

# Official Journal of the European Union

C 129



English edition

## Information and Notices

Volume 62  
5 April 2019

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2017-2018 SESSION

Sittings of 28 February and 1 March 2018

*The Minutes of this session have been published in OJ C 336, 20.9.2018.*

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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

Thursday 1 March 2018

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8\_TA(2018)0051

**Genetically modified maize DAS-59122-7**

**European Parliament resolution of 1 March 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D054772-02 — 2018/2568(RSP))**

(2019/C 129/01)

*The European Parliament,*

- having regard to the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D054772-02),
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed <sup>(1)</sup>, and in particular Articles 11(3) and 23(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 16 January 2018, where no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers <sup>(2)</sup>,
- having regard to the opinion adopted by the European Food Safety Authority on 18 May 2017, and published on 29 June 2017 <sup>(3)</sup>,
- having regard to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (COM(2017)0085, COD(2017)0035),

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 1.

<sup>(2)</sup> OJ L 55, 28.2.2011, p. 13.

<sup>(3)</sup> <http://www.efsa.europa.eu/en/efsajournal/pub/4861>

Thursday 1 March 2018

— having regard to its previous resolutions objecting to the authorisation of genetically modified organisms <sup>(1)</sup>,

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

- <sup>(1)</sup>
- Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).
  - Resolution of 16 December 2015 on Commission implementing decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (OJ C 399, 24.11.2017, p. 71).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (OJ C 35, 31.1.2018, p. 19).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (OJ C 35, 31.1.2018, p. 15).
  - Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (Texts adopted, P8\_TA(2016)0271).
  - Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (Texts adopted, P8\_TA(2016)0272).
  - Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (Texts adopted, P8\_TA(2016)0388).
  - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (Texts adopted, P8\_TA(2016)0389).
  - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (Texts adopted, P8\_TA(2016)0386).
  - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (Texts adopted, P8\_TA(2016)0387).
  - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (Texts adopted, P8\_TA(2016)0390).
  - Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0123).
  - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0215).
  - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8\_TA(2017)0214).
  - Resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0341).
  - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0377).
  - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0378).
  - Resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0396).
  - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0397).
  - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapeseed MON 88302 × Ms8 × Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0398).

**Thursday 1 March 2018**

- A. whereas Commission Decision 2007/702/EC authorised the placing on the market of food and feed containing, consisting or produced from genetically modified maize 59122 ('GM maize 59122'); whereas, prior to that Commission decision, on 23 March 2007, the European Food Safety Authority (EFSA) adopted a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003, which was published on 3 April 2007 <sup>(1)</sup> (the 'first EFSA opinion');
- B. whereas on 19 July 2016, Pioneer Overseas Corporation and Dow AgroSciences Ltd. (the 'applicant') jointly submitted an application for the renewal of the authorisation for the placing on the market of foods and feed containing, consisting of, or produced from GM maize 59122 in accordance with Articles 11 and 23 of Regulation (EC) No 1829/2003; whereas that application also covered the placing on the market of genetically modified maize 59122 in products consisting of it or containing it for uses other than food and feed as any other maize, with the exception of cultivation;
- C. whereas, on 18 May 2017, EFSA adopted a favourable opinion, in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003, which was published on 29 June 2017 <sup>(2)</sup> (the 'second EFSA opinion');
- D. whereas GM maize 59122 expresses CRY34Ab1 and CRY35Ab1 proteins conferring resistance to coleopteran insect pests belonging to the genus *Diabrotica* such as larvae of western corn rootworm and the PAT protein which confers tolerance to glufosinate-containing herbicides;
- E. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment and that the Commission shall take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision;
- F. whereas many critical comments were submitted by Member States in relation to the first EFSA opinion during the three-month consultation period <sup>(3)</sup> relating to, inter alia, the insufficient surveillance plan, the risk of exposure to BT toxins of non-target organisms, the lack of basis for the conclusion that 'feed products from GM maize 59122 are substantially equivalent to, nutritionally equivalent to and as safe as feed products from commercial maize' and, with regard to the 90-day rat study, the fact that GM maize 59122 was administered at only one dose level for the whole study, in breach of the recommendation in the OECD guidelines concerned;
- G. whereas, following the submission from the applicant for re-authorisation, EFSA was asked to assess data submitted by the applicant, including post-market environmental monitoring reports and 11 primary research studies published between 2007 and 2016; whereas, on the basis of its assessment of the submitted data, EFSA adopted a favourable opinion (the second EFSA opinion, as referred to above), concluding that 'no new hazards or modified exposure and no new scientific uncertainties were identified that would change the conclusions of the original risk assessment on maize 59122';
- H. whereas many critical comments were submitted by Member States in relation to the second EFSA opinion during the three-month consultation period <sup>(4)</sup> including, inter alia, 'that the monitoring conducted for GM maize 59122 is unable to provide meaningful results for the current assessment and to resolve uncertainties associated with the risk assessment conducted prior to authorisation, e.g. as regards exposure of the environment' and that 'the monitoring approach implemented for GM maize 59122 is not in line with requirements of Annex VII of Directive 2001/18/EC';
- I. whereas one Member State questioned why several public studies demonstrating the immunogenicity of Cry proteins in mice had not been submitted by the applicant, and therefore assessed by EFSA, and advised that concerns relating to immunogenicity and adjuvanticity of the Cry proteins expressed in GM maize 59122 should be resolved before renewal of authorisation is granted;

