal for a regulation

Article 6 — paragraph 2 — introductory part

Text proposed by the Commission

2. When setting their **contribution** referred to in paragraph 1 Member States may take into account circumstances affecting primary and final energy consumption, such as:

Amendment

2. When setting their **target** referred to in paragraph 1 Member States may take into account circumstances affecting primary and final energy consumption, such as:

Amendment 101

Proposal for a regulation

Article 7

Text proposed by the Commission

Article 7

National policies and measures for each of the five dimensions of the Energy Union

Member States shall describe, in accordance with Annex I, in their integrated national energy and climate plan, the main existing (implemented and adopted) and planned policies and measures to achieve in particular the objectives set out in the national plan, including measures to ensure regional cooperation and appropriate financing at national, regional level.

Amendment

Article 7

National policies, measures **and investment strategies** for each of the five dimensions of the Energy Union

Member States shall describe, in accordance with Annex I, in their integrated national energy and climate plan, the main existing (implemented and adopted) and planned policies and measures to achieve in particular the objectives set out in the national plan, including measures to ensure regional cooperation and appropriate financing at national, regional **and local level, including mobilisation of Union programmes and instruments.**

The description of the main existing and planned policies and measures to achieve the objectives set out in the national plans shall be accompanied by a general overview of the investments needed to achieve those objectives.

Member States shall treat energy efficiency as an infrastructure priority. They shall include energy efficiency programs as part of their infrastructure planning and make renovation of buildings a priority investment.

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Amendment 102**Proposal for a regulation****Article 8 — paragraph 1***Text proposed by the Commission*

1. Member States shall describe, in accordance with the structure and format specified in Annex I, the current situation for each of the five dimensions of the Energy Union including of the energy system and greenhouse gas emissions and removals at the time of submission of the national plan or on the basis of the latest available information. Member States shall also set out and describe projections for each of the five dimensions of the Energy Union for the first ten-year period at least until **2040** (including for the year 2030) expected to result from existing (implemented and adopted) policies and measures.

Amendment

1. Member States shall describe, in accordance with the structure and format specified in Annex I, the current situation for each of the five dimensions of the Energy Union including of the energy system and greenhouse gas emissions and removals at the time of submission of the national plan or on the basis of the latest available information. Member States shall also set out and describe projections for each of the five dimensions of the Energy Union for the first ten-year period at least until **2030** (including for the year 2030) expected to result from existing (implemented and adopted) policies and measures. **Member States shall make available to the public the assumptions, parameters and methodologies used for projections and scenarios.**

Amendment 103**Proposal for a regulation****Article 8 — paragraph 2 — point a***Text proposed by the Commission*

(a) the impacts on the development of the energy system and greenhouse gas emissions and removals for the first ten-year period at least until 2040 (including for the year 2030) under the planned policies and measures including a comparison with the projections based on existing (implemented and adopted) policies and measures referred to in paragraph 1;

Amendment

(a) the impacts on the development of the energy system and greenhouse gas emissions and removals for the first ten-year period at least until 2040 (including for the year 2030) under the planned policies and measures including a comparison with the projections based on existing (implemented and adopted) policies and measures referred to in paragraph 1. **This should include an assessment of synergies deriving from sectorial coupling, digitalisation and improved market design as well as of the benefits in terms of air quality and security of supply;**

Amendment 104**Proposal for a regulation****Article 8 — paragraph 2 — point b***Text proposed by the Commission*

(b) the macroeconomic, environmental, skills and social impact of **the** planned policies and measures referred to in Article 7 and further specified in Annex I, for the first ten-year period at least until the year 2030 including a comparison with the projections **based on** existing (implemented and adopted) policies and measures referred to in paragraph 1;

Amendment

(b) the macroeconomic, **health**, environmental, skills and social impact of **individual and aggregated** planned policies and measures referred to in Article 7 and further specified in Annex I, for the first ten-year period at least until the year 2030 including a comparison with the projections **of** existing (implemented and adopted) policies and measures referred to in paragraph 1. **The methodology used to assess these impacts shall be made public and the use of cost-benefit analysis shall be encouraged;**

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Amendment 105

Proposal for a regulation

Article 8 — paragraph 2 — point c

Text proposed by the Commission

(c) interactions between existing (implemented and adopted) and planned policies and measures within a policy dimension and between existing (implemented and adopted) and planned policies and measures of different dimensions for the first ten-year period at least until the year 2030. Projections concerning security of supply, infrastructure and market integration shall be linked to robust energy efficiency scenarios.

Amendment

(c) interactions between existing (implemented and adopted) and planned policies and measures within a policy dimension and between existing (implemented and adopted) and planned policies and measures of different dimensions for the first ten-year period at least until the year 2030. **The assessment shall include a quantitative or qualitative evaluation of any documented interactions between national policies and measures, and Union climate and energy policy measures.** Projections concerning security of supply, infrastructure and market integration shall be linked to robust energy efficiency scenarios;

Amendment 106

Proposal for a regulation

Article 8 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

(ca) **the way individual and aggregated existing and planned policies and measures will attract private investment alongside public finance necessary to their implementation.**

Amendment 107

Proposal for a regulation

Article 9

Text proposed by the Commission

Article 9

Draft integrated national energy and climate plans

1. By 1 **January** 2018 **and every ten years thereafter** Member **States** shall prepare and submit to the Commission a draft of the integrated national energy and climate plan referred to in Article 3(1).

Amendment

Article 9

Draft integrated national energy and climate plans

1. By 1 **June** 2018, **each** Member **State** shall prepare and submit to the Commission a draft of **its first** the integrated national energy and climate plan referred to in Article 3(1). **Each Member State shall prepare and submit to the Commission a draft of its second plan by 1 January 2023 and drafts of its subsequent plans every five years thereafter.**

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Text proposed by the Commission

Amendment

2. The Commission **may** issue recommendations **on the draft plans** to Member States in accordance with Article 28. **Those recommendations shall in particular set out:**

(a) **the level of ambition of objectives, targets and contributions in view of collectively achieving** the Energy Union objectives and **notably the Union's 2030 targets for renewable energy and energy efficiency;**

(b) policies and measures **relating to Member States' and Union level objectives and other policies and measures** of potential cross-border relevance;

(c) **interactions between and** consistency of existing (implemented and adopted) and planned policies and measures included in the integrated national energy and climate plan within one dimension and among different dimensions of the Energy Union.

3. Member States shall take utmost account of any recommendations from the Commission when finalising their integrated national energy and climate plan.

2. The Commission **shall assess the draft plans and shall** issue **country-specific** recommendations to Member States in accordance with Article 28 **no later than three months before the deadline for submitting the plan, referred to in Article 3(1) in order to:**

(a) **ensure the collective achievement by Member States of the** Energy Union objectives and targets **of all dimensions of the Energy Union;**

(aa) ensure the achievement by Member States of national targets and objectives;

(b) **improve individual existing and planned** policies and measures **included in national energy and climate plans including those** of potential cross-border relevance;

(ba) suggest the adoption of additional policies and measures in national energy and climate plans;

(c) **ensure** consistency of existing (implemented and adopted) and planned policies and measures included in the integrated national energy and climate plan within one dimension and among different dimensions of the Energy Union;

(ca) ensure the consistency of the investment strategies and instruments with the Member States' policies and measures provided for to meet the corresponding targets and objectives.

3. Member States shall take utmost account of any recommendations from the Commission when finalising their integrated national energy and climate plan. **Where the position of the Member State concerned diverges from the Commission's recommendation, that Member State shall provide and make public the reasons for its position.**

3a. Member States shall make available to the public the draft plans referred to in paragraph 1.

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Amendment 108

Proposal for a regulation

Article 10 — paragraph 1

Text proposed by the Commission

Without prejudice to any other Union law requirements, Member States shall ensure that the public is given early and effective opportunities to participate in the preparation of draft plans referred to in Article 9 **and attach to the submission of their draft integrated national energy and climate plan to the Commission a summary of the public's views. In so far as the provisions of Directive 2001/42/EC are applicable, consultations undertaken in accordance with that Directive shall be deemed to satisfy also the obligations to consult the public under this Regulation.**

Amendment

Without prejudice to any other Union law requirements, Member States shall ensure that the public is given early and effective opportunities to participate in the preparation of draft plans referred to in Article 9, **of long-term strategies referred to in Article 14, when all options are open and effective public consultation can take place.**

Amendment 109

Proposal for a regulation

Article 10 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall set reasonable timeframes allowing sufficient time for the public to be informed and to prepare and participate effectively in the different stages of planning process. Member States shall take due account of equal participation and ensure that the public is informed, whether by public notices or other appropriate means, such as electronic media where available, of all practical arrangements related to their participation and that they can access all relevant documents.

Amendment 110

Proposal for a regulation

Article 10 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall include in the submission of their draft and final integrated national energy and climate plan and of their long-term strategies to the Commission a summary of the public's views and the way they have been taken into consideration.

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Amendment 111**Proposal for a regulation****Article 10 — paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. *In so far as the provisions of Directive 2001/42/EC are applicable, consultations undertaken in accordance with that Directive shall be deemed to satisfy also the obligations to consult the public under this Regulation.*

Amendment 112**Proposal for a regulation****Article 10 — paragraph 1 d (new)**

Text proposed by the Commission

Amendment

1d. *Member States shall limit administrative complexity when implementing this Article.*

Amendment 113**Proposal for a regulation****Article 10 a (new)**

Text proposed by the Commission

*Amendment***Article 10a****Multilevel Climate and Energy Dialogue Platform**

- 1.** *In a spirit of partnership, Member State shall establish a permanent Multilevel Climate and Energy Dialogue Platform to support active engagement of local authorities, civil society organisations, business community, investors, any other relevant stakeholders and the general public in managing the energy transition.*
- 2.** *Member States shall submit to their national Climate and Energy Dialogue Platform different options and scenarios envisaged for their short, medium and long-term energy and climate policies, together with a cost-benefit analysis for each option. Climate and Energy Dialogue Platforms shall be forums for discussion on and elaboration of plans, strategies and reports pursuant to Article 10.*
- 3.** *Member States shall ensure that Climate and Energy Dialogue Platforms benefit from adequate human and financial resources and shall function in a transparent way.*

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Amendment 114
Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

Article 11

Regional cooperation**Macro-regional and regional** cooperation

1. Member States shall cooperate with each other at **regional** level to effectively meet the targets, **objectives and contributions** set out in their integrated national energy and climate plan.

1. Member States shall cooperate with each other at **macro-regional and regional level, taking into utmost consideration all existing and potential forms of cooperation** to effectively meet the targets and **objectives** set out in their integrated national energy and climate plan.

2. Member States shall, well before submitting their draft integrated national energy and climate plan to the Commission pursuant to Article 9(1), identify opportunities for regional cooperation and consult neighbouring Member States and the other Member States expressing an interest. Member States shall set out in their draft integrated national energy and climate plans the results of such regional consultation, including where applicable how comments have been taken into account.

2. Member States shall, well before submitting their draft integrated national energy and climate plan to the Commission pursuant to Article 9(1), identify opportunities for **macro-regional and regional cooperation, taking into consideration existing macro-regional cooperations, in particular the Baltic Energy Market Interconnection Plan (BEMIP), Central and South-Eastern Europe Connectivity (CESEC), Central-West Regional Energy Market (CWREM), the North Seas Countries' Offshore Grid Initiative (NSCOGI), the Euro-Mediterranean Partnership** and consult neighbouring Member States and the other Member States expressing an interest, **in accordance with Directive 2011/92/EU and the Espoo Convention**. Member States shall set out in their draft integrated national energy and climate plans the results of such regional consultation, including where applicable how comments have been taken into account. **When engaging in macro-regional cooperation, Member States shall agree on a governance structure allowing for meeting at ministerial level at least annually.**

2a. **The Commission shall, upon the request by two or more Member States, facilitate the joint drafting of parts of their integrated national energy and climate plans, inter alia by means of establishing an enabling framework. When Member States pursue macro-regional or regional cooperation, they shall set out in their draft integrated national energy and climate plans the results and submit them to the Commission. The result of such macro-regional or regional cooperation may replace the equivalent parts of the relevant integrated national energy and climate plan.**

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Text proposed by the Commission

Amendment

3. The Commission shall facilitate cooperation and consultation among the Member States on the draft plans submitted to it under Article 9 in view of their finalisation.

4. Member States shall take into consideration the comments received from other Member States pursuant to paragraphs 2 and 3 in their final integrated national energy and climate plan and explain how such comments have been taken into account.

5. For the purposes specified in paragraph 1, Member States shall continue to cooperate at **macro-regional** level when implementing the policies and measures of their plans.

2b. The Commission shall, with a view to promoting market integration and cost-efficient policies, identify opportunities for macro-regional or regional cooperation covering one or several of the five dimensions of the Energy Union and in accordance with this Article, with a long-term vision, based on existing market conditions. Based on such opportunities, the Commission may issue recommendations to Member States pursuant to Article 28 in order to facilitate effective cooperation, partnerships and consultations.

3. The Commission shall facilitate cooperation and consultation among the Member States on the draft plans submitted to it under Article 9 in view of their finalisation.

4. Member States shall take into consideration the comments received from other Member States pursuant to paragraphs 2 and 3 in their final integrated national energy and climate plan and explain how such comments have been taken into account.

5. For the purposes specified in paragraph 1, Member States shall continue to cooperate at **macro-regional** level when implementing the policies and measures of their plans.

5a. Member States shall also envisage cooperation with Energy Community signatories and third countries that are members of the European Economic Area.

Amendment 116

Proposal for a regulation

Article 12 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

The Commission shall assess the integrated national energy and climate plans **and their updates** as notified pursuant to **Articles 3 and 13**. It shall assess in particular whether:

The Commission shall assess the integrated national energy and climate plans as notified pursuant to **Article 3**. It shall assess in particular whether:

Amendment 117

Proposal for a regulation

Article 12 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) the targets, **objectives and contributions** are sufficient for the collective achievement of the Energy Union objectives and for the first ten-years period in particular the targets of the Union's 2030 Climate and Energy Framework;

(a) the targets **and objectives** are sufficient for the collective achievement of the Energy Union objectives and for the first ten-years period in particular the targets of the Union's 2030 Climate and Energy Framework;

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Amendment 118

Proposal for a regulation

Article 12 — paragraph 1 — point a a (new)

Text proposed by the Commission

Amendment

- (aa) *the existing policies and those that are provided for and measures and related investment strategies are sufficient for the achievement of the national targets referred to in Article 4;*

Amendment 120

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Update of the integrated national energy and climate plan

1. By 1 January 2023, and every 10 years thereafter, Member States shall submit to the Commission a draft update of the latest notified integrated national energy and climate plan referred to in Article 3 or confirm to the Commission that the plan remains valid.

2. By 1 January 2024, and every 10 years thereafter, Member States shall notify to the Commission an update of the latest notified integrated national energy and climate plan referred to in Article 3, unless they have confirmed that the plan remains valid pursuant to paragraph 1 of this Article.

3. Member States shall only modify the targets, objectives and contributions set out in the update referred to in paragraph 2 to reflect an increased ambition as compared to the ones set in the latest notified integrated national energy and climate plan.

4. Member States shall make efforts to mitigate in the updated plan any adverse environmental impacts that become apparent as part of the integrated reporting pursuant to Articles 15 to 22.

5. Member States shall take into consideration the latest country-specific recommendations issued in the context of the European Semester when preparing the update referred to in paragraph 2.

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Text proposed by the Commission

Amendment

6. The procedures laid down in Article 9(2) and Article 11 shall apply to the preparation and assessment of the updated integrated national energy and climate plans.

Amendment 121
Proposal for a regulation
Chapter 3 — title

Text proposed by the Commission

Amendment

Long-term **low emission** strategiesLong-term **climate and energy** strategies

Amendment 122
Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Consistency with overall climate objective

The Commission shall, by 1 July 2018, report on the remaining global carbon budget that is consistent with pursuing efforts to limit the temperature increase to well below 2 °C, in particular 1,5 °C, above pre-industrial levels and shall publish an analysis of the Union's fair share for 2050 and 2100.