<sup>(1)</sup> <https://www.efsa.europa.eu/en/efsajournal/pub/470>

<sup>(2)</sup> <http://www.efsa.europa.eu/en/efsajournal/pub/4861>

<sup>(3)</sup> Annex G — Member States' comments and GMO Panel responses: <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2016-00526>

<sup>(4)</sup> Annex G — Member States' comments and GMO Panel responses: <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2016-00526>



Thursday 1 March 2018

- J. whereas one Member State noted that the Union has approved the Convention on Biological Diversity, which places international responsibilities on both exporting and importing countries regarding biological diversity and that therefore it is important to take into account the impacts of importing the GM maize 59122 into the Union, both on Union biodiversity as well as biodiversity in the countries of cultivation;
- K. whereas glufosinate is classified as toxic to reproduction and thus falls under the exclusion criteria set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(1)</sup>; whereas the approval of glufosinate expires on 31 July 2018 <sup>(2)</sup>;
- L. whereas the application of the complementary herbicides is part of regular agricultural practice in the cultivation of herbicide-resistant plants and it can therefore be expected that residues from spraying will always be present in the harvest and are inevitable constituents; whereas it has been shown that herbicide-tolerant genetically modified crops result in higher use of complementary herbicides than their conventional counterparts <sup>(3)</sup>;
- M. whereas the residues from spraying with glufosinate were not assessed in either EFSA opinion; whereas residues of glufosinate will be present on GM maize 59122 crop imported into the Union for food and feed uses;
- N. whereas it would be unacceptable from a food safety perspective, as well as highly inconsistent, to authorise the import of a glufosinate tolerant GM maize given that the authorisation for the use of glufosinate in the Union expires on 31 July 2018 due to its reproductive toxicity <sup>(4)</sup>;
- O. whereas the vote of the Standing Committee on the Food Chain and Animal Health, referred to in Article 35 of Regulation (EC) No 1829/2003, on 16 January 2018 delivered no opinion; whereas 12 Member States voted against, while 12 Member States, representing only 38,83 % of the Union population, voted in favour, and four Member States abstained;
- P. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission without the support of the Standing Committee on the Food Chain and Animal Health and that the return of the dossier to the Commission for final decision, which is very much the exception for the procedure as a whole, has become the norm for decision-making on genetically modified food and feed authorisations; whereas that practice has also been deplored by Commission President Juncker as not being democratic <sup>(5)</sup>;
- Q. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading <sup>(6)</sup> and called on the Commission to withdraw it and submit a new one;
- R. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission should, as far as possible, act in such a way as to avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of an implementing act, especially on sensitive issues such as consumer health, food safety and the environment;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
2. Considers that the draft Commission implementing decision is not consistent with Union law in that it is not compatible with the aim of Regulation (EC) No 1829/2003 which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council <sup>(7)</sup>, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, environment and consumer interests in relation to genetically modified food and feed, whilst ensuring the effective functioning of the internal market;

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> Point 7 of the Annex to Commission Implementing Regulation (EU) 2015/404 (OJ L 67, 12.3.2015, p. 6).

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

<sup>(4)</sup> Annex G — Member States' comments and GMO Panel responses: <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-01002>

<sup>(5)</sup> For example, in the opening statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or in the State of the Union Address 2016 (Strasbourg, 14 September 2016).

<sup>(6)</sup> OJ C 355, 20.10.2017, p. 165.

<sup>(7)</sup> OJ L 31, 1.2.2002, p. 1.

**Thursday 1 March 2018**

3. Calls on the Commission to withdraw its draft implementing decision;
  4. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of genetically modified organisms until the authorisation procedure has been revised in such a way so as to address the shortcomings of the current procedure, which has proven inadequate;
  5. Calls on the legislators responsible to advance work on the Commission proposal amending Regulation (EU) No 182/2011 as a matter of urgency and to ensure that, inter alia, if no opinion is delivered by the Food Chain and Animal Health Standing Committee with respect to GMOs approvals, either for cultivation or for food and feed, the Commission will withdraw the proposal;
  6. Calls, in particular, for the Commission not to authorise the import of any genetically modified plant for food or feed uses which has been made tolerant to a complementary herbicide which is banned, or which will be banned in the near future, in the Union;
  7. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
-

Thursday 1 March 2018

P8\_TA(2018)0052

**Genetically modified maize MON 87427 × MON 89034 × NK603**

**European Parliament resolution of 1 March 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 (MON-87427-7 × MON-89034-3 × MON-ØØ6Ø3-6) and genetically modified maize combining two of the events MON 87427, MON 89034 and NK603, and repealing Decision 2010/420/EU (D054771-02 — 2018/2569(RSP))**

(2019/C 129/02)

*The European Parliament,*

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 (MON-87427-7 × MON-89034-3 × MON-ØØ6Ø3-6) and genetically modified maize combining two of the events MON 87427, MON 89034 and NK603 (D054771-02),
  
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed <sup>(1)</sup>, and in particular Articles 7(3) and 19(3) thereof,
  
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 16 January 2018, where no opinion was delivered,
  
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers <sup>(2)</sup>,
  
- having regard to the opinion adopted by the European Food Safety Authority on 28 June 2017, and published on 1 August 2017 <sup>(3)</sup>,
  
- having regard to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (COM(2017)0085, COD(2017)0035),

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 1.