Amendment 123
Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

Article 14

Long-term **low emission** strategiesLong-term **climate and energy** strategies

1. Member States shall **prepare and report to the Commission** by 1 January **2020** and every **10** years thereafter their long-term low emission strategies with a 50 years perspective, to contribute to:

1. Member States **and the Commission on behalf of the Union** shall **adopt**, by 1 January **2019** and every **five** years thereafter, their long-term **climate and energy** strategies with a **30** years perspective, to contribute to:

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Text proposed by the Commission

Amendment

- | | |
|--|---|
| <p>(a) fulfilling the Union's and the Member States' commitments under the UNFCCC and the Paris Agreement to reduce anthropogenic greenhouse gas emissions and enhance removals by sinks;</p> <p>(b) fulfilling the objective of holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels;</p> <p>(c) achieving long-term greenhouse gas emission reductions and enhancements of removals by sinks in all sectors in line with the Union's objective, in the context of necessary reductions according to the IPCC by developed countries as a group, to reduce emissions by 80 to 95 % by 2050 compared to 1990 levels in a cost-effective manner.</p> <p>2. The long-term low emission strategies shall cover:</p> <p>(a) total greenhouse gas emissions reductions and enhancements of removals by sinks;</p> <p>(b) emissions reductions and enhancement of removals in individual sectors including electricity, industry, transport, the buildings sector (residential and tertiary), agriculture and land use, land-use change and forestry (LULUCF);</p> <p>(c) expected progress on transition to a low greenhouse gas emission economy including greenhouse gas intensity, CO₂ intensity of gross domestic product and strategies for related research, development and innovation;</p> | <p>(a) fulfilling the Union's and the Member States' commitments under the UNFCCC and the Paris Agreement to reduce anthropogenic greenhouse gas emissions and enhance removals by sinks in 10-year steps;</p> <p>(b) fulfilling the objective of holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels by limiting the Union's greenhouse gas emissions below its fair share of the remaining global carbon budget;</p> <p>(c) achieving long-term greenhouse gas emission reductions and enhancements of removals by sinks in all sectors in line with the Union's objective, in the context of necessary reductions according to the IPCC to reduce the Union's greenhouse gas emissions in a cost-effective manner and enhance removals by sinks in pursuit of the temperature goals in the Paris Agreement so as to achieve a net-zero greenhouse gas emissions within the Union by 2050 and go into negative emissions soon thereafter;</p> <p>(ca) by no later than 2050, achieve a highly energy efficient and renewables-based energy system within the Union.</p> <p>2. The long-term climate and energy strategies shall contain the elements set out in Annex IIIa and shall cover:</p> <p>(a) total greenhouse gas emissions reductions and enhancements of removals by sinks with separate target for enhancing removals by sinks that is consistent with pursuing efforts to limit the temperature increase goals in the Paris Agreement;</p> <p>(b) with a view to decarbonisation, greenhouse gases' emissions reductions and enhancement of removals in individual sectors including among others electricity, industry, transport, the heating and cooling and buildings sector (residential and tertiary), agriculture and land use, land-use change and forestry (LULUCF);</p> <p>(c) expected progress on transition to a low greenhouse gas emission economy including greenhouse gas intensity, CO₂ intensity of gross domestic product and strategies for related long-term investments, research, development and innovation;</p> |
|--|---|

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Text proposed by the Commission

Amendment

- (d) links to other national long-term planning.
3. The **long-term low emission strategies and the** integrated national energy and climate plans referred to in Article 3 **should** be consistent with each other.
4. The Member States shall **make available to the** public **forthwith their respective long-term low emission** strategies and **any updates thereof**.
- (ca) **expected progress on energy transition including energy savings, total share of renewable energy and planned renewable energy installed capacity;**
- (cb) **expected contribution of deep decarbonisation of the economy on macro-economic development, and social development, and health risks and benefits and the environmental protection;**
- (d) links to other national long-term **objectives, planning and other policies and measures and investments.**
- 2a. **The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex IIa in order to adapt it to amendments to the Union Energy and Climate policy framework, energy market developments and new UNFCCC and Paris Agreement requirements.**
3. The integrated national energy and climate plans referred to in Article 3 **shall** be consistent with **the long-term climate and energy strategies.**
4. The Member States **and the Commission** shall **develop their strategies openly and transparently, and ensure that the public, the social partners, businesses, investors, civil society and other stakeholders are given early and effective opportunities to participate in the preparation of the long-term climate and energy strategies and make the strategies and any supporting analyses and data public, including through the e-platform as referred to in Article 24.**
- 4a. **The Commission shall support Member States in their preparation of long-term strategies by providing information on the state of the underlying scientific knowledge and technological development relevant to achieving the objectives referred to in Article 1. The Commission shall also provide for opportunities for Member States and other stakeholders to provide additional information and discuss their perspectives, and produce best practices and guidance for Member States to use during the development and implementation phase of their strategies.**
- 4b. **The Commission shall assess whether the national long-term strategies are adequate for the collective achievement of the Union objectives set out in Article 1. The Commission may issue recommendations to Member States to facilitate this end and to assist Member States in their efforts to prepare and implement their long-term strategies.**

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Amendment 124

Proposal for a regulation

Article 15 — paragraph 2 — point a

Text proposed by the Commission

(a) information on the progress accomplished towards reaching the targets, objectives **and contributions** set out in the integrated national energy and climate plan, and towards implementing the policies and measures necessary to meet them;

Amendment

(a) information on the progress accomplished towards reaching the targets **and** objectives set out in the integrated national energy and climate plan, and towards **financing and** implementing the policies and measures necessary to meet them;

Amendment 125

Proposal for a regulation

Article 15 — paragraph 2 — point a a (new)

Text proposed by the Commission

Amendment

(aa) the results of the public consultations made in accordance with Article 10;

Amendment 126

Proposal for a regulation

Article 15 — paragraph 2 — point a b (new)

Text proposed by the Commission

Amendment

(ab) information on the progress accomplished supporting active engagement in accordance with Article 10a;

Amendment 127

Proposal for a regulation

Article 15 — paragraph 2 — point a c (new)

Text proposed by the Commission

Amendment

(ac) the information referred to and on the progress accomplished towards reaching the goals, objectives and commitments set out in the long-term energy and climate strategies in Article 14;

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Amendment 128
Proposal for a regulation
Article 15 — paragraph 5

Text proposed by the Commission

5. Where the Commission has issued recommendations pursuant to Article 27(2) or (3), the Member State concerned shall include in its report referred to in paragraph 1 of this Article information on the policies and measures adopted, or intended to be adopted and implemented, to address those recommendations. Such information shall include a detailed timetable for implementation.

Amendment

5. Where the Commission has issued recommendations pursuant to Article 27(2) or (3), the Member State concerned shall include in its report referred to in paragraph 1 of this Article information on the policies and measures adopted, or intended to be adopted and implemented, to address those recommendations. Such information shall include a detailed timetable for implementation. **Where the Member State concerned deviates from a recommendation issued, that Member State shall provide and make public a well-substantiated justification, based on reliable data and objective criteria.**

Amendment 129
Proposal for a regulation
Article 15 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall make available to the public the reports submitted to the Commission pursuant to this Article.

Amendment 130
Proposal for a regulation
Article 18 — paragraph 1 — point a — point 4

Text proposed by the Commission

(4) trajectories on bioenergy demand, disaggregated between heat, electricity and transport, and on biomass supply, by feedstock and origin (distinguishing between domestic production and imports). For forest biomass, an assessment of its source and impact on the LULUCF sink;

Amendment

(4) trajectories on bioenergy demand, disaggregated between heat, electricity and transport, **including the share of biofuels, share of advanced biofuels, share of biofuel produced from crops produced on agricultural land**, and on biomass supply, by feedstock and origin (distinguishing between domestic production and imports). For forest biomass, an assessment of its source and impact on the LULUCF sink;

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Amendment 131

Proposal for a regulation

Article 18 — paragraph 1 — point a — point 4 a (new)

Text proposed by the Commission

Amendment

(4a) **objectives and trajectories for renewable energy produced by regions, cities, energy communities and self-consumers;**

Amendment 132

Proposal for a regulation

Article 18 — paragraph 1 — point a — point 5

Text proposed by the Commission

Amendment

(5) if applicable, other national trajectories and objectives including long-term and sectorial ones (such as share of biofuels, share of advanced biofuels, share of biofuel produced from main crops produced on agricultural land, share of electricity produced from biomass without the utilisation of heat, share of renewable energy in district heating, renewable energy use in buildings, **renewable energy produced by cities, energy communities and self-consumers**);

(5) if applicable, other national trajectories and objectives including long-term and sectorial ones (such as share of electricity produced from biomass without the utilisation of heat, share of renewable energy in district heating, renewable energy use in buildings, **energy recovered from the sludge acquired through the treatment of wastewater**;

Amendment 133

Proposal for a regulation

Article 18 — paragraph 1 — point b — point 1

Text proposed by the Commission

Amendment

(1) implemented, adopted and planned policies and measures to achieve the national **contribution** to the binding Union-level 2030 target for renewable energy as indicated in Article 4(a) (2)(i), including sector- and technology-specific measures, with a specific review of the implementation of measures laid down in Articles 23, 24 and 25 of [recast of Directive 2009/28/EC as proposed by COM(2016)0767];

(1) implemented, adopted and planned policies and measures to achieve the national **targets to meet** the binding Union-level 2030 target for renewable energy as indicated in Article 4(a) (2)(i), including sector- and technology-specific measures, with a specific review of the implementation of measures laid down in Articles 23, 24 and 25 of [recast of Directive 2009/28/EC as proposed by COM(2016)0767];

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Amendment 134**Proposal for a regulation****Article 18 — paragraph 1 — point b — point 4 a (new)***Text proposed by the Commission**Amendment*

(4a) *specific measures to assess, make transparent and reduce the need for must-run capacity that can lead to curtailment of renewable energy sources;*

Amendment 135**Proposal for a regulation****Article 19 — paragraph 1 — point a — point 1***Text proposed by the Commission**Amendment*

(1) the trajectory for primary and final energy consumption from 2020 to 2030 as the national energy savings **contribution** to achieving the Union-level 2030 target including underlying methodology;

(1) the trajectory for primary and final energy consumption from 2020 to 2030 as the national energy savings **binding targets** to achieving the Union-level 2030 target including underlying methodology;

Amendment 136**Proposal for a regulation****Article 19 — paragraph 1 — point a — point 2***Text proposed by the Commission**Amendment*

(2) objectives **for** the long-term renovation of the national stock of both public and private residential **and commercial** buildings;

(2) objectives **of** the long-term strategy for the renovation of the national stock of residential **as well as public and private non-residential buildings;**

Amendment 137**Proposal for a regulation****Article 19 — paragraph 1 — point b — point 1***Text proposed by the Commission**Amendment*

(1) implemented, adopted and planned policies, measures and programmes to achieve the **indicative** national energy efficiency **contribution** for 2030 as well as other objectives presented in Article 6, including planned measures and instruments (also of financial nature) to promote the energy performance of buildings, measures to utilise energy efficiency potentials of gas and electricity infrastructure and other measures to promote energy efficiency;

(1) implemented, adopted and planned policies, measures and programmes to achieve the **binding** national energy efficiency **target** for 2030 as well as other objectives presented in Article 6, including planned measures and instruments (also of financial nature) to promote the energy performance of buildings, measures to utilise energy efficiency potentials of gas and electricity infrastructure and other measures to promote energy efficiency;

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Amendment 138

Proposal for a regulation

Article 19 — paragraph 1 — point b — point 3

Text proposed by the Commission

- (3) national energy efficiency obligation scheme and alternative measures pursuant to Article 7a and 7b of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] in accordance with Annex II to this Regulation;

Amendment

- (3) national energy efficiency obligation scheme and alternative measures pursuant to Article 7a and 7b of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] in accordance with Annex II to this Regulation, **including the energy savings achieved through national energy efficiency obligations and/or alternative measures adopted in application Articles 7a and 7b and Article 20(6) of Article 7 of Directive 2012/27/EU [as amended by proposal COM(2016)0761] and the impact on consumer bills and including requirements with a social aim;**

Amendment 139

Proposal for a regulation

Article 19 — paragraph 1 — point b — point 4

Text proposed by the Commission

- (4) long-term strategy for the renovation of the national stock of both public and private residential and **commercial** buildings, including policies and measures to stimulate cost-effective deep and staged deep renovation;

Amendment

- (4) long-term strategy for the renovation of the national stock of both public and private residential and **non-residential** buildings, including policies and measures **to guide investment** to stimulate cost-effective deep and staged deep renovation **taking in particular into account an evidence-based estimate of expected energy savings and wider benefits in accordance with Article 2a of Directive (EU) .../... [EPBD, 2016/0381(COD)];**

Amendment 140

Proposal for a regulation

Article 19 — paragraph 1 — point b — point 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **policies and measures to develop the economic potential of high efficient cogeneration and efficient heating and cooling systems pursuant to Article 14 (2) of Directive (EU) .../... [Directive 2012/27/EU as amended by proposal COM(2016)0761];**

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Amendment 141

Proposal for a regulation

Article 19 — paragraph 1 — point b — point 5 b (new)

Text proposed by the Commission

Amendment

(5b) *If applicable, progress on other implemented, adopted and planned policies, measures and actions resulting from the long-term renovation strategies pursuant to Article 2a of Directive (EU) .../... [EPBD, 2016/0381(COD)], including those targeting the worst performing segments of the national building stock and on access to information and financing.*

Amendment 142

Proposal for a regulation

Article 20 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) national objectives for **the diversification of** energy sources and supply countries, storage, demand response;

(a) national objectives for **improved energy efficiency and renewable** energy sources and **a diversification of supply, supply routes and** countries, storage, demand response;

Amendment 143

Proposal for a regulation

Article 20 — paragraph 1 — point b

Text proposed by the Commission

Amendment

(b) national objectives with regard to reducing energy import dependency from third countries;

(b) national objectives **and measures** with regard to reducing energy import dependency from third countries **and which do not create obstacles to the successful implementation of the Energy Union;**

Amendment 144

Proposal for a regulation

Article 20 — paragraph 1 — point c a (new)

Text proposed by the Commission

Amendment

(ca) **national objectives with regard to increasing the flexibility of the national energy system, in particular by means of deploying energy efficiency measures, domestic renewable energy sources, demand response and storage;**

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Amendment 145

Proposal for a regulation

Article 21 — paragraph 1 — point a

Text proposed by the Commission

- (a) the level of electricity interconnectivity that the Member State aims for in 2030 in relation to the 15 % target on electricity interconnection;

Amendment

- (a) the level of electricity interconnectivity that the Member State aims for in 2030 in relation to the **indicative at least** 15 % target on electricity interconnection;

Amendment 146

Proposal for a regulation

Article 21 — paragraph 1 — point b

Text proposed by the Commission

- (b) key national objectives for electricity and gas transmission infrastructure that are necessary for the achievement of objectives and targets under any of the five key dimensions of the Energy Union;

Amendment

- (b) key national objectives for electricity and gas transmission **and distribution** infrastructure **and its modernisation** that are necessary for the achievement of objectives and targets under any of the five key dimensions of the Energy Union;

Amendment 147

Proposal for a regulation

Article 21 — paragraph 1 — point d

Text proposed by the Commission

- (d) national objectives related to **other aspects of the internal energy market such as market integration and coupling, if applicable;**

Amendment

- (d) national objectives **and measures** related to **the system flexibility, in particular through the removal of obstacles to free price formation, market integration and coupling, smart grids, aggregation, demand response, storage, distributed generation, mechanisms for dispatching, re-dispatching and curtailment, real-time price signals;**

Amendment 148

Proposal for a regulation

Article 21 — paragraph 1 — point e

Text proposed by the Commission

- (e) **national objectives with regards to energy poverty, including the number of households in energy poverty**

Amendment

deleted

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Amendment 149**Proposal for a regulation****Article 21 — paragraph 1 — point e a (new)***Text proposed by the Commission**Amendment*

-
- (ea) *national objectives and measures related to the non-discriminatory participation of renewable energy, demand response and storage, including via aggregation, in all energy markets;*

Amendment 150**Proposal for a regulation****Article 21 — paragraph 1 — point e b (new)***Text proposed by the Commission**Amendment*

-
- (eb) *national objectives and measures with regard to ensuring that consumers participate in the energy system and benefits from self-generation and new technologies, including smart meters;*

Amendment 151**Proposal for a regulation****Article 21 — paragraph 1 — point f***Text proposed by the Commission**Amendment*

-
- (f) national objectives with regard to ensuring electricity system adequacy, **if applicable**;

-
- (f) national objectives with regard to ensuring electricity system adequacy, **ensuring that no capacity mechanisms are implemented, or where implemented for the purpose of security of supply are limited to the extent possible**;

Amendment 152**Proposal for a regulation****Article 21 — paragraph 1 — point f a (new)***Text proposed by the Commission**Amendment*

-
- (fa) *national measures to establish or review bidding zones so as to address structural congestion, maximise economic efficiency and cross-border trading and ensure security of supply;*

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Amendment 153

Proposal for a regulation

Article 21 — paragraph 1 — point g

Text proposed by the Commission

(g) implemented, adopted and planned policies and measures to achieve the objectives referred to in points (a) to **(f)**;

Amendment

(g) implemented, adopted and planned policies and measures to achieve the objectives referred to in points (a) to **(fa)**;

Amendment 154

Proposal for a regulation

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Integrated Reporting on Energy Poverty

Where applicable, a Member State shall include in the integrated national energy and climate progress report quantitative information on the number of households in energy poverty as well as information on policies and measures addressing energy poverty pursuant to Article 3 (3)(v).

Where the second subparagraph of Article 3(3)(v) applies, the Member State concerned shall include in the integrated national energy and climate progress report information on the implementation of their national indicative objective to reduce the number of households in energy poverty.

The Commission shall share data communicated by Member States pursuant to this Article with the European Energy Poverty Observatory.

Amendment 155

Proposal for a regulation

Article 22 — paragraph 1 — point b

Text proposed by the Commission

(b) national objectives for total (public and private) spending in research and innovation relating to clean energy technologies as well as for technology cost and performance development;

Amendment

(b) national objectives for total public and, ***where available***, private spending in research and innovation relating to clean energy technologies as well as for technology cost and performance development;

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Amendment 156**Proposal for a regulation****Article 22 — paragraph 1 — point d***Text proposed by the Commission**(d) national objectives to phase out energy subsidies;**Amendment**(d) national objectives to phase out energy subsidies, in particular for fossil fuels;***Amendment 157****Proposal for a regulation****Article 22 — paragraph 1 point g***Text proposed by the Commission**(g) financing measures, including Union support and the use of Union funds, in this area at national level, if applicable.**Amendment**(g) financing measures, including Union support and the use of Union funds, in this area at national level, if applicable. **The use made of any financial contribution by the Commission to funding instruments in which Member States jointly commit national resources shall be published.*****Amendment 158****Proposal for a regulation****Article 23 — paragraph 1 — point a***Text proposed by the Commission**(a) approximated greenhouse gas inventories for the year X-1;**Amendment**deleted***Amendment 159****Proposal for a regulation****Article 23 — paragraph 1 — point c a (new)***Text proposed by the Commission**Amendment**(ca) approximated gross final consumption of energy from renewable sources and their approximated gross, primary and final energy consumption for the year X-1.*

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Amendment 160

Proposal for a regulation

Article 23 — paragraph 1 — subparagraph 2

Text proposed by the Commission

For *the* purposes *of point (a)* the Commission shall, on the basis of the Member States' approximated greenhouse gas inventories or, if a Member State has not communicated its approximated inventories by that date, on the basis of its own estimates, annually compile a Union approximated greenhouse gas inventory. The Commission shall make that information available to the public by 30 September every year.

Amendment

For *those* purposes the Commission shall, on the basis of the Member States' approximated greenhouse gas inventories or, if a Member State has not communicated its approximated inventories by that date, on the basis of its own estimates, annually compile a Union approximated greenhouse gas inventory. The Commission shall make that information available to the public by 30 September every year.

Amendment 161

Proposal for a regulation

Article 23 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By 31 July 2021, and annually thereafter (year X), Member States shall report to the Commission its approximated greenhouse gas inventories for the year X-1;

Amendment 162

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

Article 24

Article 24

E-reporting platform

1. The Commission shall establish **an** online **reporting** platform to facilitate communication between the Commission and Member States **and** promote cooperation among Member States.

2. Member States shall use the online platform for the purposes of submitting to the Commission the reports referred to in this Chapter once the platform becomes operational.

E-platform

1. **As a means of ensuring cost-efficiency**, the Commission shall establish **a public online** platform to facilitate communication between the Commission and Member States, promote cooperation among Member States **and facilitate public access to information**.

2. Member States shall use the online platform for the purposes of submitting to the Commission the reports referred to in this Chapter once the platform becomes operational. **Member States shall make available these reports to the public.**

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Text proposed by the Commission

Amendment

2a. The Commission shall use the e-platform to facilitate public online access to the draft and final integrated national energy and climate plans and national long-term climate and energy referred to in Articles 3, 9 and 14.