<sup>(2)</sup> OJ L 55, 28.2.2011, p. 13.

<sup>(3)</sup> <https://www.efsa.europa.eu/en/efsajournal/pub/4922>

Thursday 1 March 2018

— having regard to its previous resolutions objecting to the authorisation of genetically modified organisms <sup>(1)</sup>,

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

- <sup>(1)</sup>
- Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).
  - Resolution of 16 December 2015 on Commission implementing decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (OJ C 399, 24.11.2017, p. 71).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (OJ C 35, 31.1.2018, p. 19).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).
  - Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (OJ C 35, 31.1.2018, p. 15).
  - Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (Texts adopted, P8\_TA(2016)0271).
  - Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (Texts adopted, P8\_TA(2016)0272).
  - Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (Texts adopted, P8\_TA(2016)0388).
  - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (Texts adopted, P8\_TA(2016)0389).
  - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (Texts adopted, P8\_TA(2016)0386).
  - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (Texts adopted, P8\_TA(2016)0387).
  - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (Texts adopted, P8\_TA(2016)0390).
  - Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0123).
  - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0215).
  - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8\_TA(2017)0214).
  - Resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0341).
  - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0377).
  - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0378).
  - Resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0396).
  - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0397).
  - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapeseeds MON 88302 × Ms8 × Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8\_TA(2017)0398).

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- A. whereas, on 13 September 2013, Monsanto Europe S.A. submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of, or produced from genetically modified (GM) maize MON 87427 × MON 89034 × NK603 to the national competent authority of Belgium in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas that application also covered the placing on the market of products consisting of or containing genetically modified maize MON 87427 × MON 89034 × NK603 for uses other than food and feed as any other maize, with the exception of cultivation;
- B. whereas the application covered, for those uses, all three sub-combinations of GM maize MON 87427 × MON 89034 × NK603;
- C. whereas GM maize MON 87427 × MON 89034 × NK603 contains two genes for glyphosate resistance and produces Cry1A.105 and Cry2Ab2 proteins which confer resistance to specific lepidopteran pests;
- D. whereas on 28 June 2017 the European Food Safety Authority (EFSA) adopted a favourable opinion, in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003, which was published on 1 August 2017 <sup>(1)</sup>;
- E. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment and that the Commission shall take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision;
- F. whereas many critical comments were submitted by Member States during the three-month consultation period <sup>(2)</sup>; whereas the most critical comments include the fact that the compositional analysis does not cover residues of the complementary herbicides nor its metabolites; that, due to concerns over, inter alia, studies showing an increase in the incidence of bladder stones in mice fed on MON 89034, a conclusion about the risks associated with the use of this GM organism ('GMO') in human or animal food cannot be drawn; that further information is required before the risk assessment can be finalised, and that no conclusions are possible with regard to sub-chronic (no 90-day study was performed), long-term, reproductive or developmental effects of the whole food and/or feed;
- G. whereas the competent authority of one Member State has drawn attention to the fact that, for the GM maize MON 87427 × MON 89034 × NK603 (treated with glyphosate) statistically significant differences with the non-GM comparator were identified for 16 grain endpoints <sup>(3)</sup> and 2 forage endpoints <sup>(4)</sup>, that even more statistically different grain endpoints (42) were identified in a comparison between the GM maize not treated with glyphosate and its non-GM comparator, and that a significant decrease in the vitamin and mineral content of crops is a major concern for human and animal health given that Type B malnutrition is a global problem;
- H. whereas an independent study <sup>(5)</sup> has found that, given those statistical differences, it can be assumed that the GM maize is essentially different from its comparator with regard to many compositional and biological characteristics and that, while the changes taken as isolated data might not raise safety concerns, the overall number of effects and their strong significance should have been taken as a starting point for more detailed investigations; whereas EFSA did not undertake further studies;
- I. whereas no experimental data were provided by the applicant for the sub-combinations MON 87427 × MON 89034 and MON 87427 × NK603; whereas, while the EFSA GMO panel expects, following extrapolation of experimental data provided for the other sub-combination and single events, the two sub-combinations to be as safe as the assessed single maize events, MON 89034 × NK603 and MON 87427 × MON 89034 × NK603, no evaluation of the uncertainty relating to the extrapolation was performed; whereas this weakness may invalidate the general conclusion of the EFSA

<sup>(1)</sup> <https://www.efsa.europa.eu/en/efsajournal/pub/4922>

<sup>(2)</sup> Annex G — Member States' comments and GMO Panel responses: <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-00765>

<sup>(3)</sup> ADF, ash, calcium, magnesium, phosphorus, zinc, arginine, glycine, stearic acid, niacin, α-tocopherol, ferulic acid and p-coumaric acid. See page 94 of Annex G — Member States' comments and GMO Panel responses (<http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-00765>) and page 13 of the EFSA opinion (<https://www.efsa.europa.eu/en/efsajournal/pub/4922>).

<sup>(4)</sup> Moisture and calcium.