Amendment 163

Proposal for a regulation

Article 25 — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

1. By 31 October 2021 and every second year thereafter, the Commission shall assess, in particular on the basis of the integrated national energy and climate progress reports, of other information reported under this Regulation, of the indicators and of European statistics where available:

1. By 31 October 2021 and every second year thereafter the Commission shall assess, in particular on the basis of the integrated national energy and climate progress reports, of other information reported under this Regulation, **of data from the European Environment Agency and** of the indicators and of European statistics where available:

Amendment 164

Proposal for a regulation

Article 25 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) the progress made at Union level towards meeting the objectives of the Energy Union, including for the first ten-year period the Union's 2030 targets for energy and climate, notably in view of avoiding any gaps to the Union's 2030 targets for renewable energy and energy efficiency;

(a) the progress made at Union level towards meeting the objectives of the Energy Union, including for the first ten-year period the Union's 2030 targets for energy and climate, notably in view of avoiding any gaps to the Union's 2030 targets for renewable energy and energy efficiency **and in view of the revised Union climate and energy action as appropriate, as outlined in Article 38;**

Amendment 165

Proposal for a regulation

Article 25 — paragraph 1 — point a (new)

Text proposed by the Commission

Amendment

(aa) the progress made at Union level towards diversifying its energy sources and suppliers, contributing to a fully functioning and resilient Energy Union based on security of supply, solidarity and trust;

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Amendment 166

Proposal for a regulation

Article 25 — paragraph 1 — point b

Text proposed by the Commission

(b) the progress made by each Member State towards meeting its targets, **objectives and contributions** and implementing the policies and measures set out in its integrated national energy and climate plan;

Amendment

(b) the progress made by each Member State towards meeting its targets **and objectives** and implementing the policies and measures set out in its integrated national energy and climate plan;

Amendment 167

Proposal for a regulation

Article 25 — paragraph 1 — point c a (new)

Text proposed by the Commission

Amendment

(ca) *the overall impact of the policies and measures of integrated national plans on the operation of the Union climate and energy policy measures, with a view to revising the Union nationally determined contribution and increasing ambition in line with Paris Agreement commitments;*

Amendment 168

Proposal for a regulation

Article 25 — paragraph 1 — point c b (new)

Text proposed by the Commission

Amendment

(cb) *the overall impact of the policies and measures of integrated national plans on the operation of the EU ETS;*

Amendment 169

Proposal for a regulation

Article 25 — paragraph 1 — point c c (new)

Text proposed by the Commission

Amendment

(cc) *the accuracy of Member State estimates of the effect of national level overlapping policies and measures on the supply-demand balance of the EU ETS, or, in absence of such estimates, conduct its own assessment of the same impact;*

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Amendment 170**Proposal for a regulation****Article 25 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. The Commission shall announce in advance the indicators that it intends to use to make such assessments.

Amendment 171**Proposal for a regulation****Article 25 — paragraph 2***Text proposed by the Commission**Amendment*

2. In the area of renewable energy, as part of its assessment referred to in paragraph 1, the Commission shall assess the progress made in the share of energy from renewable sources in the Union's gross final consumption on the basis of a linear trajectory starting from 20 % in 2020 and reaching at least **27 %** in 2030 as referred to in Article 4(a)(2)(i).

2. In the area of renewable energy, as part of its assessment referred to in paragraph 1, the Commission shall assess the progress made in the share of energy from renewable sources in the Union's gross final consumption on the basis of a **binding** linear trajectory starting from 20 % in 2020 and reaching at least **35 %** in 2030 as referred to in Article 4(a)(2)(ic).

Amendment 172**Proposal for a regulation****Article 25 — paragraph 3 — subparagraph 1***Text proposed by the Commission**Amendment*

In the area of energy efficiency, as part of its assessment referred to in paragraph 1, the Commission shall assess progress towards collectively achieving a maximum energy consumption at Union level of **1 321** Mtoe of primary energy consumption and **987** Mtoe of final energy consumption in 2030 as referred to in Article **6(1)(a)**.

In the area of energy efficiency, as part of its assessment referred to in paragraph 1, the Commission shall assess progress towards collectively achieving a maximum energy consumption at Union level of **1 132** Mtoe of primary energy consumption and **849** Mtoe of final energy consumption in 2030 as referred to in Article **6(1)(a)**.

Amendment 173**Proposal for a regulation****Article 25 — paragraph 3 — subparagraph 2 — point a***Text proposed by the Commission**Amendment*

(a) **consider** whether the Union's **milestone** of no more than 1 483 Mtoe of primary energy and no more than 1 086 Mtoe of final energy in 2020 is achieved;

(a) **assess whether individual Member States are on track to meet their national binding target and** whether the Union's **target** of no more than 1 483 Mtoe of primary energy and no more than 1 086 Mtoe of final energy in 2020 is achieved;

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Amendment 174
Proposal for a regulation
Article 25 — paragraph 5

Text proposed by the Commission

5. By 31 October 2019 and every four years thereafter, the Commission shall assess the implementation of Directive 2009/31/EC.

Amendment

deleted

Amendments 175 and 307
Proposal for a regulation
Article 26

Text proposed by the Commission

Article 26

Follow-up in case of inconsistencies with overarching Energy Union objectives and targets under the Effort Sharing Regulation

1. Based on the assessment pursuant to Article 25, the Commission shall issue recommendations to a Member State pursuant to Article 28 if policy developments in that Member State show inconsistencies with the overarching objectives of the Energy Union.

2. The Commission may issue opinions on the action plans submitted by Member States according to Article 8(1) of Regulation [] [ESR].

Amendment

Article 26

Follow-up in case of inconsistencies with overarching Energy Union objectives and targets under the Effort Sharing Regulation

1. Based on the assessment pursuant to Article 25, the Commission shall issue recommendations to a Member State pursuant to Article 28 if policy developments in that Member State show inconsistencies with the overarching objectives of the Energy Union **and with the Union's long-term greenhouse gas reductions targets.**

1a. A Member State that intends to use the flexibility pursuant to Article 7 of Regulation (EU) .../... [Effort Sharing] shall include in the plan pursuant to Article 3 of this Regulation the level of intended use and the planned policies and measures to exceed the requirements under Article 4 of Regulation (EU) .../... [LULUCF] for the period from 2021 to 2030 to the level necessary.

2. The Commission may issue opinions on the action plans submitted by Member States according to Article 7 **and Article 8** (1) of Regulation [] [ESR].

2a. The Commission may temporarily suspend the possibility of a Member State to transfer annual emission allocations to other Member States.

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Text proposed by the Commission

Amendment

2b. *Given the high global warming potential and relatively short atmospheric lifetime of methane, the Commission shall analyse the implications for policies and measures of adopting a 20-year time horizon for methane. The Commission shall consider policy options for rapidly addressing methane emissions and come forward with a Union Methane Strategy, taking into account the circular economy objectives as appropriate, with a priority to energy and waste related methane emissions.*

2c. *The Commission shall report in 2027 for the period from 2021 to 2025, and in 2032 for the period 2026 to 2030, on the Union's total emissions and removals of greenhouse gases for each of the land accounting categories referred to in Article 2 under Regulation (EU) .../... [LULUCF], calculated as the total reported emissions and removals for the period minus the value obtained by multiplying by five the Union's average annual reported emissions and removals in the period 2000 to 2009. On the basis of the findings of the report, the Commission shall, as appropriate, make proposals to ensure the integrity of the Union's overall 2030 greenhouse gas emission reduction target and its contribution to the goals of the Paris Agreement.*

Amendment 309

Proposal for a regulation

Article 27 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

-1. *If, on the basis of the assessment of the draft integrated national energy and climate plans pursuant to Article 9, the Commission concludes that Member States' targets are insufficient for the collective achievement of the Union's 2030 binding overall targets for renewable energy sources and energy efficiency, it may request Member States whose targets it deems to be insufficient to increase their level of ambition in order to ensure the relevant level of collective ambition.*

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Amendment 310

Proposal for a regulation

Article 27 — paragraph - 1 a (new)

Text proposed by the Commission

Amendment

-1a. *In the area of renewable energy, the Commission shall use the circumstances listed in Article 5(1) as the objective criteria for its assessment referred to in Article 12. Member States with a target below that resulting from applying the formula set out in Annex Ia shall increase their target accordingly.*

Amendment 176

Proposal for a regulation

Article 27 — paragraph 1

Text proposed by the Commission

Amendment

1. If, on the basis of its assessment of the integrated national energy and climate plans **and their updates** pursuant to Article 12, the Commission concludes that the targets, objectives **and contributions** of the national plans **or their updates** are insufficient **for the collective achievement of the Energy Union objectives and, in particular, for the first ten-years period, for the Union's 2030 targets for renewable energy and energy efficiency**, it shall take measures at Union level in order to ensure the **collective** achievement of those objectives and targets. With regard to renewable energy, **such measures shall take into consideration the level of ambition of contributions to the Union's 2030 target by Member States set out in the national plans and their updates.**

1. If, on the basis of its assessment of the integrated national energy and climate plans pursuant to Article 12, the Commission concludes that the targets **and** objectives of the national plans are insufficient, it shall take measures at Union level in order to ensure the achievement of those objectives and targets.

With regard to renewable energy, **without prejudice to other measures, Member States' national 2030 target shall be revised pursuant to Article 3(2) and Annex Ia to Directive (EU) .../... [RED recast] by 31 December 2020.**

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Amendment 177

Proposal for a regulation

Article 27 — paragraph 2

Text proposed by the Commission

2. If, on the basis of its assessment pursuant to Article 25(1) (b), the Commission concludes that insufficient progress is made by a Member State towards meeting **the** targets, objectives and **contributions** or implementing the policies and measures set out in its integrated national climate and energy plan, it shall issue recommendations to the Member State concerned pursuant to Article 28. **In issuing such recommendations, the Commission shall take into consideration ambitious early efforts by Member States to contribute to the Union's 2030 target for renewable energy.**

Amendment

2. If on the basis of its assessment pursuant to Article 25(1) (b), the Commission concludes that insufficient progress is made by a Member State towards meeting **their trajectories**, targets **and** objectives or implementing the policies and measures set out in its integrated national climate and energy plan, it shall issue recommendations to the Member State concerned pursuant to Article 28.

Amendment 178

Proposal for a regulation

Article 27 — paragraph 3

Text proposed by the Commission

3. If, on the basis of its **aggregate** assessment of Member States' integrated national energy and climate progress reports **pursuant to Article 25(1)(a), and** supported by other information sources, as appropriate, the Commission concludes that the Union is at risk of not meeting the objectives of the Energy Union and, in particular, for the first ten-years period, the targets of the Union's 2030 Framework for Climate and Energy, it **may** issue recommendations to all Member States pursuant to Article 28 to mitigate such risk. The Commission shall, as appropriate, take measures at Union level in addition to the recommendations in order to ensure, in particular, the achievement of the Union's 2030 targets for renewable energy and energy efficiency. **With regard to renewable energy**, such measures shall take into consideration ambitious early efforts by Member States to contribute to the Union's 2030 target.

Amendment

3. If, on the basis of its assessment of Member States' integrated national energy and climate progress reports **or** supported by other information sources, as appropriate, **pursuant to Article 25** the Commission concludes that the Union is at risk of not meeting the objectives of the Energy Union and, in particular, for the first ten-years period, the targets of the Union's 2030 Framework for Climate and Energy, it **shall** issue recommendations to all Member States pursuant to Article 28 to mitigate such risk. **In issuing such recommendations, the Commission shall take into consideration the Member State's level of ambition to the Union's 2030 targets.** The Commission shall, as appropriate, take measures at Union level in addition to the recommendations in order to ensure in particular the achievement of the Union's 2030 targets for renewable energy and energy efficiency. Such measures shall take into consideration ambitious early efforts, **in particular those from 2021 onwards** by Member States to contribute to the Union's 2030 **targets, the level of compliance by Member States with their national targets and trajectories as well as any contribution to the financial platform pursuant to paragraph 4(c).**

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Amendment 179

Proposal for a regulation

Article 27 — paragraph 3 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In the area of energy efficiency, such additional measures may in particular improve the energy efficiency of:

- (a) products, pursuant to Directives 2009/125/EC and 2010/30/EU;*
- (b) buildings, pursuant to Directives 2010/31/EU and 2012/27/EU; and*
- (c) transport.*

Amendment 180

Proposal for a regulation

Article 27 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If, on the basis of its assessment pursuant to Article 25 (1)(a), the Commission concludes that an infrastructure project is potentially obstructing the development of a resilient Energy Union, the Commission shall issue a preliminary assessment of the project's compatibility with the long-term objectives of the internal energy market, in particular taking into account the long-term objective, and include recommendations to the Member State concerned pursuant to Article 28. Prior to issuing such an assessment, the Commission may consult other Member States.

Amendment 293

Proposal for a regulation

Article 27 — paragraph 4 — introductory part

Text proposed by the Commission

Amendment

If, in the area of renewable energy, without prejudice to the measures at Union level set out in paragraph 3, the Commission concludes, based on its assessment pursuant to Article 25(1) and (2) **in the year 2023, that the linear Union trajectory referred to in Article 25(2)** is not **collectively met**, Member States shall ensure **by the year 2024** that any emerging gap is covered by additional measures, such as:

If, in the area of renewable energy, without prejudice to the measures at Union level set out in paragraph 3, the Commission concludes, based on its assessment pursuant to Article 25(1) and (2), **that a Member State is not making sufficient progress to comply with its 2030 national target, in particular by not complying with its reference points in 2022, 2025 and 2027 as set out in Annex Ia, the Member States concerned** shall ensure that any emerging gap **with its trajectory** is covered **within one year** by additional measures, such as:

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Amendment 182**Proposal for a regulation****Article 27 — paragraph 4 — point b a (new)***Text proposed by the Commission**Amendment*

(ba) *action to promote a higher share of electricity generated by renewable energy based on the criteria in Article 4 of Directive (EU) .../... [recast of Directive 2009/28/EC];*

Amendment 183**Proposal for a regulation****Article 27 — paragraph 4 — point c***Text proposed by the Commission**Amendment*

(c) making a financial contribution to a financing platform set up at Union level, contributing to renewable energy projects and managed directly or indirectly by the Commission;

(c) making a **voluntary** financial contribution to a financing platform set up at Union level contributing to renewable energy projects, **in particular those having an Energy Union interest**, and managed directly or indirectly by the Commission;

Amendment 184**Proposal for a regulation****Article 27 — paragraph 4 — point c a (new)***Text proposed by the Commission**Amendment*

(ca) *using cooperation mechanisms set out in Directive (EU) .../... [recast of the RED];*

Amendment 185**Proposal for a regulation****Article 27 — paragraph 4 — subparagraph 2***Text proposed by the Commission**Amendment*

Such measures shall take into account the level of **ambition of early contributions to the Union's 2030 target** for renewable energy **by the Member State concerned**.

Such measures shall take into account the **Member State's level of compliance with its national target and trajectory** for renewable energy.

The Commission shall, as appropriate, take measures at Union level in addition to measures at national level in order to ensure the achievement of the Union's binding linear trajectory and the Union's 2030 binding target for renewable energy.

Wednesday 17 January 2018

Amendment 186
Proposal for a regulation
Article 27 — paragraph 5

Text proposed by the Commission

5. If, in the area of energy efficiency, without prejudice to other measures at Union level pursuant to paragraph 3, the Commission concludes, based on its assessment pursuant to Article 25(1) and (3), in the year 2023 **that progress towards collectively achieving the Union's energy efficiency target mentioned in the first subparagraph of Article 25(3) is insufficient, it shall take measures by the year 2024 in addition to those set out in Directive 2010/31/EU [version as amended in accordance with proposal COM(2016)0765] and Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] to ensure that the Union's binding 2030 energy efficiency targets are met. Such additional measures may in particular improve the energy efficiency of:**

- (a) **products, pursuant to Directive 2010/30/EU and Directive 2009/125/EC;**
- (b) **buildings, pursuant to Directive 2010/31/EU [version as amended in accordance with COM(2016)0765] and Directive 2012/27/EU [version as amended in accordance with COM(2016)0761];**
- (c) **transport.**

Amendment

5. If, in the area of energy efficiency, without prejudice to other measures at Union level pursuant to paragraph 3, the Commission concludes, based on its assessment pursuant to Article 25(1) and (3), in the year 2023 **and every two years thereafter that a Member State is not making sufficient progress to comply with its 2030 national binding target and trajectory, the Member State concerned shall ensure by the year 2024 and every two years thereafter, respectively, that any emerging gap to its trajectory is covered by additional measures within one year.**

Amendment 187

Proposal for a regulation
Article 27 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Each Member State concerned referred to in paragraph 4 or 5 shall detail the additional implemented, adopted and planned measures to cover the gap to comply with its 2030 national targets and trajectories as part of its following progress report referred to in Article 15.

Wednesday 17 January 2018

Amendment 188**Proposal for a regulation****Article 28 — paragraph 2 — point b***Text proposed by the Commission*

(b) the Member State shall set out, in its integrated national energy and climate progress report made in the year following the year the recommendation was issued, how it has taken utmost account of the recommendation and how it has implemented or intends to implement it. It shall provide **justifications** where it deviates from it;

Amendment

(b) the Member State shall set out, in its integrated national energy and climate progress report made in the year following the year the recommendation was issued, how it has taken account of the recommendation and how it has implemented or intends to implement it. It shall provide **reasons** where it deviates from it.

Amendment 189**Proposal for a regulation****Article 28 — paragraph 2 — point c***Text proposed by the Commission*

(c) the recommendations should be complementary to the latest country-specific recommendations issued in the context of the European Semester.

Amendment

(c) the recommendations should be complementary to the latest country-specific recommendations issued **pursuant to Article 9(2) and** in the context of the European Semester.

Amendment 190**Proposal for a regulation****Article 28 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. The Commission shall make the recommendations to all the Member States public forthwith.

Amendment 191**Proposal for a regulation****Article 29 — paragraph 2 — point j a (new)***Text proposed by the Commission**Amendment*

(ja) an overall assessment of the progress towards the full integration of the energy efficiency first principle and fair treatment for energy consumers;

Wednesday 17 January 2018

Amendment 192

Proposal for a regulation

Article 29 — paragraph 2 — point j b (new)

Text proposed by the Commission

Amendment

(jb) a progress report on competitiveness;

Amendment 193

Proposal for a regulation

Article 29 — paragraph 2 — point j c (new)

Text proposed by the Commission

Amendment

(jc) Member States' progress towards phasing out direct and indirect fossil fuel subsidies by 2020;

Amendment 194

Proposal for a regulation

Article 29 — paragraph 2 — point k a (new)

Text proposed by the Commission

Amendment

(ka) a financial assessment of the costs supported by the final consumer of electricity based on indicators monitoring actual spending for the five dimensions of the Energy Union.

Amendment 195

Proposal for a regulation

Article 30 — paragraph 1

Text proposed by the Commission

Amendment

1. By 1 January 2021, Member States shall establish, operate and seek to continuously improve national inventory systems to estimate anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Part 2 of Annex III to this Regulation and to ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of their greenhouse gas inventories.

1. By 1 January 2021, Member States shall establish, operate and seek to continuously improve national inventory systems **in accordance with UNFCCC requirements** to estimate anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Part 2 of Annex III to this Regulation and to ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of their greenhouse gas inventories.

Wednesday 17 January 2018

Amendment 196
Proposal for a regulation
Article 31 — paragraph 1

Text proposed by the Commission

1. **In 2027 and 2032**, the Commission shall carry out a comprehensive review of the national inventory data submitted by Member States pursuant to Article 23(3) of this Regulation with a view to monitoring Member States' greenhouse gas emission reductions or limitations pursuant to Articles 4, 9 and 10 of Regulation [] [ESR] and their reduction of emissions and enhancement of removals by sinks pursuant to Articles 4 and 12 of Regulation [] [LULUCF] and any other greenhouse gas emission reduction or limitation targets set out in Union legislation. Member States shall participate fully in that process.

Amendment

1. The Commission shall carry out a comprehensive review of the national inventory data submitted by Member States pursuant to Article 23(3) of this Regulation with a view to monitoring Member States' greenhouse gas emission reductions or limitations pursuant to Articles 4, 9 and 10 of Regulation [] [ESR] and their reduction of emissions and enhancement of removals by sinks pursuant to Articles 4 and 12 of Regulation [] [LULUCF] and any other greenhouse gas emission reduction or limitation targets set out in Union legislation. Member States shall participate fully in that process.

Amendment 197
Proposal for a regulation
Article 31 — paragraph 6

Text proposed by the Commission

6. The data for each Member State as recorded in the registries set up pursuant to Article 11 of Regulation [] [ESR] one month following the compliance check date with Regulation [] [LULUCF] referred to in paragraph 5 of this Article, shall be used for the compliance check pursuant to Article 9 of Regulation [] [ESR] **for the years 2021 and 2026**. The compliance check pursuant to Article 9 of Regulation [] [ESR] for each of the years **2022 to 2025 and 2027 to 2030** shall be performed at a date falling one month following the date of the compliance check for the previous year. This check shall include changes to such data arising as a result of that Member State making use of the flexibilities pursuant to Articles 5, 6 and 7 of Regulation [] [ESR].

Amendment

6. The data for each Member State as recorded in the registries set up pursuant to Article 11 of Regulation [] [ESR] one month following the compliance check date with Regulation [] [LULUCF] referred to in paragraph 5 of this Article, shall be used for the compliance check pursuant to Article 9 of Regulation [] [ESR]. The compliance check pursuant to Article 9 of Regulation [] [ESR] for each of the [years **consistent with the compliance cycle referred to in Article 9 of Regulation (EU) .../... [ESR]**] shall be performed at a date falling one month following the date of the compliance check for the previous year. This check shall include changes to such data arising as a result of that Member State making use of the flexibilities pursuant to Articles 5, 6 and 7 of Regulation [] [ESR].

Amendment 198
Proposal for a regulation
Article 31 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The last compliance check referred to in paragraph 6 of this Article, a check of the requirements pursuant to [Article 9a; Early Action Reserve] [ESR] shall be performed by the Commission, upon request by a Member State to make use of the reserve. That check may be followed by changes to data for each eligible Member State where the requirements pursuant to [Article 9a; Early Action Reserve] [ESR] are fulfilled.

Wednesday 17 January 2018

Amendment 199

Proposal for a regulation

Article 35 — paragraph 1 — introductory part

Text proposed by the Commission

The European Environment Agency shall assist the Commission in its work as regards the decarbonisation and energy efficiency dimensions to comply with Articles 14, 15, 16, 17, 18, 19, 23, 24, 25, 29, 30, 31, 32 and 34 in accordance with its annual work programme. That shall include assistance, as required, with:

Amendment

The European Environment Agency shall assist the Commission in its work as regards the decarbonisation and energy efficiency dimensions to comply with Articles **13a**, 14, 15, 16, 17, 18, 19, 23, 24, 25, 29, 30, 31, 32 and 34 in accordance with its annual work programme. That shall include assistance, as required, with:

Amendment 200

Proposal for a regulation

Article 35 — paragraph 1 — point j a (new)

Text proposed by the Commission

Amendment

(ja) compiling the Union approximated share of renewable energy sources in the final energy consumption and approximated primary and final energy consumption.

Amendment 201

Proposal for a regulation

Article 37 — title

Text proposed by the Commission

Amendment

Energy **Union** Committee

Energy **and Climate** Committee

Amendment 202

Proposal for a regulation

Article 37 — paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by an Energy **Union** Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 **and work in the respective sectorial formations relevant for this Regulation.**

1. **In the implementation of this Regulation**, the Commission shall be assisted by an Energy **and Climate** Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

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Amendment 203**Proposal for a regulation****Article 37 — paragraph 2***Text proposed by the Commission*

2. *This Committee replaces the committee established by Article 8 of Decision 93/389/EEC, Article 9 of Decision 280/2004/EC and Article 26 of Regulation (EU) No 525/2013. References to the committee set up pursuant to those legal acts shall be construed as references to the committee established by this Regulation.*

Amendment

2. *Notwithstanding paragraph 1 of this Article, as regards the implementation of Articles 15, 17, 23, 31 and 32 of this Regulation, the Commission shall be assisted by the Climate Change Committee established by Article 26 of Regulation (EU) No 525/2013.*

Amendment 204**Proposal for a regulation****Article 38 — paragraph 1***Text proposed by the Commission*

The Commission shall report to the European Parliament and to the Council by 28 February 2026 and every five years thereafter on the operation of this Regulation, its contribution to the Governance of the Energy Union and the conformity of the planning, reporting and monitoring provisions of this Regulation with other Union legislation or future decisions relating to the UNFCCC and the Paris Agreement. The Commission may make proposals if appropriate.

Amendment

Within six months of the facilitative dialogue to be convened under the UNFCCC in 2018 to take stock of the collective efforts of Parties in relation to progress towards the global long-term goal, and within six months of the global stocktake in 2023 and subsequent global stocktakes thereafter, the Commission shall report to the European Parliament and to the Council on the operation and implementation of this Regulation, its contribution to the Governance of the Energy Union and the conformity of the planning, reporting and monitoring provisions of this Regulation with other Union legislation or future decisions relating to the UNFCCC and the adequacy of its contribution to the goals of Paris Agreement. The reports shall be accompanied by proposals to enhance the Union's climate and energy action as appropriate.

Amendment 205**Proposal for a regulation****Article 38 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

Within six months after the Union submits a new or revised Nationally Determined Contribution (NDC) under the Paris Agreement, the Commission shall, as appropriate, submit the necessary legislative proposals to amend the relevant Union legal acts.

Wednesday 17 January 2018

Amendment 206

Proposal for a regulation

Article 40 — paragraph 1 — point 2

Directive 98/70/EC

Article 7a — paragraph 1 — subparagraph 3 — point a

Text proposed by the Commission

Amendment

- | | |
|---|----------------|
| (2) <i>in the third subparagraph of Article 7a(1), point (a) is replaced by the following:</i>
<i>'the total volume of each type of fuel or energy supplied; and';</i> | <i>deleted</i> |
|---|----------------|

Amendment 207

Proposal for a regulation

Article 47 — paragraph 1 — point 2

Directive 2012/27/EU

Article 18 — paragraph 1 — point e

Text proposed by the Commission

Amendment

- | | |
|--|----------------|
| (2) <i>in Article 18(1), point (e) is deleted;</i> | <i>deleted</i> |
|--|----------------|

Amendment 208

Proposal for a regulation

Article 49 — paragraph 1 — point 1

Directive (EU) 2015/652

Annex I — part 2 — points 2, 3, 4 and 7

Text proposed by the Commission

Amendment

- | | |
|--|---|
| (1) in Annex I, Part 2, points 2, 3, 4 and 7 are deleted. | (1) in Annex I, Part 2, points 4 and 7 are deleted. |
|--|---|

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Amendment 209**Proposal for a regulation****Article 49 — paragraph 1 — point 2 — point a**

Directive (EU) 2015/652

Annex III — point 1

*Text proposed by the Commission**Amendment*

‘1. Member States are to report the data listed in point 3. These data must be reported for all fuel and energy placed on the market in each Member State. Where multiple biofuels are blended with fossil fuels, the data for each biofuel must be provided.’

‘1. Member States are to report **annually** the data listed in point 3. These data must be reported for all fuel and energy placed on the market in each Member State. Where multiple biofuels are blended with fossil fuels, the data for each biofuel must be provided.’

Amendment 210**Proposal for a regulation****Article 49 — paragraph 1 — point 2 — point b**

Directive (EU) 2015/652

Annex III — point 3

*Text proposed by the Commission**Amendment*

(b) in point 3, points (e) and (f) are deleted;

deleted

Amendment 211**Proposal for a regulation****Article 49 a (new)***Text proposed by the Commission**Amendment***Article 49a****EEA**

1. By ... [six months after the date of entry into force of this Regulation], the Commission shall submit a draft Joint Committee decision to the EEA Joint Committee pertaining to this Regulation with a view to allow EEA EFTA countries to fully implement the provisions of this Regulation, thereby contributing to the goals of the Energy Union.

2. Once incorporated in the EEA EFTA following a Joint Committee decision, obligations of Member States vis-à-vis other Member States under this Regulation shall extend also to those EEA EFTA countries which have implemented the Regulation on their territory.

Wednesday 17 January 2018

Amendment 212
Proposal for a regulation
Article 50 a (new)

Text proposed by the Commission

Amendment

Article 50a

Energy Community

By ... [six months after the date of entry into force of this Regulation], the Commission shall propose its incorporation in the Energy Community under Article 79 of the Treaty establishing the Energy Community. Once incorporated by a decision of the Ministerial Council of the Energy Community and subject to any modifications under Article 24 of the Treaty establishing the Energy Community, obligations of Member States vis-à-vis other Member States under this Regulation shall extend also to those Contracting Parties of the Energy Community which have implemented the Regulation on their territory.

Amendment 213
Proposal for a regulation
Article 51

Text proposed by the Commission

Amendment

Article 51

Article 51

Transitional provisions

Transitional provisions

By way of derogation from Article 50 of this Regulation, Articles 7 and 17(1)(a) and (d) of Regulation (EU) No 525/2013 shall continue to apply to the reports containing the data required under those Articles for the years 2018, 2019 and 2020.

By way of derogation from Article 50 of this Regulation, Articles 7 and 17(1)(a) and (d) of Regulation (EU) No 525/2013 shall continue to apply to the reports containing the data required under those Articles for the years 2018, 2019 and 2020.

Article 11(3) of Regulation (EU) No 525/2013 shall continue to apply as regards the second commitment period of the Kyoto Protocol.

Article 19 of Regulation (EU) No 525/2013 shall continue to apply to the reviews of the GHG inventory data for the years 2018, 2019 and 2020.

Article 19 of Regulation (EU) No 525/2013 shall continue to apply to the reviews of the GHG inventory data for the years 2018, 2019 and 2020.

Article 22 of Regulation (EU) No 525/2013 shall continue to apply to the submission of the report required under that Article.

Article 22 of Regulation (EU) No 525/2013 shall continue to apply to the submission of the report required under that Article.

Wednesday 17 January 2018

Text proposed by the Commission

Amendment

Article 26(1) of Regulation (EU) No 525/2013 shall continue to apply for the purpose of the implementation of Articles 15, 17, 23, 31 and 32 of this Regulation as well as where referred to in other Union legal acts.

Amendment 214

Proposal for a regulation

Annex I — part 1 — section A — paragraph 1 — point 1.3 — point iii

Text proposed by the Commission

Amendment

iii. Consultations with stakeholders, including social partners, and engagement of civil society

iii. Consultations with stakeholders, including **the** social partners, and engagement of civil society **and the general public**

Amendment 215

Proposal for a regulation

Annex I — part 1 — section A — paragraph 1 — point 1.4 — title

Text proposed by the Commission

Amendment

1.4. Regional cooperation in preparing the plan

1.4. **Macro-regional and** regional cooperation in preparing the plan

Amendment 216

Proposal for a regulation

Annex I — part 1 — section A — paragraph 1 — point 1.4 — point ii

Text proposed by the Commission

Amendment

ii. Explanation of how regional cooperation is considered in the plan

ii. Explanation of how **macro-regional and** regional cooperation is considered in the plan

Wednesday 17 January 2018

Amendment 217

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.1 — title

Text proposed by the Commission

2.1.1. GHG emissions and removals **(for the plan covering the period from 2021 to 2030, the 2030 Framework target of at least 40 % domestic reduction in economy-wide greenhouse gas emissions as compared to 1990)** ⁽¹⁾

⁽¹⁾ Consistency to be ensured with long-term low emission strategies pursuant to Article 14.

Amendment

2.1.1. GHG emissions and removals ⁽¹⁾

⁽¹⁾ Consistency to be ensured with long-term low emission strategies pursuant to Article 14.

Amendment 218

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.1 — point i a (new)

Text proposed by the Commission

Amendment

ia. The Member State's national trajectories from 2021 onwards for maintaining and enhancing the carbon removals from sinks consistent with the Paris Agreement

Amendment 219

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.1 — point ii

Text proposed by the Commission

ii. **If applicable**, other national objectives and targets consistent with existing long-term low emission strategies. If applicable, other objectives and targets, including sector targets and adaptation goals

Amendment

ii. Other national objectives and targets consistent with **the Paris Agreement and the** long-term **climate and energy** strategies. If applicable, other objectives and targets, including sector targets and adaptation goals

Amendment 220

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.2 — point i

Text proposed by the Commission

i. The Member State's **planned share of** energy from renewable sources in gross final consumption of energy in 2030 **as its national contribution to achieve the binding EU-level target of at least 27 % in 2030**

Amendment

i. The Member State's **national target for** energy from renewable sources in gross final consumption of energy in 2030

Wednesday 17 January 2018

Amendment 221**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.2 — point iii***Text proposed by the Commission*

iii. Trajectories for the sectorial share of renewable energy in final energy consumption from 2021 to 2030 in the electricity, heating and cooling, and transport sectors

Amendment

iii. **The Member State's** trajectories for the sectorial share of renewable energy in final energy consumption from 2021 to 2030 in the electricity, heating and cooling, and transport (**disaggregated between road, rail and air**) sector

Amendment 222**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.2 — point iv***Text proposed by the Commission*

iv. Trajectories by renewable energy technology that the Member State projects to use to achieve the overall and sectorial trajectories for renewable energy from 2021 to 2030 including expected total gross final energy consumption per technology and sector in Mtoe and total planned installed capacity (divided by new capacity and repowering) per technology and sector in MW

Amendment

iv. Trajectories by renewable energy technology that the Member State projects to use to achieve the overall and sectorial trajectories for renewable energy from 2021 to 2030 including expected total gross final energy consumption per technology and sector in Mtoe and total **net** planned installed capacity (divided by new capacity and repowering) per technology and sector in MW

Amendment 223**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.2 — point v***Text proposed by the Commission*

v. Trajectories on bioenergy demand, disaggregated between heat, electricity and transport, and on biomass supply, by feedstocks and origin (distinguishing between domestic production and imports). For forest biomass, an assessment of its source and impact on the LULUCF sink

Amendment

v. **The Member State's** trajectories on bioenergy demand, disaggregated between heat, electricity and transport, and on biomass supply by feedstocks, domestic production vs imports. For forest biomass, an assessment of its source and impact on the LULUCF sink

Wednesday 17 January 2018

Amendment 224

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.2 — point v a (new)

Text proposed by the Commission

Amendment

va. The Member State's share of as well as trajectories and objectives for energy from renewable sources produced by cities, energy communities and self-consumers in 2030 and renewable energy trajectories from 2021 to 2030 including expected total gross final energy consumption

Amendment 225

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.1 — point 2.1.2 — point vi

Text proposed by the Commission

Amendment

vi. If applicable, other national trajectories and objectives, including long-term or sectorial ones (e.g. share of advanced biofuels, share of renewable energy in district heating, renewable energy use in buildings, **renewable energy produced by cities, energy communities and self-consumers**)

vi. If applicable, other national trajectories and objectives, including long-term or sectorial ones (e.g. share of renewable energy in district heating, renewable energy use in buildings, **energy recovered from the sludge acquired through the treatment of wastewater**)

Amendment 226

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.2 — point i

Text proposed by the Commission

Amendment

i. **The indicative national energy efficiency contribution to achieving the Union's binding energy efficiency target of 30 %** in 2030 as referred to in Article 1(1) and Article 3(4) of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761], **based on either primary or final energy consumption, primary or final energy savings, or energy intensity**; expressed in terms of absolute level of primary energy consumption and final energy consumption in 2020 and 2030, with a linear trajectory for that **contribution** from 2021 onwards; including the underlying methodology and the conversion factors used

i. **The Member State's binding target for energy efficiency** in 2030 as referred to in Article 1(1), Article 3(4) of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761], expressed in terms of absolute level of primary energy consumption and final energy consumption in 2020 and 2030, with a linear trajectory for that **target** from 2021 onwards; including the underlying methodology and the conversion factors used

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Amendment 227**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.2 — point ii***Text proposed by the Commission*

-
- ii. Cumulative amount of energy savings to be achieved over the period 2021-2030 under Article 7 on energy saving obligations of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761],

Amendment

-
- ii. Cumulative amount of **additional** energy savings to be achieved over the period 2021-2030 **and following periods** under Article 7 on energy saving obligations of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761],

Amendment 228**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.2 — point iii***Text proposed by the Commission*

-
- iii. Objectives for the long-term renovation of the national stock of residential and commercial buildings (both public and private)

Amendment

-
- iii. Objectives **for 2030 and 2040** for the long-term renovation of the national stock of residential and **non-residential** buildings (both public and private), **in line with the 2050 goal of a nearly zero energy and decarbonised building stock**

Amendment 229**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.2 — point iv***Text proposed by the Commission*