<sup>(5)</sup> [https://www.testbiotech.org/sites/default/files/Testbiotech\\_Comment\\_Maize%20MON%2087427%20%C3%97%20MON%2089034%20%C3%97%20NK603%20.pdf](https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_Maize%20MON%2087427%20%C3%97%20MON%2089034%20%C3%97%20NK603%20.pdf)

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opinion and may also be in breach of EFSA's 'Guidance on Uncertainty Analysis in Scientific Assessment' published in January 2018 <sup>(1)</sup>; whereas authorisation should not be considered without a thorough assessment of experimental data for each sub combination of a stacked event;

- J. whereas the GMO panel of EFSA observed that the post-market environmental monitoring plan submitted by the applicant for the three-event stack maize does not include any provisions for the two sub-combinations MON 87427 × MON 89034 and MON 87427 × NK603, and therefore recommended that the applicant revise the plan accordingly; whereas, according to the monitoring plan submitted by the applicant, this recommendation has not been taken up <sup>(2)</sup>;
- K. whereas one of the key purposes of the stacked event is to increase the plant's tolerance to glyphosate (both NK603 and MON 87427 express EPSPS enzymes which confer tolerance to glyphosate); whereas, in consequence, it has to be expected that the plant will be exposed to higher and also repeated dosages of glyphosate which will not only lead to a higher burden of residues in the harvest but may also influence the composition of the plants and their agronomic characteristics; whereas this aspect was not covered in the risk assessment; whereas the residues from spraying with glyphosate were also not assessed in the EFSA opinion;
- L. whereas questions concerning the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate is unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the WHO's International Agency for Research on Cancer classified glyphosate as a probable carcinogen for humans; whereas the Parliament has established a special committee on the Union's authorisation procedure for pesticides, which will help to establish if there was undue industry influence over the Union agencies' conclusions on glyphosate's carcinogenicity;
- M. whereas, according to the EFSA pesticide panel, on the basis of data provided so far, conclusions on the safety of residues from spraying genetically modified crops with glyphosate formations cannot be drawn <sup>(3)</sup>; whereas additives and their mixtures used in commercial formulations for spraying glyphosate can show a higher toxicity than the active ingredient alone <sup>(4)</sup>; whereas the Union has already removed an additive known as POE tallowamine from the market due to concerns over its toxicity; whereas however, problematic additives and mixtures may still be permitted in the countries where this GM maize is cultivated;
- N. whereas imported GM maize is widely used for animal feed in the Union; whereas a peer-reviewed scientific study has found a possible correlation between glyphosate in feed given to pregnant sows, and an increase in the incidence of severe congenital anomalies in their piglets <sup>(5)</sup>;
- O. whereas the development of genetically modified crops tolerant to several selective herbicides is mainly due to the rapid evolution of weed resistance to glyphosate in countries that have relied heavily on genetically modified crops;
- P. whereas insect resistant traits of the stacked event are due to MON 89034 which expresses Bt proteins (Cry1A.105 and Cry2Ab2) conferring resistance to specific lepidopteran pests (e.g. the European corn borer (*Ostrinia nubilalis*)); whereas, according to an independent study, in the context of EFSA's risk assessment, the residues from glyphosate should have also been considered to be a potent co-stressor since the impact on cells and organisms exposed to several

<sup>(1)</sup> <https://www.efsa.europa.eu/en/press/news/180124-0>

<sup>(2)</sup> Annex F — Post-market environmental monitoring plan: <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-00765>

<sup>(3)</sup> EFSA conclusion of the peer review of the pesticide risk assessment of the active substance glyphosate. EFSA journal 2015, 13 (11):4302: <http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4302/epdf>

<sup>(4)</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3955666>

<sup>(5)</sup> <https://www.omicsonline.org/open-access/detection-of-glyphosate-in-malformed-piglets-2161-0525.1000230.php?aid=27562>

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stressors in parallel can be of great importance for the efficacy of Bt toxins<sup>(1)</sup>; whereas a 2017 scientific study on the possible health impacts of Bt toxins and residues from spraying with complementary herbicides concludes that specific attention should be paid to the herbicide residues and their interaction with Bt toxins<sup>(2)</sup>; whereas this was not investigated by EFSA;

- Q. whereas the vote of the Standing Committee on the Food Chain and Animal Health, referred to in Article 35 of Regulation (EC) No 1829/2003, on 16 January 2018 delivered no opinion; whereas 14 Member States voted against, while only 11 Member States, representing only 38,75 % of the Union population voted in favour, and three Member States abstained;
- R. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission without the support of the Standing Committee on the Food Chain and Animal Health and that the return of the dossier to the Commission for final decision, which is very much the exception for the procedure as a whole, has become the norm for decision-making on genetically modified food and feed authorisations; whereas that practice has also been deplored by Commission President Juncker as not being democratic<sup>(3)</sup>;
- S. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading<sup>(4)</sup> and called on the Commission to withdraw it and submit a new one;
- T. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission should, as far as possible, act in such a way as to avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of an implementing act, especially on sensitive issues such as consumer health, food safety and the environment;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
  2. Considers that the draft Commission implementing decision is not consistent with Union law in that it is not compatible with the aim of Regulation (EC) No 1829/2003 which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, environment and consumer interests in relation to genetically modified food and feed, whilst ensuring the effective functioning of the internal market;
  3. Calls on the Commission to withdraw its draft implementing decision;
  4. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of GMOs until the authorisation procedure has been revised in such a way so as to address the shortcomings of the current procedure, which has proven inadequate;
  5. Calls on the legislators responsible to advance work on the Commission proposal amending Regulation (EU) No 182/2011 as a matter of urgency and to ensure that, inter alia, if no opinion is delivered by the Food Chain and Animal Health Standing Committee with respect to GMOs approvals, either for cultivation or for food and feed, the Commission will withdraw the proposal;
  6. Calls on the Commission not to authorise any herbicide-tolerant genetically modified plants (HT GMP) without full assessment of the residues from spraying with the complementary herbicides and their commercial formulations as applied in the countries of cultivation;
  7. Calls on the Commission to request much more detailed testing of health risks relating to stacked events such as genetically modified maize MON 87427 × MON 89034 × NK603;