-
- iv. The total floor area to be renovated or equivalent annual energy savings to be achieved from 2021 to 2030 under Article 5 on the exemplary role of public bodies' buildings of Directive 2012/27/EU,

Amendment

-
- iv. The total floor area to be renovated **and corresponding energy savings** or equivalent annual energy savings to be achieved from 2021 to 2030 under Article 5 on the exemplary role of public bodies' buildings of Directive 2012/27/EU

Amendment 230**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.3 — point i***Text proposed by the Commission*

-
- i. National objectives with regard to increasing the diversification of energy sources and supply from third countries, storage and demand response

Amendment

-
- i. National objectives with regard to increasing the diversification of energy sources and supply from third countries, **the uptake of energy savings measures**, storage and demand response

Wednesday 17 January 2018

Amendment 231

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.3 — point ii

Text proposed by the Commission

ii. National objectives with regard to reducing energy import dependency from third countries

Amendment

ii. National objectives with regard to reducing energy import dependency **from fossil fuels (oil, coal and gas) and, if applicable, other fuels** from third countries

Amendment 232

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.3 — point iv

Text proposed by the Commission

iv. National objectives with regard to deployment of domestic energy sources (notably renewable energy)

Amendment

iv. National objectives with regard to **increasing the flexibility of the national energy system**

Amendment 233

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.4 — point 2.4.1 — point i

Text proposed by the Commission

i. The level of electricity interconnectivity that the Member State aims for in 2030 **in relation to the October 2014 European Council objective**

Amendment

i. The level of electricity interconnectivity that the Member State aims for in 2030 **of at least 15 %, taking into account the 2020 interconnection target of 10 %**

Amendment 234

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.4 — point 2.4.2 — point i

Text proposed by the Commission

i. Key national objectives for electricity and gas transmission infrastructure that are necessary for the achievement of objectives and targets under any of the dimensions of the Energy Union **strategy**

Amendment

i. Key national objectives for electricity and gas transmission **and distribution** infrastructure **and its modernisation** that are necessary for the achievement of objectives and targets under any of the dimensions of the Energy Union **listed in point 2**

Wednesday 17 January 2018

Amendment 235**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.4 — point 2.4.3 — point i***Text proposed by the Commission*

i. National objectives related to other aspects of the internal energy market such as market integration and coupling, including a timeframe for when the objectives shall be met

Amendment

i. National objectives related to other aspects of the internal energy market such as **increasing system flexibility**, market integration and coupling, **smart grids, aggregation, demand response, storage, distributed generation, mechanisms for dispatching, re-dispatching and curtailment, real-time price signals**, including a timeframe for when the objectives should be met;

Amendment 236**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.4 — point 2.4.3 — point i a (new)***Text proposed by the Commission**Amendment*

ia. National objectives related to the non-discriminatory participation of renewable energy, demand response and storage, including via aggregation, in all energy markets including a timeframe for when the objectives should be met;

Amendment 237**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.4 — point 2.4.3 — point i b (new)***Text proposed by the Commission**Amendment*

ib. National objectives with regard to ensuring that consumers participate in the energy system and benefit from self-generation and new technologies, including smart meters;

Amendment 238**Proposal for a regulation****Annex I — part 1 — section A — paragraph 2 — point 2.4 — point 2.4.3 — point iii***Text proposed by the Commission**Amendment*

iii. National objectives to protect energy consumers and improve the competitiveness of the retail energy sector

iii. National objectives to protect energy consumers, **increase transparency, encourage supplier switch** and improve the competitiveness of the retail energy sector

Wednesday 17 January 2018

Amendment 240

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.5 — point i

Text proposed by the Commission

- i. National objectives and funding targets for public **and private** research and innovation relating to the Energy Union including, if appropriate, a timeframe for when the objectives shall be met; reflecting the priorities of the Energy Union Strategy and the SET-Plan

Amendment

- i. National objectives and funding targets for public **support for** research and innovation relating to the Energy Union **and its expected leveraging effect on private research** including, if appropriate, a timeframe for when the objectives shall be met; reflecting the priorities of the Energy Union Strategy and the SET-Plan

Amendment 241

Proposal for a regulation

Annex I — part 1 — section A — paragraph 2 — point 2.5 — point ii

Text proposed by the Commission

- ii. **If appropriate, national objectives including long-term targets (2050) for the deployment of low-carbon technologies, including for decarbonising energy- and carbon-intensive industrial sectors and, if applicable, for related carbon transport and storage infrastructure**

Amendment

- ii. **National 2050 objectives related to the promotion of sustainable technologies**

Amendment 242

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.1

Text proposed by the Commission

- 3.1.1 GHG emissions and removals **(for the plan covering the period from 2021 to 2030, the 2030 Framework target)**

Amendment

- 3.1.1 GHG emissions and removals

- i. Policies and measures to achieve the target set under Regulation [] [ESR] as referred to in 2.1.1 and policies and measures to comply with Regulation [] [LULUCF], covering all key emitting sectors and sectors for the enhancement of removals, with an outlook to the long-term vision and goal to become a **low-carbon economy with a 50 years perspective** and achieving a balance between emissions and removals in accordance with the Paris Agreement

- i. Policies and measures to achieve the target set under Regulation [] [ESR] as referred to in 2.1.1 and policies and measures to comply with Regulation [] [LULUCF], **and the trajectories for maintaining and enhancing the carbon removals from sinks as referred in 2.1.1**, covering all key emitting sectors and sectors for the enhancement of removals, with an outlook to the long-term vision and goal **so as to achieve a net-zero greenhouse gas emissions within the Union by 2050 and go into negative emissions soon thereafter** in accordance with the Paris Agreement

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Text proposed by the Commission

Amendment

ii. Regional cooperation in this area

ii. Regional cooperation in this area

iii. If applicable, without prejudice to the applicability of State aid rules, financing measures, including EU support and the use of EU funds, in this area at national level

iii. Without prejudice to the applicability of state aid rules, financing measures, including EU support and the use of EU funds, in this area at national level, if applicable

Amendment 243

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.2 — point i

Text proposed by the Commission

Amendment

i. Policies and measures to achieve the national **contribution** to the binding EU-level 2030 target for renewable energy and trajectories as presented in 2.1.2 including sector- and technology-specific measures ⁽⁶⁾

i. Policies and measures to achieve the **2030 national target and the 2030** binding EU-level target for renewable energy and trajectories as presented in 2.1.2 including sector- and technology-specific measures ⁽⁶⁾

⁽⁶⁾ When planning these measures, Member States shall take into account the end of life of existing installations and the potential for repowering.

⁽⁶⁾ When planning these measures, Member States shall take into account the end of life of existing installations and the potential for repowering.

Amendment 244

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.2 — point iii

Text proposed by the Commission

Amendment

iii. Specific measures on financial support, including EU support and the use of EU funds, for the promotion of the production and use of energy from renewable sources in electricity, heating and cooling, and transport

iii. Specific **national** measures on financial support **and fiscal measures as well as** including EU support and the use of EU funds, for the promotion of the production and use of energy from renewable sources in electricity, heating and cooling, and transport

Amendment 245

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.2 — point iv

Text proposed by the Commission

Amendment

iv. Specific measures to introduce a one-stop-shop, streamline administrative procedures, provide information and training, and empower renewable self-consumers and energy communities

iv. Specific measures **to remove excessively burdening costs and barriers to renewable deployment and** to introduce a one-stop-shop, streamline administrative procedures, provide information and training. **Expected impact in terms of triggered new renewable energy capacity**

Wednesday 17 January 2018

Amendment 246

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.2 — point iv a (new)

Text proposed by the Commission

Amendment

iva. Specific measures to confer the right to and encourage all consumers to become renewable self-consumers, individually and collectively, producing, storing, self-consuming and selling their renewable energy, and expected impact in terms of triggered new renewable energy capacity

Amendment 247

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.2 — point vi a (new)

Text proposed by the Commission

Amendment

via. Other planned or adopted measures to promote renewable energy, in particular, but not limited to the following:

- (a) measures aimed to ensure that all public administrations (national, regional or local) integrate the consumption of renewable energy in their activities;*
- (b) provisions included in the context of public procurement legislation aimed to guarantee that public administrations (national, regional and local) incorporate green public procurement awarding criteria for the purpose of encouraging the use of renewable energy sources by legal entities that intend to contract with them, regardless of the product or service to be awarded;*
- (c) provisions concerning the use of renewable energies as a requirement for the granting of any public subsidies or support, when appropriate.*

Amendment 248

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.1 — point 3.1.3 — point iv a (new)

Text proposed by the Commission

Amendment

iva. National policies, timelines and measures planned to phase out indirect and indirect fossil fuel subsidies by 2020

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Amendment 249**Proposal for a regulation****Annex I — part 1 — section A — paragraph 3 — point 3.2 — introductory part***Text proposed by the Commission*

Planned policies, measures and programmes to achieve the **indicative** national energy efficiency target for 2030 as well as other objectives presented in 2.2, including planned measures and instruments (also of financial nature) to promote the energy performance of buildings, in particular as regards the following:

Amendment

Planned policies, measures and programmes to achieve the **binding** national energy efficiency target for 2030 as well as other objectives presented in 2.2, including planned measures and instruments (also of financial nature) to promote the energy performance of buildings, in particular as regards to the following:

Amendment 250**Proposal for a regulation****Annex I — part 1 — section A — paragraph 3 — point 3.2 — point ii***Text proposed by the Commission*

ii. Long-term strategy for the renovation of the national stock of residential and commercial buildings (both public and private)⁽⁷⁾ including policies and measures to stimulate cost-effective deep and staged deep renovations

⁽⁷⁾ In accordance with Article 2a of Directive 2010/31/EU [version as amended in accordance with proposal COM(2016)0765].

Amendment

ii. Long-term strategy for the renovation of the national stock of residential and **non-residential** buildings (both public and private)⁽⁷⁾ including **energy efficiency and savings** policies, measures **and actions** to stimulate cost-effective deep and staged deep renovations **as well as those targeting the worst performing building stock and households in energy poverty**

⁽⁷⁾ In accordance with Article 2a of Directive 2010/31/EU [version as amended in accordance with proposal COM(2016)0765].

Amendment 251**Proposal for a regulation****Annex I — part 1 — section A — paragraph 3 — point 3.2 — point iv***Text proposed by the Commission*

iv. Other planned policies, measures and programmes to achieve the **indicative** national energy efficiency target for 2030 as well as other objectives presented in 2.2 (for example measures to promote the exemplary role of public buildings and energy-efficient public procurement, measures to promote energy audits and energy management systems⁽⁹⁾, consumer information and training measures⁽¹⁰⁾, and other measures to promote energy efficiency⁽¹¹⁾)

⁽⁹⁾ In accordance with Article 8 of Directive 2012/27/EU.

⁽¹⁰⁾ In accordance with Articles 12 and 17 of Directive 2012/27/EU

⁽¹¹⁾ In accordance with Article 19 of Directive 2012/27/EU.

Amendment

iv. Other planned policies, measures and programmes to achieve **binding** national energy efficiency target for 2030 as well as other objectives presented in 2.2 (for example measures to promote the exemplary role of public buildings and energy-efficient public procurement, measures to promote energy audits and energy management systems⁽⁹⁾, consumer information and training measures⁽¹⁰⁾, and other measures to promote energy efficiency⁽¹¹⁾)

⁽⁹⁾ In accordance with Article 8 of Directive 2012/27/EU.

⁽¹⁰⁾ In accordance with Articles 12 and 17 of Directive 2012/27/EU

⁽¹¹⁾ In accordance with Article 19 of Directive 2012/27/EU.

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Amendment 252

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.2 — point iv a (new)

Text proposed by the Commission

Amendment

iva. Description of policies and measures to promote the role of local energy communities in contributing to the implementation of policies and measures in points i, ii, iii and iv

Amendment 253

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.4 — point 3.4.3 — point ii

Text proposed by the Commission

Amendment

ii. Measures to increase the flexibility of the energy system with regard to renewable energy production, including the roll-out of intraday market coupling and cross-border balancing markets

ii. Measures to increase the flexibility of the energy system, including the roll-out of intraday market coupling and cross-border balancing markets, ***the deployment of smart grids and storage, the growth of demand response and distributed generation as well as the adjustment of price formation, including via real-time price signals***

Amendment 254

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.4 — point 3.4.3 — point ii a (new)

Text proposed by the Commission

Amendment

ii. Measures to ensure the non-discriminatory participation of renewable energy, demand response and storage, including via aggregation, in all energy markets

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Amendment 255

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.4 — point 3.4.3 — point iii

Text proposed by the Commission

iii. Measures **to ensure priority access and dispatch of electricity produced from renewable energy sources or high-efficiency cogeneration and prevent the curtailment or re-dispatch of this electricity** ⁽¹⁸⁾

⁽¹⁸⁾ In accordance with [recast of Directive 2009/72/EC as proposed by COM(2016)0864 and recast of Regulation (EC) No 714/2009 as proposed by COM(2016)0861]

Amendment

iii. Measures **related to the adaptation of system operation rules and practices to enhance system flexibility; measures related to the use of dispatching rules which serve the achievement of the national renewable energy and greenhouse gas emissions reduction targets; measures related to the use of rules which minimise and compensate renewable energy re-dispatching and curtailment; measures to advance aggregation** ⁽¹⁸⁾

⁽¹⁸⁾ In accordance with [recast of Directive 2009/72/EC as proposed by COM(2016)0864 and recast of Regulation (EC) No 714/2009 as proposed by COM(2016)0861]

Amendment 256

Proposal for a regulation

Annex I — part 1 — section A — paragraph 3 — point 3.5 a (new)

Text proposed by the Commission

Amendment

3.5a. **Energy efficiency first principle**

Description of how the dimensions and the policies and measures are taking into account the energy efficiency first principle

Amendment 257

Proposal for a regulation

Annex I — part 1 — section B — paragraph 4 — point 4.4 — point i

Text proposed by the Commission

Amendment

i. Current energy mix, domestic energy resources, import dependency, including relevant risks

i. Current energy mix, domestic energy resources, **including demand response**, import dependency, including relevant risks

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Amendment 258

Proposal for a regulation

Annex I — part 1 — section B — paragraph 4 — point 4.6 — point iii a (new)

Text proposed by the Commission

Amendment

iiia. Current level of national fossil fuel subsidies

Amendment 259

Proposal for a regulation

Annex I — part 1 — section B — paragraph 4 — point 4.6 — point iv

Text proposed by the Commission

Amendment

iv. Projections of developments in i. to **iii.** with existing policies and measures at least until 2040 (including for the year 2030)

iv. Projections of developments in i. to **iiia.** with existing policies and measures at least until 2040 (including for the year 2030)

Amendment 260

Proposal for a regulation

Annex I — part 1 — section B — paragraph 4 — point 4.6 a (new)

Text proposed by the Commission

Amendment

4.6a. Energy efficiency first principle

Description of how the dimensions and the policies and measures are taking into account the energy efficiency first principle

Amendment 261

Proposal for a regulation

Annex I — part 1 — section B — paragraph 5 — title

Text proposed by the Commission

Amendment

5. IMPACT ASSESSMENT OF PLANNED POLICIES AND MEASURES ⁽²⁹⁾

5. IMPACT ASSESSMENT OF PLANNED POLICIES MEASURES AND INVESTMENT STRATEGIES ⁽²⁹⁾

⁽²⁹⁾ Planned policies and measures are options under discussion and having a realistic chance of being adopted and implemented after the date of submission of the national plan. The resulting projections under section 5.1.i shall therefore include not only implemented and adopted policies and measures (projections with existing policies and measures), but also planned policies and measures.

⁽²⁹⁾ Planned policies and measures are options under discussion and having a realistic chance of being adopted and implemented after the date of submission of the national plan. The resulting projections under section 5.1.i shall therefore include not only implemented and adopted policies and measures (projections with existing policies and measures), but also planned policies and measures.

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Amendment 262**Proposal for a regulation****Annex I — part 1 — section B — paragraph 5 — point 5.1***Text proposed by the Commission*

5.1. Impacts of planned policies and measures described in section 3 on energy system and greenhouse gas emissions and removals including comparison to projections with existing policies and measures (as described in section 4).

Amendment

5.1. Impacts of planned policies, measures and **investment strategies** described in section 3 on energy system and greenhouse gas emissions and removals including comparison to projections with existing policies and measures (as described in section 4).

Amendment 263**Proposal for a regulation****Annex I — part 1 — section B — paragraph 5 — point 5.1 — point ii***Text proposed by the Commission*

ii. Assessment of policy interactions (between existing and planned policies and measures within a policy dimension and between existing and planned policies and measures of different dimensions) at least until the last year of the period covered by the plan

Amendment

ii. Assessment of policy interactions (between existing and planned policies and measures within a policy dimension and between existing and planned policies and measures of different dimensions) at least until the last year of the period covered by the plan, **in particular to establish a robust understanding of the impact of energy efficiency / energy savings policies on the sizing of the energy system and to reduce the risk of stranded investments in energy supply.**

Amendment 264**Proposal for a regulation****Annex I — part 1 — section B — paragraph 5 — point 5.1 — point ii a (new)***Text proposed by the Commission**Amendment*

ii.a. Assessment of interactions between existing and planned national policies and measures, and Union climate and energy policy measures.

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Amendment 265

Proposal for a regulation

Annex I — part 1 — section B — paragraph 5 — point 5.2 a (new)

Text proposed by the Commission

Amendment

5.2a Health and wellbeing

- i. Implications for air quality and related health effects*
- ii. Other health and wellbeing impacts (e.g. water, noise or other pollution, walking and cycling expansion, commuting or other transport changes etc.)*

Amendment 266

Proposal for a regulation

Annex I — part 1 — section B — paragraph 5 — point 5.2 b (new)

Text proposed by the Commission

Amendment

5.2b. Environmental impacts

- i. Details of any strategic environmental assessment or environmental impact assessments related to the strategy or national plans*
- ii. Water-related aspects e.g. water demand or extraction (taking account of potential future climate change), impacts on water or marine habitats of hydro or tidal power etc.*
- iii. Environmental (and climate) impacts of any increased mobilisation of bioenergy use (crop-based biofuels, forest biomass etc.) and relationship to strategy for removals in the land use sector*

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Amendment 267**Proposal for a regulation****Annex I — part 1 — section B — paragraph 5 — point 5.2 c (new)***Text proposed by the Commission**Amendment***5.2c Investment impacts**

- i. existing investment flows;*
- ii. forward investment assumptions linked to each of the planned policies and measures, including the risk profile of the planned policies and measures;*
- iii. sector or market risk factors or barriers in the national (or macro-regional) context;*
- iv. analysis of additional public finance support or resources to fill identified gaps identified under (iii);*
- v. qualitative assessment of investor confidence, including visibility of a project pipeline and viability or attractiveness of investment opportunities;*
- vi. review of previous year against assumptions, forward view including substantive factors facing investors.*

Amendment 294/rev**Proposal for a regulation****Annex I a (new)***Text proposed by the Commission**Amendment***Annex Ia****NATIONAL TRAJECTORIES FOR THE SHARE OF ENERGY FROM RENEWABLE SOURCES IN GROSS FINAL CONSUMPTION OF ENERGY BETWEEN 2020 AND 2030**

The trajectory referred to in the second subparagraph of Article 4(a)(2) shall consist of the following reference points:

S2020 + 0,20 (S2030 — S2020), as an average for the period 2021 to 2022;

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Text proposed by the Commission

Amendment

S2020 + 0,45 (S2030 — S2020), as an average for the period 2023 to 2025; and

S2020 + 0,70 (S2030 — S2020), as an average for the period 2025 to 2027;

where:

S2020 = the target for that Member State in 2020 pursuant to Article 3 and Annex I — part A of Directive .../... [recast of Directive 2009/28/EC as proposed by COM(2016)0767]

and

S2030 = the target for that Member State in 2030.

Amendment 270

Proposal for a regulation

Annex II — paragraph 1 — point b

Text proposed by the Commission

Amendment

(b) volume of sales of energy used in transport excluded from the calculation [in ktoe];

(b) volume of sales of energy used in transport excluded from the calculation, **if any** [in ktoe];

Amendment 271

Proposal for a regulation

Annex II — paragraph 1 — point c

Text proposed by the Commission

Amendment

(c) quantity of energy generated for own use excluded from the calculation [in ktoe];

(c) quantity of energy generated for own use excluded from the calculation **if any** [in ktoe];

Amendment 272

Proposal for a regulation

Annex II — paragraph 1 — point f — introductory part

Text proposed by the Commission

Amendment

(f) **application of exemptions (b), (c), (d) and (e) referred to Article 7(2) and (3) of Directive 2012/27/EU:**

(f) **volumes of sales of energy or amount of energy savings [in ktoe] that are exempted pursuant to Article 7(2) and (3) of Directive 2012/27/EU;**

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Amendment 274**Proposal for a regulation****Annex II — paragraph 1 — point f — point ii***Text proposed by the Commission**Amendment*

(ii) amount of energy savings [in ktoe] achieved in the energy transformation, distribution and transmission sectors in line with point (c),

*deleted***Amendment 275****Proposal for a regulation****Annex II — paragraph 1 — point f — point iii***Text proposed by the Commission**Amendment*

(iii) amount of energy savings [in ktoe] resulting from individual actions newly implemented since 31 December 2008 that continue to have an impact in 2020 and beyond and in line with point (d);

*deleted***Amendment 276****Proposal for a regulation****Annex II — paragraph 1 — point f — point iv***Text proposed by the Commission**Amendment*

(iv) amount of energy generated on or in buildings for own use as a result of policy measures promoting new installation of renewable energy technologies in line with point (e) [in ktoe];

*deleted***Amendment 277****Proposal for a regulation****Annex II a (new)***Text proposed by the Commission**Amendment***Annex IIa****GENERAL FRAMEWORK FOR LONG-TERM CLIMATE AND ENERGY STRATEGIES****1. OVERVIEW AND PROCESS FOR DEVELOPING THE STRATEGIES****1.1. Executive Summary**

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Text proposed by the Commission

Amendment

1.2. Context

1.2.1. *National, EU and international policy context for the long term strategies*

1.2.2. *Legal context*

1.3. Consultations

1.3.1. *Consultations with public and stakeholders (national parliament, local and regional, public and other relevant stakeholders)*

1.3.2. *Consultations with other Member States, third countries and EU institutions*

2. NATIONAL LONG TERM CLIMATE AND ENERGY STRATEGIES

2.1. TOTAL GREENHOUSE GAS EMISSIONS REDUCTIONS AND ENHANCEMENTS OF REMOVALS BY SINK

2.1.1. *Carbon budget until 2100 consistent with Paris Agreement*

2.1.2. *Trajectory for cost-effective pathway for net zero greenhouse gas emission — by 2050 and negative emissions soon thereafter*

2.1.3. *National target for 2030 and milestones for at least 2040 and 2050 aligned with the trajectory referred to under 2.1.2.*

2.1.4. *International dimension*

2.1.5. *Long-term adaptation goals*

2.2. RENEWABLE ENERGY

2.2.1. *Trajectory for reaching a renewables-based energy system in gross final consumption of energy — by 2050*

2.2.2. *National target for the share of energy from renewable sources in gross final consumption of energy in 2030 and the milestones for at least 2035, 2040 and 2045 aligned with the trajectory referred to under 2.2.2.*

2.3. ENERGY EFFICIENCY

2.3.1. *Trajectory for reaching the most energy efficient based economy by 2050 in line with the objectives referred to in 2.1.2 and 2.2.1*

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Text proposed by the Commission

Amendment

2.3.2. National energy efficiency target expressed in terms of absolute level of primary energy consumption and final energy consumption in 2030, and the milestones for at least 2035, 2040 and 2045

3. SECTORIAL STRATEGIES

3.1. Energy system

3.1.1. Likely future demand, by energy carrier

3.1.2. Likely future generation capacity, including centralised and distributed storage, by technology

3.1.3. Intended or likely future emissions trajectory or range

3.1.4. Description of main drivers for energy efficiency, demand-side flexibility and energy consumption and their evolution from 2021 and beyond

3.1.5. Outline of policies and measures envisaged to achieve the renewables-based energy system referred to in 2.2.1 in gross final consumption of energy and the most energy efficient and flexible economy by 2050, including trajectories per technology

3.2. Industry

3.2.1. Expected emissions trajectories by sector and sources of energy supply

3.2.2. Decarbonisation options or policy approaches and any existing targets, plans or strategies, including electrification, alternative fuels, energy efficiency measures, etc

3.3. Buildings

3.3.1. Expected energy demand in buildings, differentiated by building category, including commercial, residential and public buildings

3.3.2. Future energy supply source

3.3.3. Potential for energy demand reduction through renovation of existing buildings and related societal, economic and environmental benefits

3.3.4. Policy measures to stimulate renovation of the existing building stock

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Text proposed by the Commission

Amendment

3.4. Transport

3.4.1. *Expected emissions and energy sources by transport type (e.g. cars and vans, heavy duty road transport, shipping, aviation, rail)*

3.4.2. *Decarbonisation options or policy approaches*

3.5. *Agriculture and land use, land-use change and forestry (LULUCF)*

3.5.1. *Current emissions by all sources and by individual greenhouse gases*

3.5.2. *Emissions reduction options and policy measures to maintain and enhance sinks including national targets or objectives*

3.5.3. *Links to agricultural and rural development policies*

3.6. *Cross-sectorial strategy elements and other relevant sectors*

4. FINANCING

4.1. *Estimates of investment needed*

4.2. *Policies and measures related to use of public finance and incentivising private investment*

4.3. *Strategies for related research, development and innovation*

5. ANALYTICAL BASIS AND SOCIO-ECONOMIC IMPACTS

5.1. *Modelling, scenarios or analysis drawn on in developing the strategy*

5.2. *Competitiveness and economic impacts*

5.3. *Health, environment and social impacts*

Wednesday 17 January 2018

Text proposed by the Commission

Amendment

5.4. Strategy to ensure long-term resilience of the sectors in section 3

6. Annexes (as necessary)

6.1. Supporting analysis

6.1.1. Details of any 2050 modelling (including assumptions) and/or other quantitative analysis, indicators etc

6.1.2. Data tables or other technical annexes

6.2. Other sources

Amendment 278

Proposal for a regulation

Annex III — part 1 — point n

Text proposed by the Commission

Amendment

(n) information of the Member State's intentions to make use of the flexibilities in Article 5(4) and (5) of Regulation [] [ESR].

(n) information of the Member State's intentions to make use of the flexibilities in Article 5(4) and (5), **7, and of the use of revenues under Article 5(5a)** of Regulation [] [ESR].

Amendment 279

Proposal for a regulation

Annex VII — part 1 — point m — point 1 — point a

Text proposed by the Commission

Amendment

(a) Primary biomass from forest used directly for energy production

(a) Primary biomass from forest used directly for energy production **or for producing processed wood-based fuel**

Amendment 280

Proposal for a regulation

Annex VII — part 1 — point m — point 1 — point a — point iii

Text proposed by the Commission

Amendment

iii) Round wood (split into industrial roundwood and fuelwood)

iii) Round wood (split into industrial roundwood, **precommercial thinnings** and fuelwood)

Wednesday 17 January 2018

Amendment 281

Proposal for a regulation

Annex VII — part 1 — point m — point 2 — point b a (new)

Text proposed by the Commission

Amendment

(ba) Manure

Amendment 282

Proposal for a regulation

Annex VII — part 2 — point b

Text proposed by the Commission

Amendment

(b) energy savings achieved through Article 7 of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] in years X-3 and X-2;

(b) **the cumulative amount of** energy savings achieved through Article 7 of Directive 2012/27/EU [version as amended in accordance with proposal COM(2016)0761] in years X-3 and X-2, **as well as:**

(i) the amount of savings achieved by each policy, measure and individual action

(ii) an explanation on how and on the basis of which data these savings have been estimated

(iii) an explanation on whether or not the Member State is on track to achieve the total amount of savings required by the end of the period described in Article 7 of Directive 2012/27/EU [as amended by proposal COM(2016)0761]. If the Member State is not on track, it shall provide further explanation on the corrective actions it intends to take to deliver the savings

(iv) in case the measures included in the progress report deviate from the measures included in the Member State's notification, a justification;

Amendment 283

Proposal for a regulation

Annex VIII — point b

Text proposed by the Commission

Amendment

(b) the impact of the production and use of biomass on sustainability in the Union and in third countries, including impacts on biodiversity;

(b) the impact of the production and use of biomass on sustainability in the Union and in third countries, including impacts on biodiversity, **water and air quality and land-use rights, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC;**

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Amendment 284
Proposal for a regulation
Annex VIII — point f

Text proposed by the Commission

(f) in respect of both third countries and Member States that are a **significant** source of biofuels, bioliquids and biomass fuels consumed within the Union, on national measures taken to respect the sustainability criteria and greenhouse gas saving criteria set out in Article 26, paragraphs 2 to 7, of [recast of Directive 2009/28/EC as proposed by COM(2016)0767], for soil, water and air protection.

Amendment

(f) in respect of both third countries and Member States that are a source of **raw materials for and of** biofuels, bioliquids and biomass fuels consumed within the Union, on national measures taken to respect the sustainability criteria and greenhouse gas saving criteria set out in Article 26, paragraphs 2 to 7, of [recast of Directive 2009/28/EC as proposed by COM(2016)0767], for soil, water and air protection.

Amendment 285
Proposal for a regulation
Annex VIII — point f a (new)

Text proposed by the Commission

(fa) ***an evaluation of the effectiveness of bioenergy sustainability criteria as outlined in Directive (EU) .../... [Renewable Energy Directive] in providing greenhouse gas savings, protecting carbon sinks, biodiversity, food security and peoples' land use rights.***

Amendment

Thursday 18 January 2018

P8_TA(2018)0016

Marrakesh Treaty: facilitating the access to published works for persons who are blind, visually impaired, or otherwise print disabled ***

European Parliament legislative resolution of 18 January 2018 on the draft Council decision on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled (12629/2017 — C8-0375/2017 — 2014/0297(NLE))

(Consent)

(2018/C 458/18)

The European Parliament,

- having regard to the draft Council decision (12629/2017),
 - having regard to the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled (5905/2015),
 - having regard to the request for consent submitted by the Council in accordance with Article 114 and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0375/2017),
 - having regard to the opinion of the Court of Justice of 14 February 2017 ⁽¹⁾,
 - 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 Legal Affairs (A8-0400/2017),
1. Gives its consent to the conclusion of the Marrakesh Treaty;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and the World Intellectual Property Organization (WIPO).

⁽¹⁾ Opinion of the Court of Justice of 14 February 2017, 3/15, ECLI:EU:C:2017:114.

Thursday 18 January 2018

P8_TA(2018)0017

Jurisdiction, recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility, and international child abduction *

European Parliament legislative resolution of 18 January 2018 on the proposal for a Council regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility, and on international child abduction (recast) (COM(2016)0411 — C8-0322/2016 — 2016/0190(CNS))

(Special legislative procedure — consultation — recast)

(2018/C 458/19)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2016)0411),
 - having regard to Article 81(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0322/2016),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽¹⁾,
 - having regard to Rules 104 and 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Petitions (A8-0388/2017),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;
 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 amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 77, 28.3.2002, p. 1.

Thursday 18 January 2018

Amendment 1
Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Council Regulation (EC) No 2201/2003⁽³⁴⁾ has been substantially amended⁽³⁵⁾. See Annex V.

⁽³⁴⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

⁽³⁵⁾ Since further amendments are to be made, that Regulation should be recast in the interests of clarity.

Amendment

(1) Council Regulation (EC) No 2201/2003⁽³⁴⁾ has been substantially amended⁽³⁵⁾. Since further **indispensable** amendments are to be made, that Regulation should be recast in the interests of clarity. **Such amendments of the Regulation will help to strengthen legal certainty and increase flexibility, will help to ensure that access to court proceedings is improved, and that such proceedings are made more efficient. At the same time, the changes to this Regulation will help to ensure that Member States retain full sovereignty with regard to substantive law on parental responsibility.**

⁽³⁴⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

⁽³⁵⁾ See Annex V.

Amendment 2
Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The smooth and correct functioning of a Union area of justice with respect for the Member States' different legal systems and traditions is vital for the Union. In that regard, mutual trust in one another's justice systems should be further enhanced. The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice, in which the free movement of persons and access to justice are ensured. With a view to implementing those objectives, the rights of persons, notably children, in legal proceedings **should** be reinforced in order to facilitate the cooperation of judicial and administrative authorities and the enforcement of decisions in family law matters with cross-border implications. The mutual recognition of decisions in civil matters should be enhanced, access to justice should be simplified and exchanges of information between the authorities of the Member States should be improved upon.

Amendment

(3) The smooth and correct functioning of a Union area of justice with respect for the Member States' different legal systems and traditions is vital for the Union. In that regard, mutual trust in one another's justice systems should be further enhanced. The Union has set itself the objective of creating, maintaining and developing an area of freedom, security and justice, in which the free movement of persons and access to justice are ensured. With a view to implementing those objectives, **it is essential that** the rights of persons, notably children, in legal proceedings be reinforced in order to facilitate the cooperation of judicial and administrative authorities and the enforcement of decisions in family law matters with cross-border implications. The mutual recognition of decisions in civil matters should be enhanced, access to justice should be simplified and exchanges of information between the authorities of the Member States should be improved upon, **by ensuring that there is an accurate check of the non-discriminatory nature of the procedures and practices used by the competent authorities of the Member States to protect the best interests of the child and the related fundamental rights.**

Thursday 18 January 2018

Amendment 3
Proposal for a regulation

Recital 4

Text proposed by the Commission

- (4) To this end, the Union is to adopt, among others, measures in the field of judicial cooperation in civil matters having cross-border implications, particularly when necessary for the proper functioning of the internal market.

Amendment

- (4) To this end, the Union is to adopt, among others, measures in the field of judicial cooperation in civil matters having cross-border implications, particularly when necessary for the **free movement of persons and for the** proper functioning of the internal market.

Amendment 4
Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

- (6) In order to ensure equality for all children, this Regulation should cover all decisions on parental responsibility, including measures for the protection of children, independent of any link with a matrimonial proceeding **or other proceedings**.

Amendment

- (4a) ***In order to enhance judicial cooperation in civil matters having cross-border implications, judicial training, especially in cross-border family law, is needed. Training activities, such as seminars and exchanges, are required at both Union and national level, in order to raise awareness of this Regulation, its content and consequences, as well as to build mutual trust among Member States as regards their judicial systems.***

Amendment 5
Proposal for a regulation

Recital 6

Text proposed by the Commission

- (6) In order to ensure equality for all children, this Regulation should cover all decisions on parental responsibility, including measures for the protection of children, independent of any link with a matrimonial proceeding **or other proceedings**.

Amendment

- (6) In order to ensure equality for all children, this Regulation should cover all decisions on parental responsibility, including measures for the protection of children, independent of any link with a matrimonial proceeding.

Thursday 18 January 2018

Amendment 6
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) *Under this Regulation jurisdiction rules should also be applicable to all children who are present on Union territory and whose habitual residence cannot be established with certainty. The scope of such rules should extend in particular to cover refugee children and children who have been internationally displaced either for socioeconomic reasons or because of disturbances occurring in their country.*

Amendment 7
Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

- (12a) *This Regulation should fully respect the rights set out in the Charter of Fundamental Rights of the European Union ('the Charter'), and especially the right to an effective remedy and to a fair trial, laid down in Article 47 of the Charter, as well as the right to respect for private and family life, laid down in Article 7 of the Charter, and the rights of the child laid down in Article 24 of the Charter.*

Amendment 8
Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

- (13) The grounds of jurisdiction in matters of parental responsibility **are** shaped in the light of the best interests of the child and should be applied **in accordance with them**. Any reference to the best interests of the child should be interpreted in light of **Article** 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

- (13) The grounds of jurisdiction in matters of parental responsibility **should always be** shaped in the light of the best interests of the child and should be applied **with those interests in mind**. Any reference to the best interests of the child should be interpreted in light of **Articles 7, 14, 22 and** 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989. **It is imperative that the Member State whose authorities are competent under this Regulation in relation to the substance of a matter of parental responsibility, after taking a final decision providing for the return of a child, ensure that the best interests and the fundamental rights of the child are protected once the child has been returned, in particular when he or she has contact with both parents.**

Thursday 18 January 2018

Amendment 9
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) *The meaning of the term 'habitual residence' should be interpreted on the basis of definitions by the authorities on a case-by-case basis, in the light of the specific circumstances of the case.*

Amendment 10
Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

- (15) Where the child's habitual residence changes following a lawful relocation, jurisdiction should follow the child in order to maintain the proximity. ***This should apply where no proceedings are yet pending, and also in pending proceedings.*** In pending proceedings, however, parties may agree in the interests of the efficiency of justice that the courts of the Member State where proceedings are pending retain jurisdiction until a final decision has been given, provided that this is in the best interests of the child. ***This possibility is of particular importance where proceedings are nearing conclusion and one parent wishes to relocate to another Member State with the child.***

- (15) Where the child's habitual residence changes following a lawful relocation, jurisdiction should follow the child in order to maintain the proximity. In pending proceedings, however, parties may agree in the interests of the efficiency of justice that the courts of the Member State where proceedings are pending retain jurisdiction until a final decision has been given, provided that this is in the best interests of the child. ***On the other hand, pending proceedings relating to custody and access rights should be concluded by means of a final decision so that persons entitled to custody do not remove a child to another country in order thereby to avoid an unfavourable decision by an authority, unless the parties agree that the pending proceedings should be brought to an end.***

Thursday 18 January 2018

Amendment 11
Proposal for a regulation

Recital 17

Text proposed by the Commission

- (17) This Regulation should not prevent the authorities of a Member State not having jurisdiction over the substance of the matter from taking provisional, including protective measures, in urgent cases, with regard to the person or property of a child present in that Member State. Those measures should be recognised and enforced in all other Member States including the Member States having jurisdiction under this Regulation until a competent authority of such a Member State has taken the measures it considers appropriate. Measures taken by a court in one Member State should however only be amended or replaced by measures also taken by a court in the Member State having jurisdiction over the substance of the matter. An authority only having jurisdiction for provisional, including protective measures should, if seised with an application concerning the substance of the matter, declare of its own motion that it has no jurisdiction. Insofar as the protection of the best interests of the child so requires, the authority should inform, directly or through the Central Authority, the authority of the Member State having jurisdiction over the substance of the matter under this Regulation about the measures taken. The failure to inform the authority of another Member State should however not as such be a ground for the non-recognition of the measure.