<sup>(1)</sup> [https://www.testbiotech.org/sites/default/files/Testbiotech\\_Comment\\_Maize%20MON%2087427%20%C3%97%20MON%2089034%20%C3%97%20NK603%20.pdf](https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_Maize%20MON%2087427%20%C3%97%20MON%2089034%20%C3%97%20NK603%20.pdf)

<sup>(2)</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5236067/>

<sup>(3)</sup> For example, in the opening statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or in the State of the Union Address 2016 (Strasbourg, 14 September 2016).

<sup>(4)</sup> OJ C 355, 20.10.2017, p. 165.

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8. Calls on the Commission to develop strategies for health risk assessment, toxicology and post-market monitoring that target the whole food and feed chain;
  9. Calls on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of HT GMP, regardless of whether the GM plant is for cultivation in the Union or for import for food and feed;
  10. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P8\_TA(2018)0055

**Commission decision to activate Article 7(1) TEU as regards the situation in Poland****European Parliament resolution of 1 March 2018 on the Commission's decision to activate Article 7(1) TEU as regards the situation in Poland (2018/2541(RSP))**

(2019/C 129/03)

*The European Parliament,*

- having regard to the Commission reasoned proposal of 20 December 2017 in accordance with Article 7(1) of the Treaty on European Union (TEU) regarding the rule of law in Poland: Proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)0835),
  - having regard to Commission Recommendation (EU) 2018/103 of 20 December 2017 regarding the rule of law in Poland, complementary to Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520 <sup>(1)</sup>,
  - having regard to the Commission's decision to refer Poland to the Court of Justice of the European Union under Article 258 of the Treaty on the Functioning of the European Union for infringement of Union law by the law amending the law on the organisation of ordinary courts <sup>(2)</sup>,
  - having regard to its resolution of 15 November 2017 on the situation of the rule of law and democracy in Poland <sup>(3)</sup> and to its previous resolutions on the subject,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas its resolution of 15 November 2017 on the situation of the rule of law and democracy in Poland states that the current situation in Poland represents a clear risk of a serious breach of the values referred to in Article 2 TEU;
1. Welcomes the Commission's decision of 20 December 2017 to activate Article 7(1) TEU as regards the situation in Poland and supports the Commission's call on the Polish authorities to address the problems;
  2. Calls on the Council to take swift action in accordance with the provisions set out in Article 7(1) TEU;
  3. Calls on the Commission and the Council to keep Parliament fully and regularly informed of progress made and action taken at every step of the procedure;
  4. Instructs its President to forward this resolution to the Commission and the Council, the President, Government and Parliament of Poland, the governments and parliaments of the Member States, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

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<sup>(1)</sup> OJ L 17, 23.1.2018, p. 50.

<sup>(2)</sup> SEC(2017)0560.

<sup>(3)</sup> Texts adopted, P8\_TA(2017)0442.

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P8\_TA(2018)0056

## Situation of fundamental rights in the EU in 2016

**European Parliament resolution of 1 March 2018 on the situation of fundamental rights in the EU in 2016 (2017/2125(INI))**

(2019/C 129/04)

*The European Parliament,*

- having regard to the Treaty on European Union and the Treaty on the Functioning of the European Union,
  - having regard to the references made in previous reports to the state of fundamental rights in the European Union,
  - having regard to its previous resolutions and the previous resolutions of other European and international institutions and agencies,
  - having regard to the reports by national, European and international NGOs,
  - having regard to the work carried out by the European Union Agency for Fundamental Rights (FRA), the Council of Europe and the Venice Commission,
  - having regard to the case law of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights (ECtHR),
  - having regard to the work of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs, the Committee on Women's Rights and Gender Equality, the Committee on Employment and Social Affairs and the Committee on Petitions,
  - having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection,
  - having regard to the African and European leaders' joint statement on the migrant situation in Libya of 1 December 2017 following the African Union — European Union (AU-EU) summit in Abidjan,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0025/2018),
- A. whereas the basis for European integration is the upholding and promotion of human rights, fundamental freedoms, democracy, the rule of law and the values and principles enshrined in the European Treaties, the EU Charter of Fundamental Rights and international human rights instruments;
- B. whereas Article 2 of the TEU states that the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the primacy of law and human rights, including the rights of persons belonging to minorities — values which are shared by all the Member States and which must be upheld and actively promoted by the EU and each Member State individually in all their policies, both internally and externally in a consistent way; whereas Article 17 of the TEU states that the Commission must ensure the application of the Treaties;