Amendment

- (17) This Regulation should not prevent the authorities of a Member State not having jurisdiction over the substance of the matter from taking provisional, including protective measures, in urgent cases, **for instance in cases of domestic or gender-based violence**, with regard to the person or property of a child present in that Member State. Those measures should be recognised and enforced in all other Member States including the Member States having jurisdiction under this Regulation until a competent authority of such a Member State has taken the measures it considers appropriate. Measures taken by a court in one Member State should however only be amended or replaced by measures also taken by a court in the Member State having jurisdiction over the substance of the matter. An authority having jurisdiction **only** for provisional, including protective measures should, if seised with an application concerning the substance of the matter, declare of its own motion that it has no jurisdiction. Insofar as the protection of the best interests of the child so requires, the authority should inform, directly or through the Central Authority **and without undue delay**, the authority of the Member State having jurisdiction over the substance of the matter under this Regulation about the measures taken. The failure to inform the authority of another Member State should however not as such be a ground for the non-recognition of the measure.

Amendment 12
Proposal for a regulation

Recital 18

Text proposed by the Commission

- (18) In exceptional cases, the authorities of the Member State of habitual residence of the child may not be the most appropriate authorities to deal with the case. **In the best interests of the child**, as an exception and under certain conditions, the authority having jurisdiction may transfer its jurisdiction in a specific case to an authority of another Member State if this authority is better placed to hear the case. However, in this case the second authority **not be allowed to** transfer jurisdiction to a third authority.

Amendment

- (18) **Particular attention should be paid to the fact that**, in exceptional cases, **such as in cases of domestic or gender-based violence** the authorities of the Member State of habitual residence of the child may not be the most appropriate authorities to deal with the case. As an exception and under certain conditions, the authority having jurisdiction may transfer its jurisdiction in a specific case to an authority of another Member State if this authority is better placed to hear the case. However, in this case the **agreement of the** second authority should **be obtained first, since once it has accepted the case it cannot** transfer jurisdiction to a third authority. **Prior to any transfer of competence, it is essential that the best interests of the child be considered and fully taken into account.**

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Amendment 13
Proposal for a regulation
Recital 23

Text proposed by the Commission

- (23) Proceedings in matters of parental responsibility under this Regulation as well as return proceedings under the 1980 Hague Convention should respect the child's right to express his or her views freely, and when assessing the child's best interests, due weight should be given to those views. The hearing of the child in accordance with Article 24(1) of the Charter of Fundamental Rights of the European Union **and** Article 12 of the United Nations Convention on the Rights of the Child plays an important role in the application of this Regulation. This Regulation is however not intended to set out **how** to hear the child, for instance, whether the child **is** heard by the judge in person or by a specially trained expert reporting to the court afterwards, or whether the child **is** heard in the courtroom or in another place.

Amendment

- (23) Proceedings in matters of parental responsibility under this Regulation as well as return proceedings under the 1980 Hague Convention should respect the child's right to express his or her views freely, and when assessing the child's best interests, due weight should be given to those views. The hearing of the child in accordance with Article 24(1) of the Charter of Fundamental Rights of the European Union, Article 12 of the United Nations Convention on the Rights of the Child **and the Council of Europe Recommendation on the participation of children and young people under the age of 18** ^(1a) plays an important role in the application of this Regulation. This Regulation is however not intended to set out **common minimum standards regarding the procedure** to hear the child, **which is still governed by Member States' national provisions**.

^(1a) CM/Rec(2012)2 of 28 March 2012.

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Amendment 14
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to conclude the return proceedings under the 1980 Hague Convention as quickly as possible, Member States should concentrate jurisdiction for those proceedings upon **one or more** courts, taking into account their internal structures for the administration of justice as appropriate. The concentration of jurisdiction upon a limited number of courts within a Member State is an essential and effective tool for speeding up the handling of child abduction cases in several Member States because the judges hearing a larger number of these cases develop particular expertise. Depending on the structure of the legal system, jurisdiction for child abduction cases could be concentrated in **one single court for the whole country or in** a limited number of courts, using, for example, the number of appellate courts as point of departure and concentrating jurisdiction for international child abduction cases upon one court of first instance within each district of a court of appeal. Every instance should give its decision no later than six weeks after the application or appeal has been lodged with it. Member States should limit the number of appeals possible against a decision granting or refusing the return of a child under the 1980 Hague Child Abduction Convention to one.

Amendment

(26) In order to conclude the return proceedings under the 1980 Hague Convention as quickly as possible, Member States should concentrate jurisdiction for those proceedings upon **a limited number of** courts, taking into account their internal structures for the administration of justice as appropriate. The concentration of jurisdiction upon a limited number of courts within a Member State is an essential and effective tool for speeding up the handling of child abduction cases in several Member States because the judges hearing a larger number of these cases develop particular expertise. Depending on the structure of the legal system, jurisdiction for child abduction cases could be concentrated in a limited number of courts, using, for example, the number of appellate courts as point of departure and concentrating jurisdiction for international child abduction cases upon one court of first instance within each district of a court of appeal, **without, however, undermining parties' right of access to justice and the timeliness of the return proceedings**. Every instance should give its decision no later than six weeks after the application or appeal has been lodged with it. Member States should limit the number of appeals possible against a decision granting or refusing the return of a child under the 1980 Hague Child Abduction Convention to one. **Measures should also be taken to ensure that court judgments handed down in one Member State are recognised in another Member State. When a court judgment has been handed down, it is essential that it also be recognised throughout the European Union, especially in the interests of children.**

Thursday 18 January 2018

Amendment 15
Proposal for a regulation
Recital 28

Text proposed by the Commission

- (28) In all cases concerning children, and in particular in cases of international child abduction, judicial and administrative authorities should consider the possibility of achieving amicable solutions through mediation and other appropriate means, assisted, where appropriate, by existing networks and support structures for mediation in cross-border parental responsibility disputes. Such efforts should not, however, unduly prolong the return proceedings under the 1980 Hague Convention.

Amendment

- (28) ***The use of mediation can play a very important role in ending conflicts, in all cases concerning children and especially in the case of cross-border parental conflicts about the custody of and right of access to a child and in cases of international child abduction. In addition, given the increase in cross-border custody disputes across the European Union, where no international framework is available, as a result of the recent migration inflows, mediation has often proven to be the only legal means to help families reach an amicable and prompt solution on family disputes. In order to promote mediation in such cases, the judicial and administrative authorities, assisted, where appropriate, by existing networks and support structures for mediation in cross-border parental responsibility disputes, should assist the parties, before or during the judicial proceedings, in the selection of appropriate mediators and in the organisation of the mediation. The parties should be provided with financial assistance to carry out the mediation at least to the extent to which they have been granted or would have been granted legal aid. Such efforts should not, however, unduly prolong the return proceedings under the 1980 Hague Convention and should not result in mandatory participation of victims of any form of violence, including domestic violence, in mediation proceedings.***

Thursday 18 January 2018

Amendment 16
Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) *In order to offer an effective alternative to court proceedings in national or international matters of family disputes, it is crucial that the mediators involved have undergone appropriate specialised training. The training should cover, in particular, the legal framework of cross-border family disputes, intercultural competence and tools to manage high conflict situations, while at all times having regard to the best interests of the child. Training for judges, as a potential key source of referrals to mediation, should also address how to encourage parties to engage in mediation as early as possible and how to incorporate mediation into court proceedings and the set timeframe of Hague Convention Child Abduction proceedings without causing unnecessary delay.*

Amendment 17
Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

(30) Where the court of the Member State to or in which the child has been wrongfully removed or retained decides to refuse the child's return under the 1980 Hague Convention, in its decision it should refer explicitly to the relevant articles of the 1980 Hague Convention on which the refusal was based. Such a decision may be replaced, however, by a subsequent decision, given in custody proceedings after a thorough examination of the child's best interests, by the court of the Member State of habitual residence of the child prior to the wrongful removal or retention. Should that decision entail the return of the child, the return should take place without any special procedure being required for the recognition and enforcement of that decision in the Member State to or in which the child has been removed or retained.

(30) Where the court of the Member State to or in which the child has been wrongfully removed or retained decides to refuse the child's return under the 1980 Hague Convention, in its decision it should refer explicitly to the relevant articles of the 1980 Hague Convention on which the refusal was based **and state the grounds therefor**. Such a decision may be replaced, however, by a subsequent decision, given in custody proceedings after a thorough examination of the child's best interests, by the court of the Member State of habitual residence of the child prior to the wrongful removal or retention. Should that decision entail the return of the child, the return should take place without any special procedure being required for the recognition and enforcement of that decision in the Member State to or in which the child has been removed or retained.

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Amendment 18
Proposal for a regulation
Recital 33

Text proposed by the Commission

- (33) In addition, the aim of ***making cross-border litigation concerning children less time consuming and costly*** justifies the abolition of the declaration of enforceability prior to enforcement in the Member State of enforcement for all decisions on parental responsibility ***matters***. While Regulation (EC) No 2201/2003 only abolished this requirement for decisions granting access and certain decisions ordering the return of a child, this Regulation now provides for a single procedure for the cross-border enforcement of all decisions in matters of parental responsibility. As a result, subject to the provisions of this Regulation, a decision given by the authorities of a Member State should be treated as if it had been given in the Member State of enforcement.

Amendment

- (33) In addition, the aim of ***facilitating the free movement of European citizens*** justifies the abolition of the declaration of enforceability prior to enforcement in the Member State of enforcement for all decisions on parental responsibility ***falling within the scope of this Regulation. That will, in particular, make cross-border litigation concerning children less time-consuming and costly.*** While Regulation (EC) No 2201/2003 only abolished this requirement for decisions granting access and certain decisions ordering the return of a child, this Regulation now provides for a single procedure for the cross-border enforcement of all decisions in matters of parental responsibility ***falling within the scope of this Regulation.*** As a result, subject to the provisions of this Regulation, a decision given by the authorities of a Member State should be treated as if it had been given in the Member State of enforcement.

Amendment 19
Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

- (37a) ***Any refusal to recognise a decision as defined in this Regulation on the ground that recognition would be manifestly contrary to the public policy of the Member State concerned should be in accordance with Article 21 of the Charter.***

Amendment

Thursday 18 January 2018

Amendment 20
Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) In specific cases in matters of parental responsibility which fall within the scope of this Regulation, Central Authorities should cooperate with each other in providing assistance to national authorities as well as to holders of parental responsibility. Such assistance should in particular include locating the child, either directly or through other competent authorities, where this is necessary for carrying out a request under this Regulation, and providing child-related information required for the purpose of proceedings.

Amendment

(42) In specific cases in matters of parental responsibility which fall within the scope of this Regulation, Central Authorities should cooperate with each other in providing assistance to national authorities as well as to holders of parental responsibility. Such assistance should in particular include locating the child, either directly or through other competent authorities, where this is necessary for carrying out a request under this Regulation, and providing child-related information required for the purpose of proceedings. ***In cases where the jurisdiction is in a Member State other than the Member State of which the child is a national, the central authorities of the Member State with jurisdiction should inform, without undue delay, the central authorities of the Member State of which the child is a national.***

Amendment 21
Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) Without prejudice to any requirements under its national procedural law, a requesting authority should have the discretion to choose freely between the different channels available to it for obtaining the necessary information, for example, in case of courts by applying Council Regulation (EC) No 1206/2001, by using the European Judicial Network in civil and commercial matters, in particular the Central Authorities established under this Regulation, Network judges and contact points, or in case of judicial and administrative authorities by requesting information through a specialised non-governmental organisation in this field.

Amendment

(44) Without prejudice to any requirements under its national procedural law, a requesting authority should have the discretion to choose freely between the different channels available to it for obtaining the necessary information, for example, in case of courts by applying Council Regulation (EC) No 1206/2001, by using the European Judicial Network in civil and commercial matters, in particular the Central Authorities established under this Regulation, Network judges and contact points, or in case of judicial and administrative authorities by requesting information through a specialised non-governmental organisation in this field. ***International judicial cooperation and communication should be initiated and/or facilitated by specially designated network or liaison judges in each Member State. The role of the European Judicial Network should be differentiated from that of central authorities.***

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Amendment 22
Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) An authority of a Member State contemplating a decision on parental responsibility should be **entitled to request** the communication of information relevant to the protection of the child from the authorities of another Member State if the best interests of the child so require. Depending on the circumstances, this may include information on proceedings and decisions concerning a parent or siblings of the child, or on the capacity of a parent to care for a child or to have access to the child.

Amendment

(46) An authority of a Member State contemplating a decision on parental responsibility should be **obliged to require** the communication of information relevant to the protection of the child from the authorities of another Member State if the best interests of the child so require. Depending on the circumstances, this may include information on proceedings and decisions concerning a parent or siblings of the child, or on the capacity of a parent **or family** to care for a child or to have access to the child. **The nationality, economic and social situation or cultural and religious background of a parent should not be considered as determining elements when deciding on the capacity to care for a child.**

Amendment 23
Proposal for a regulation
Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) **Communication between judges, public authorities, central authorities, professionals assisting the parents and between the parents themselves should be promoted by all means, taking into account, inter alia, that a decision that the child should not be returned may violate the basic rights of the child to the same extent as a decision to return him or her.**

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Amendment 24
Proposal for a regulation
Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) Where the interests of the child so require, judges should communicate directly with central authorities or competent courts in other Member States.

Amendment 25
Proposal for a regulation
Recital 49

Text proposed by the Commission

Amendment

(49) Where an authority of a Member State has already given a decision in matters of parental responsibility or is contemplating such a decision and the implementation is to take place in another Member State, the authority **may** request that the authorities of that other Member State assist in the implementation of the decision. This should apply, for instance, to decisions granting supervised access to be exercised in a Member State other than the Member State where the authority ordering access is located or involving any other accompanying measures of the competent authorities in the Member State where the decision is to be implemented.

(49) Where an authority of a Member State has already given a decision in matters of parental responsibility or is contemplating such a decision and the implementation is to take place in another Member State, the authority **should** request that the authorities of that other Member State assist in the implementation of the decision. This should apply, for instance, to decisions granting supervised access to be exercised in a Member State other than the Member State where the authority ordering access is located or involving any other accompanying measures of the competent authorities in the Member State where the decision is to be implemented.

Thursday 18 January 2018

Amendment 26
Proposal for a regulation
Recital 50

Text proposed by the Commission

- (50) Where an authority of a Member State considers the placement of a child in a foster family or in an institution in another Member State, a consultation procedure through the Central Authorities of both Member States concerned should be carried out prior to the placement. The authority considering the placement should obtain the consent of the competent authority of the Member State in which the child should be placed before ordering the placement. As the placements are most often urgent measures required to remove a child from a situation which puts his or her best interests at risk, time is of the essence for such decisions. In order to speed up the consultation procedure, this Regulation therefore exhaustively establishes the requirements for the request and a time limit for the response from the Member State where the child should be placed. The conditions for granting or refusing consent, however, continue to be governed by the national law of the requested Member State.

Amendment

- (50) Where an authority of a Member State considers the placement of a child **with family members**, in a foster family or in an institution in another Member State, a consultation procedure through the Central Authorities of both Member States concerned should be carried out prior to the placement. The authority considering the placement should obtain the consent of the competent authority of the Member State in which the child should be placed before ordering the placement. As the placements are most often urgent measures required to remove a child from a situation which puts his or her best interests at risk, time is of the essence for such decisions. In order to speed up the consultation procedure, this Regulation therefore exhaustively establishes the requirements for the request and a time limit for the response from the Member State where the child should be placed. The conditions for granting or refusing consent, however, continue to be governed by the national law of the requested Member State.