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- C. whereas respect for the rule of law is a prerequisite for the protection of fundamental rights, and whereas Member States have the ultimate responsibility to safeguard the human rights of all people by enacting and implementing international human rights treaties and conventions; whereas the rule of law and fundamental rights should be continually consolidated; whereas any attempt to undermine these principles is to the detriment not only of the Member State concerned but also of the Union as a whole;
- D. whereas the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms is a Treaty obligation under Article 6(2) of the TEU;
- E. whereas special attention should be paid to the protection of the human rights of the most vulnerable groups;
- F. whereas the aberrant governance practices seen in some Member States reflect a selective approach to the benefits and responsibilities of EU membership, and whereas the refusal by those Member States to fully uphold EU law, the separation of powers, the independence of the judiciary and the predictability of state actions is undermining the credibility of the EU as a legal area;
- G. whereas the arrival in Europe of migrants and asylum seekers continued in 2016 <sup>(1)</sup>; whereas many of these migrants take extremely dangerous routes, placing their lives in the hands of traffickers and criminals, and are vulnerable to violence, abuse and exploitation; whereas, according to UNHCR data, 27 % of the migrants arriving in Europe via the Mediterranean are children; whereas, according to Unicef-IOM (International Organisation for Migration) reports, about a quarter of the adolescents surveyed in the central Mediterranean route had never been to school;
- H. whereas in 2016 racist and xenophobic reactions against refugees, asylum seekers and migrants were widespread, and whereas particularly vulnerable populations continue to experience increased levels of discrimination, violence and re-traumatisation during the asylum process;
- I. whereas the strong migratory pressure to which certain Member States have been subjected for several years requires real EU solidarity to put in place adequate reception structures for those most in need and vulnerable; whereas many migrants place their lives in the hands of smugglers and criminals and are vulnerable to violations of their rights, including violence, abuse and exploitation;
- J. whereas women and children are at higher risk of being trafficked, exploited and sexually abused at the hands of traffickers and there is therefore a need to build and strengthen child protection systems to prevent and respond to violence, abuse, neglect and exploitation of children, in line with the commitments set out in the Valletta Action Plan;
- K. whereas the ongoing wave of terrorist attacks across the EU has fuelled widespread mistrust of Muslims, both EU citizens and migrants, and whereas certain political parties are exploiting this mistrust and employing the rhetoric of cultural isolationism and hatred of those who are different;
- L. whereas the systematic use of states of emergency and extraordinary judicial and administrative measures and border controls do very little to deter terrorists, who have often been long-term residents and even citizens of EU Member States;
- M. whereas the political measures taken by a number of Member States in response to the arrival of asylum seekers and migrants include the reintroduction of internal border controls in the Schengen area, a step which is increasingly seen as permanent rather than just temporary;

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<sup>(1)</sup> [http://migration.iom.int/docs/2016\\_Flows\\_to\\_Europe\\_Overview.pdf](http://migration.iom.int/docs/2016_Flows_to_Europe_Overview.pdf)

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- N. whereas hate speech includes all forms of expression, both online and offline, which propagate, encourage, promote or justify racial hatred, xenophobia, or prejudice against someone's sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation or other forms of hatred based on intolerance, including political parties and political leaders promoting racist and xenophobic ideas, policies, speeches and practices and spreading fake news; whereas the development of new kinds of media is making it easier to engage in online hate speech; whereas, as the Council of Europe has stated, the phenomenon of online hate speech requires further analysis and action with a view to regulating and finding new ways of combating rhetoric of this kind;
- O. whereas there is a risk that the increased levels of racial or gender-based hatred and violence and xenophobia, whether expressed in the form of hate crimes, fake news, anonymous messages spread on social networks and other internet platforms, protests or political propaganda, are starting to be seen as normal in the Member States;
- P. whereas modern societies cannot function and cannot develop without a free, independent, professional and responsible mass-media system based on principles such as fact-checking, the willingness to reflect a range of informed opinions and the protection of the confidentiality of media sources and the safety of journalists, as well as the protection of freedom of expression and means of limiting fake news; whereas public media plays an essential role in guaranteeing the media's independence;
- Q. whereas all recent reports by international and European agencies and organisations and by civil society, including NGOs, indicate many areas of progress; whereas, nevertheless, fundamental rights violations persist in some Member States, including in terms of discrimination against minorities, corruption, toleration of hate speech, detention conditions and living conditions for migrants;
- R. whereas the EU Agency for Fundamental Rights report entitled 'Violence against women: an EU-wide survey', published in March 2014, found that one third of all women in Europe had experienced physical or sexual acts of violence at least once during their adult lives and that 20 % of women had experienced online harassment; whereas violence against women and gender-based violence, both physical and psychological, are widespread in the EU and are to be understood to be an extreme form of discrimination that affects women at all levels of society; whereas further measures are needed to encourage women who have been the victims of violence to report their experiences and seek assistance;
- S. whereas respect for the rights of persons belonging to minorities and the right to equal treatment is one of the EU's founding principles; whereas approximately 8 % of EU citizens belong to a national minority and approximately 10 % speak a regional or minority language; whereas, at present, except for infringement procedures, the EU has tools of only limited efficacy to respond to systematic and institutional manifestations of discrimination, racism and xenophobia against minorities; whereas there are discrepancies among Member States in terms of recognition of minorities and respect for their rights; whereas, in spite of numerous calls on the Commission, only limited steps have been taken to ensure effective protection of minorities;
- T. whereas digital media have provided children with vast opportunities; whereas, however, children face new risks at the same time; whereas children should be educated about their fundamental rights in the digital world to make it safer for them; whereas child helplines are vital tools in cases linked to the violation of children's rights; whereas the development of digital literacy, including media and information literacy, should be promoted as part of the basic education curriculum and from the earliest years of schooling; whereas fundamental rights should be promoted and protected online in the same way and to the same extent as in the offline world;
- U. whereas e-Government services became increasingly accessible across the EU in 2016; whereas the European e-Justice Portal allows citizens and legal practitioners to obtain information on European and national legal procedures and the functioning of justice;

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**Rule of law**

1. Asserts that neither national sovereignty nor subsidiarity can justify or legitimise the systematic refusal on the part of a Member State to comply with the fundamental values of the European Union which inspired the introductory articles of the European Treaties, which every Member State has willingly endorsed and committed themselves to respecting;
2. Notes that compliance with the Copenhagen Criteria by states at the time of their accession to the EU must be subject to constant monitoring and to a constant dialogue within and between Parliament, the Commission and the Council;
3. Recalls that, in accordance with Article 17(1) of the TEU, the Commission, as guardian of the Treaties, has the legitimacy and authority to ensure that all the Member States are upholding the principles of the rule of law and the other values referred to in Article 2 of the TEU; considers, therefore, that the measures taken by the Commission to carry out the task and to ensure that the conditions which existed before a Member State's accession are still being fulfilled do not violate the sovereignty of the Member States; recalls the responsibility of the Council itself to be involved in matters of rule of law and governance; welcomes the idea of holding regular talks on the rule of law within the General Affairs Council and calls on the Council to continue down this path so that every Member State is subject to regular evaluation;
4. Notes the Commission's efforts to ensure that all Member States fully uphold the rule of law, but also the ineffectiveness of the instruments used thus far; considers that all channels of dialogue should be explored but that they should not be prolonged indefinitely without tangible results; insists that Article 7 of the TEU should no longer be regarded merely as a hypothetical tool, but should be employed if all other remedies have failed; recalls in that context that the triggering of Article 7 does not automatically mean that sanctions will be imposed on the Member State concerned;
5. Stresses that the EU needs a common approach to the governance of a democratic state and the application of fundamental values, which does not yet exist, and that it must be democratically decided and developed by pooling experiences of European governance; considers that this common approach to governance should include a common understanding of the role of the majority within a democracy to prevent abuse which could lead to tyranny by the majority;
6. Recalls the intrinsic link that exists between the rule of law and fundamental rights; notes the strong mobilisation of EU citizens through which they show their strong commitment to fundamental rights and European values; recalls, in this context, the need to make all Europeans more aware of the EU's common values and the Charter;
7. Considers that differences in interpretation and non-compliance with the values referred to in Article 2 of the TEU weaken the cohesion of the European project, the rights of all Europeans and the mutual trust needed among the Member States;
8. Points out that in its resolution of 25 October 2016 <sup>(1)</sup> it recommends the establishment of a European mechanism for democracy, the rule of law and fundamental rights; points out that this mechanism would be central to the coordinated European approach to governance which is currently lacking; urges the Commission to put forward a proposal to establish such a mechanism in line with the principles of subsidiarity and proportionality;
9. Underlines that a broader rule of law monitoring framework would result in better cohesion between the existing tools, improved effectiveness and annual cost savings; underlines the importance of making use of varied and independent sources throughout the monitoring process; reiterates the importance of preventing violations of fundamental rights rather than reacting when these violations are repeated;
10. Strongly condemns the increasing restrictions on freedom of assembly, in some cases with violent responses by the authorities against protesters; reaffirms the crucial role of these fundamental freedoms in the functioning of democratic societies, and calls on the Commission to take an active role in promoting these rights in line with international human rights standards;

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<sup>(1)</sup> Texts adopted, P8\_TA(2016)0409.

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11. Points out that the right to access to justice is vital for the protection of all fundamental rights, democracy and the rule of law;
12. Points out that in its resolution of 25 October 2016 it calls on the Commission to partner with civil society to develop and implement an awareness-raising campaign aimed at enabling Union citizens and residents to take full ownership of their rights deriving from the Treaties and from the Charter (e.g. freedom of expression, freedom of assembly and the right to vote), and providing information about citizens' rights to judicial redress and litigation routes in cases relating to violations of democracy, the rule of law and fundamental rights by national governments or EU institutions;
13. Calls on the Commission, as guardian of the Treaties, to produce up-to-date databases on the situation of fundamental rights in the individual Member States, in partnership with the European Union Agency for Fundamental Rights (FRA);
14. Points out that corruption undermines the rule of law, democracy, human rights and the equal treatment of all citizens; reiterates that corruption poses a threat to good governance and the existence of a just and socially equitable judicial system and slows economic development; calls for the Member States and EU institutions to step up their fight against corruption by regularly monitoring the way in which EU and national public funding are used;
15. Emphasises the essential role of witnesses and informants in ensuring that the activities of criminal organisations or serious violations of the rule of law are prosecuted and punished;
16. Calls on the Member States to facilitate the rapid establishment of the European Public Prosecutor's Office;