Amendment 27
Proposal for a regulation
Recital 51

Text proposed by the Commission

- (51) **Any long-term** placement of a child **abroad** should **be** in accordance with Article 24(3) of the Charter of Fundamental Rights of the EU (right to maintain personal contact with parents) and with the provisions of the United Nations Convention on the Rights of the Child, notably Articles 8, 9 and 20. In particular, when considering solutions, due regard should be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Amendment

- (51) **State authorities considering the** placement of a child should **act** in accordance with Article 24(3) of the Charter of Fundamental Rights of the EU (right to maintain personal contact with parents) and with the provisions of the United Nations Convention on the Rights of the Child, notably Articles 8, 9 and 20. In particular, when considering solutions, due regard should be paid to the **possibility of placing siblings in the same host family or establishment and to the** desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background. **In the case, in particular, of long-term placement of a child abroad, the relevant authorities should always consider the possibility of placing the child with relatives living in another country, if the child has established a relationship with those members of the family, and following an individual assessment of the child's best interests. Such long-term placements should be subject to periodic review with regard to the child's needs and best interests.**

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Amendment 28

Proposal for a regulation

Article 1 — paragraph 1 — introductory part

Text proposed by the Commission

1. This Regulation applies, whatever the nature of the judicial or administrative authority, in civil matters relating to:

Amendment

1. This Regulation applies, whatever the nature of the judicial or administrative authority **or other authority with jurisdiction in the matters falling within the scope of this Regulation**, in civil matters relating to:

Amendment 29

Proposal for a regulation

Article 1 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(b a) international child abduction;

Amendment 30

Proposal for a regulation

Article 1 — paragraph 2 — point d

Text proposed by the Commission

(d) the placement of the child in a foster family or in institutional care;

Amendment

(d) the placement of the child **with family members**, in a foster family or in **secure** institutional care **abroad**;

Amendment 31

Proposal for a regulation

Article 2 — paragraph 1 — point 1

Text proposed by the Commission

1. 'authority' means any judicial or administrative authority in the Member States with jurisdiction in the matters falling within the scope of this Regulation;

Amendment

1. 'authority' means any judicial or administrative authority, **and any other authority** in the Member States with jurisdiction in the matters falling within the scope of this Regulation;

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Amendment 32**Proposal for a regulation****Article 2 — paragraph 1 — point 3***Text proposed by the Commission*

-
3. 'Member State' means all Member States with the exception of Denmark;

Amendment

-
3. 'Member State' means all Member States **of the European Union** with the exception of Denmark;

Amendment 33**Proposal for a regulation****Article 2 — paragraph 1 — point 4***Text proposed by the Commission*

-
4. 'decision' means a decree, order **or** judgment of an authority of a Member State concerning divorce, legal separation, marriage annulment or parental responsibility;

Amendment

-
4. 'decision' means a decree, order, judgment of an authority of a Member State, **or an authentic instrument enforceable in a Member State or an agreement between the parties that is enforceable in the Member State in which it is concluded** concerning divorce, legal separation, marriage annulment or parental responsibility;

Amendment 34**Proposal for a regulation****Article 2 — paragraph 1 — point 12 — introductory part***Text proposed by the Commission*

-
12. '**wrongful removal or retention**' means a child's removal or retention where:

Amendment

-
12. '**international child abduction**' means a child's removal or retention where:

Amendment 35**Proposal for a regulation****Article 7 — paragraph 1***Text proposed by the Commission*

-
1. The authorities of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State. Where a child moves lawfully from one Member State to another and acquires a new habitual residence there, the authorities of the Member State of the new habitual residence shall have jurisdiction.

Amendment

-
1. The authorities of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State. Where a child moves lawfully from one Member State to another and acquires a new habitual residence there, the authorities of the Member State of the new habitual residence shall have jurisdiction, **unless the parties agree before the move that jurisdiction should continue to lie with the authority of the Member State where the child has hitherto been habitually resident.**

Thursday 18 January 2018

Amendment 36**Proposal for a regulation****Article 7 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. Where custody and access proceedings are pending, the authority of the Member State of origin shall retain jurisdiction until the proceedings have concluded, unless the parties agree that the proceedings should be brought to an end.

Amendment 37**Proposal for a regulation****Article 8 — paragraph 2***Text proposed by the Commission**Amendment*

2. Paragraph 1 shall not apply if the holder of access rights referred to in paragraph 1 has accepted the jurisdiction of the authorities of the Member State of the child's new habitual residence by participating in proceedings before those authorities without contesting their jurisdiction.

2. Paragraph 1 shall not apply if the holder of access rights referred to in paragraph 1, **having been informed by the authorities of the former habitual residence of the legal implications**, has accepted the jurisdiction of the authorities of the Member State of the child's new habitual residence by participating, **that information notwithstanding**, in proceedings before those authorities without contesting their jurisdiction.

Amendment 38**Proposal for a regulation****Article 9 — paragraph 1 — point b — point i***Text proposed by the Commission**Amendment*

(i) within one year after the holder of rights of custody has had or should have had knowledge of the whereabouts of the child, **no** request for return has been lodged before the competent authorities of the Member State where the child has been removed or is being retained;

(i) within one year after the holder of rights of custody has had or should have had knowledge of the whereabouts of the child, **and notwithstanding the fact that he or she has been informed by the authorities of the legal requirement to make a request for return, no such request** has been lodged before the competent authorities of the Member State where the child has been removed or is being retained;

Amendment 39**Proposal for a regulation****Article 10 — paragraph 5 — subparagraph 1 a (new)***Text proposed by the Commission**Amendment*

The designated judges shall be practicing and experienced family judges, in particular with experience in matters having a cross-border jurisdictional dimension.

Thursday 18 January 2018

Amendment 40**Proposal for a regulation****Article 12 — paragraph 1 — subparagraph 1**

Text proposed by the Commission

In urgent cases, the authorities of a Member State where the child or property belonging to the child is present shall have jurisdiction to take provisional, including protective, measures in respect of that child or property.

Amendment

In urgent cases, the authorities of a Member State where the child or property belonging to the child is present shall have jurisdiction to take provisional, including protective, measures in respect of that child or property. **Such measures should not unduly delay the proceedings and final decisions on custody and access rights.**

Amendment 41**Proposal for a regulation****Article 12 — paragraph 1 — subparagraph 2**

Text proposed by the Commission

In so far as the protection of the best interests of the child so requires, the authority having taken the protective measures shall inform the authority of the Member State having jurisdiction under this Regulation as to the substance of the matter, either directly or through the Central Authority designated pursuant to Article 60.

Amendment

In so far as the protection of the best interests of the child so requires, the authority having taken the protective measures shall inform the authority of the Member State having jurisdiction under this Regulation as to the substance of the matter, either directly or through the Central Authority designated pursuant to Article 60. **That authority shall ensure the equal treatment of the parents involved in the proceedings, and shall ensure that they are thoroughly informed without delay about all the measures in question, in a language they fully understand.**

Amendment 42**Proposal for a regulation****Article 12 — paragraph 2**

Text proposed by the Commission

2. The measures taken pursuant to paragraph 1 shall cease to apply as soon as the authority of the Member State having jurisdiction under this Regulation as to the substance of the matter has taken the measures it considers appropriate.

Amendment

2. The measures taken pursuant to paragraph 1 shall cease to apply as soon as the authority of the Member State having jurisdiction under this Regulation as to the substance of the matter has taken the measures it considers appropriate **and from the moment it notifies the authority of the Member State in which the provisional measures were taken of those measures.**

Thursday 18 January 2018

Amendment 43

Proposal for a regulation

Article 19 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In cases referred to in paragraphs 1 and 2, upon request by an authority seized of the dispute, any other authority seized shall without delay inform the requesting authority of the date when it was seized in accordance with Article 15.

Amendment 44

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

Article 20

Article 20

Right of the child to express his or her views

Right of the child to express his or her views

When exercising their jurisdiction under Section 2 of this Chapter, the authorities of the Member States shall ensure that a child who is capable of forming his or her own views is given the genuine and effective opportunity to express those views freely during the proceedings.

When exercising their jurisdiction under Section 2 of this Chapter, the authorities of the Member States shall ensure that a child who is capable of forming his or her own views is given the genuine and effective opportunity to express those views freely during the proceedings, **in accordance with the relevant national procedural rules, Article 24(1) of the Charter, with Article 12 of the UN Convention on the Rights of the Child and the Council of Europe Recommendation to member States on the participation of children and young people under the age of 18^(1a). Authorities shall document their considerations in this regard in the decision.**

The hearing of a child exercising his or her right to express his or her views shall be conducted by a judge or by a specially trained expert in accordance with national provisions, without any pressure, in particular parental pressure, in a child-friendly setting appropriate for his or her age in terms of language and content and shall provide all the guarantees that allow the emotional integrity and the best interests of the child to be protected.

The hearing of the child shall not be conducted in the presence of the parties to the proceedings or their legal representatives, but shall be recorded and added to the documentation so that the parties and their legal representatives can have the opportunity to see the record of the hearing.

The authority shall give due weight to the child's views in accordance with his or her age and maturity and document its considerations in the decision.

The authority shall give due weight to the child's views in accordance with his or her age and maturity, **taking into account the best interests of the child**, and document its considerations in the decision.

^(1a) CM/Rec(2012)2 of 28 March 2012.

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Amendment 45**Proposal for a regulation****Article 23 — paragraph 2**

Text proposed by the Commission

2. As early as possible during the proceedings, the court shall examine whether the parties are willing to engage in mediation to find, in the best interests of the child, an agreed solution, provided that this does not unduly delay the proceedings.

Amendment

2. As early as possible during the proceedings, the court shall examine whether the parties are willing to engage in mediation to find, in the best interests of the child, an agreed solution, provided that this does not unduly delay the proceedings. ***In that event, the court shall ask the parties to make use of mediation.***

Amendment 46**Proposal for a regulation****Article 25 — paragraph 3**

Text proposed by the Commission

3. The court may declare the decision ordering the return of the child provisionally enforceable notwithstanding any appeal, even if national law does not provide for such provisional enforceability.

Amendment

3. The court may declare the decision ordering the return of the child provisionally enforceable notwithstanding any appeal, even if national law does not provide for such provisional enforceability, ***taking account of the best interests of the child.***

Amendment 47**Proposal for a regulation****Article 25 — paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5 a. When a judicial authority has ordered the return of the child, it shall notify the central authority of the Member State of the habitual residence of the child prior to the wrongful removal of such decision and the date upon which it takes effect.

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Amendment 48

Proposal for a regulation

Article 32 — paragraph 4

Text proposed by the Commission

4. Where the decision was not enforced within six weeks from the moment the enforcement proceedings were initiated, the court of the Member State of enforcement shall inform the requesting Central Authority in the Member State of origin, or the applicant, if the proceedings were instituted without Central Authority assistance, about this fact and the reasons.

Amendment

4. Where the decision was not enforced within six weeks from the moment the enforcement proceedings were initiated, the court of the Member State of enforcement shall **duly** inform the requesting Central Authority in the Member State of origin, or the applicant, if the proceedings were instituted without Central Authority assistance, about this fact and the reasons **and shall provide an estimated time of enforcement.**

Amendment 49

Proposal for a regulation

Article 37 — paragraph 1 — point a

Text proposed by the Commission

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is sought; or

Amendment

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is sought, **though refusal may not result in any form of discrimination prohibited under Article 21 of the Charter**; or

Amendment 50

Proposal for a regulation

Article 38 — paragraph 1 — introductory part

Text proposed by the Commission

1. On the application of any interested party, **the recognition of a decision relating to parental responsibility shall be refused:**

Amendment

1. On the application of any interested party, a decision relating to parental responsibility shall **not be recognised:**

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Amendment 51**Proposal for a regulation****Article 38 — paragraph 1 — point b***Text proposed by the Commission*

(b) where **it** was given in default of appearance if the person in default was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable that person to arrange for his or her defence unless it is determined that such person has accepted the decision unequivocally; or

Amendment

(b) where **the decision** was given in default of appearance if the person in default was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable that person to arrange for his or her defence unless it is determined that such person has accepted the decision unequivocally; or

Amendment 52**Proposal for a regulation****Article 58 — paragraph 1***Text proposed by the Commission*

An applicant who, in the Member State of origin, has benefited from complete or partial legal aid or exemption from costs or expenses shall be entitled, in the procedures provided for in Article 27(3), Articles 32, 39 and 42 to benefit from the most favourable legal aid or the most extensive exemption from costs and expenses provided for by the law of the Member State of enforcement.

Amendment

An applicant who, in the Member State of origin, has benefited from complete or partial legal aid, **aid to cover costs incurred in mediation**, or exemption from costs or expenses shall be entitled, in the procedures provided for in Article 27(3) **and** Articles 32, 39 and 42 to benefit from the most favourable legal aid or the most extensive exemption from costs and expenses provided for by the law of the Member State of enforcement.

Amendment 53**Proposal for a regulation****Article 63 — paragraph 1 — point a***Text proposed by the Commission*

(a) provide, on the request of the Central Authority of another Member State, assistance in discovering the whereabouts of a child where it appears that the child may be present within the territory of the requested Member State and the determination of the whereabouts of the child is necessary for **carrying out a request under** this Regulation;

Amendment

(a) provide, on the request of the Central Authority of another Member State, assistance in discovering the whereabouts of a child where it appears that the child may be present within the territory of the requested Member State and the determination of the whereabouts of the child is necessary for **the application of** this Regulation;

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Amendment 54**Proposal for a regulation****Article 63 — paragraph 1 — point d***Text proposed by the Commission*

- (d) facilitate communications between **authorities**, in particular for the application of Article 14, Article 25(1)(a), Article 26(2) and the second subparagraph of Article 26(4);

Amendment

- (d) facilitate communications between **court authorities**, in particular for the application of Articles 14 and **19**, Article 25(1)(a), Article 26(2) and the second subparagraph of Article 26(4);

Amendment 55**Proposal for a regulation****Article 63 — paragraph 1 — point e a (new)***Text proposed by the Commission**Amendment*

- (**ea**) **inform the holders of parental responsibility about legal aid and assistance, such as assistance provided by specialised bilingual lawyers, in order to prevent holders of parental responsibility from giving their consent without having understood the scope of that consent.**

Amendment 56**Proposal for a regulation****Article 63 — paragraph 1 — point g***Text proposed by the Commission**Amendment*

- (g) ensure that where they initiate or facilitate the institution of court proceedings for the return of children under the 1980 Hague Convention, the file prepared in view of such proceedings, save where exceptional circumstances make this impossible, is complete within six weeks.

- (g) ensure that where they initiate or facilitate the institution of court proceedings for the return of children under the 1980 Hague Convention, the file prepared in view of such proceedings, save where exceptional circumstances make this impossible, is complete **and submitted to the court or other competent authority** within six weeks.

Amendment 57**Proposal for a regulation****Article 64 — paragraph 1 — introductory part***Text proposed by the Commission**Amendment*

1. Upon a request made with supporting reasons by the Central Authority or an authority of a Member State with which the child has a substantial connection, the Central Authority of the Member State where the child is habitually resident and present **may**, directly or through authorities or other bodies:

1. Upon a request made with supporting reasons by the Central Authority or an authority of a Member State with which the child has a substantial connection, the Central Authority of the Member State where the child is habitually resident and present **shall**, directly or through authorities or other bodies:

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Amendment 58**Proposal for a regulation****Article 64 — paragraph 2***Text proposed by the Commission*

2. Where a decision in matters of parental responsibility is contemplated, an authority of a Member State, if the situation of the child so requires, **may** request any authority of another Member State which has information relevant to the protection of the child to communicate such information.

Amendment

2. Where a decision in matters of parental responsibility is contemplated, an authority of a Member State, if the situation of the child so requires, **shall** request any authority of another Member State which has information relevant to the protection of the child to communicate such information.

Amendment 59**Proposal for a regulation****Article 64 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. Where matters of parental responsibility are under scrutiny, the central authority of the Member State where the child is habitually resident shall inform, without undue delay, the central authority of the Member State of which the child or one of the child's parents is a national on the existence of proceedings.

Amendment 60**Proposal for a regulation****Article 64 — paragraph 3***Text proposed by the Commission*

3. An authority of a Member State **may** request the authorities of another Member State to assist in the implementation of decisions in matters of parental responsibility given under this Regulation, especially in securing the effective exercise of rights of access as well as of the right to maintain direct contact on a regular basis.

Amendment

3. An authority of a Member State **shall** request the authorities of another Member State to assist in the implementation of decisions in matters of parental responsibility given under this Regulation, especially in securing the effective exercise of rights of access as well as of the right to maintain direct contact on a regular basis.

Amendment 61**Proposal for a regulation****Article 64 — paragraph 5***Text proposed by the Commission*

5. The authorities of a Member State where the child is not habitually resident shall, upon request of a **person** residing in that Member State who **is** seeking to obtain or to maintain access to the child, or upon request of a Central Authority of another Member State, gather information or evidence, and may make a finding, on the suitability of **that person** to exercise access and on the conditions under which access should be exercised.

Amendment

5. The authorities of a Member State where the child is not habitually resident shall, upon request of a **parent or family member** residing in that Member State who **are** seeking to obtain or to maintain access to the child, or upon request of a Central Authority of another Member State, gather information or evidence, and may make a finding, on the suitability of **those persons** to exercise access and on the conditions under which access should be exercised.

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Amendment 62

Proposal for a regulation

Article 64 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *An authority of a Member State may request the central authority of another Member State to provide information on the national law of that Member State with regard to issues that fall within the scope of this Regulation and are relevant for the examination of a case under this Regulation. The authority of the Member State to which a request is submitted shall respond as soon as possible.*

Amendment 63

Proposal for a regulation

Article 65 — paragraph 1

Text proposed by the Commission

Amendment

1. Where an authority having jurisdiction under this Regulation contemplates the placement of a child ***in institutional care or with a foster family*** in another Member State, it shall first obtain the consent of the competent authority in that other Member State. To that effect it shall, through the Central Authority of its own Member State, transmit to the Central Authority of the Member State where the child is to be placed a request for consent which includes a report on the child together with the reasons for the proposed placement or provision of care.

1. Where an authority having jurisdiction under this Regulation contemplates the placement of a child ***with family members, in foster families, or in secure institutional care*** in another Member State, it shall first obtain the consent of the competent authority in that other Member State. To that effect it shall, through the Central Authority of its own Member State, transmit to the Central Authority of the Member State where the child is to be placed a request for consent which includes a report on the child together with the reasons for the proposed placement or provision of care. ***Member States shall ensure that parents and relatives of the child, regardless of their place of residence, can have regular access, except where this would jeopardise the well-being of the child.***

Amendment 64

Proposal for a regulation

Article 65 — paragraph 4 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

If the competent authority intends to send social workers to another Member State in order to determine whether a placement there is compatible with the well-being of the child, it shall inform the Member State concerned accordingly.

Thursday 18 January 2018

Amendment 65**Proposal for a regulation****Article 66 — paragraph 4**

Text proposed by the Commission

4. Each Central Authority shall bear its own costs.

Amendment

4. ***Save where otherwise agreed between the requesting Member State and the requested Member State***, each Central Authority shall bear its own costs.

Amendment 66**Proposal for a regulation****Article 79 — paragraph 1**

Text proposed by the Commission

By [**10** years after the date of application] the Commission shall present to the European Parliament, to the Council and to the European Economic and Social Committee a report on the ***ex post*** evaluation of this Regulation supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal.

Amendment

By [**five** years after the date of application] the Commission shall present to the European Parliament, to the Council and to the European Economic and Social Committee a report on the ***ex-post*** evaluation of this Regulation supported by information supplied by the Member States. The report shall be accompanied, where necessary, by a legislative proposal.

Amendment 67**Proposal for a regulation****Article 79 — paragraph 2 — point a a (new)**

Text proposed by the Commission

Amendment

(aa) the number of cases and decisions in mediation procedures in matters of parental responsibility;

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