***Migration and integration***

17. Notes that the drivers of migration in third countries are mainly violent conflicts, persecution, inequality, terrorism, repressive regimes, natural disasters, human-made crises and chronic poverty;
18. Recalls that asylum seekers and migrants continue to lose their lives and face multiple dangers while attempting to cross the EU's external borders irregularly;
19. Expresses concern at the fact that several Member States have toughened their political approach to asylum and migration and that certain Member States are not fully complying with their obligations in relation to these areas;
20. Calls for the EU and its Member States to put solidarity and respect for the fundamental rights of migrants and asylum seekers at the core of EU migration policies;
21. Calls on the Member States to respect and fully implement the adopted common European asylum package and the common migration legislation, particularly with a view to protecting asylum seekers against violence, discrimination and re-traumatisation during the asylum process, and paying particular attention to vulnerable groups; recalls that children make up almost a third of asylum seekers and are particularly vulnerable; calls for the EU and its Member States to step up their efforts to prevent unaccompanied minors from going missing;
22. Welcomes the cooperation between the FRA and FRONTEX in creating a handbook on the treatment of children at land borders;
23. Is concerned about the wide divergences in the reception conditions provided by some Member States, with some Member States failing to ensure adequate and dignified treatment of applicants for international protection;
24. Strongly condemns the upsurge in the trafficking of human beings, the perpetrators of which — including officials and government players — should be held accountable and brought to justice and urges the Member States to increase cooperation and step up their fight against organised crime, including smuggling and trafficking in human beings, but also exploitation, forced labour, sexual abuse, and torture, all while protecting victims;
25. Recalls that women and children are at higher risk of being trafficked and of being exploited and sexually abused at the hands of traffickers;

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26. Takes the view that safe and legal routes should be available for migration, and that the best way to protect the rights of people who cannot legally enter Europe is to address the root causes of migration flows, find sustainable solutions to conflicts and develop cooperation and partnerships; believes that these should contribute to the rapid and robust development of countries of origin and transit by developing local economies and offering new opportunities there, as well as investing in asylum systems in transit countries which fully respect international law and fundamental rights in this area;
27. Calls for the EU and the Member States to strengthen safe and legal routes for refugees and, in particular, to increase the number of resettlement places offered to the most vulnerable refugees;
28. Recalls that the return policy should fully comply with migrants' fundamental rights, including the right of non-refoulement; considers that the necessary attention should be given to protecting the dignity of individuals being returned and asks, in this regard, that voluntary returns and assistance for reintegration into the societies of origin be strengthened;
29. Stresses that the EU should promote a reception and integration policy in all the Member States, and that it is unacceptable that certain Member States claim that the migration phenomenon is not their concern; highlights the fact that the principles of equal treatment and non-discrimination should always be ensured throughout all migration and integration policies; welcomes the launch of the European Integration Network and recommends an increase in the exchange of best practices among Member States in the field of integration;
30. Recalls the importance of providing migrants, both children and adults, with an education as a necessity for their integration into the host society; insists on their specific needs, particularly in terms of language learning; stresses the need for measures to be taken in all the Member States to give them access to healthcare, good living conditions and the opportunity to be reunited with their families;
31. Stresses the need to ensure the provision of educational resources on intercultural dialogue to the general population;
32. Stresses the need for measures to be taken as a matter of priority in all the Member States to give all migrant children adequate and dignified reception conditions, language courses, a grounding in intercultural dialogue, education and professional training;
33. Calls on the Member States to strengthen their child protection services, including those for asylum-seeking, refugee and migrant children; urges the Commission to put forward a coherent concept of guardianship systems to protect the best interests of unaccompanied minors; calls for specific procedures to be developed and put in place to ensure the protection of all children, in line with the UN Convention on the Rights of the Child;
34. Stresses the imperative need for people of various religious background, including those who have already been living in the European Union for a long time, to be integrated as effectively as possible into European society;
35. Stresses that the development of social inclusion and education strategies and policies tackling discrimination and exclusion could prevent vulnerable individuals from joining violent extremist organisations;
36. Recommends that security approaches to tackle all forms of radicalisation and terrorism in Europe be complemented, notably in the judicial sphere, by long-term policies to prevent radicalisation and recruitment of EU citizens by violent extremist organisations;
37. Is concerned about the alarming increase in manifestations of hatred, hate speech and fake news; condemns incidents of hate crime and hate speech motivated by racism, xenophobia or religious intolerance or by bias against a person's disability, sexual orientation or gender identity, which occur in the EU on a daily basis; stresses that tolerance for the propagation of the rhetoric of hatred and fake news feeds populism and extremism; believes that systematic civil or criminal law measures can halt this harmful trend;

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38. Stresses that purposeful dissemination of false information about any category of persons living in the EU, the rule of law or fundamental rights represents an immense threat to the EU's democratic values and unity;
39. Points out that social networks and the anonymity guaranteed by many different media platforms encourage many forms of expression of hatred, including far-right and jihadist extremism, and recalls that the internet cannot constitute a lawless area;
40. Recalls that freedom of expression, information and the media are fundamental for ensuring democracy and the rule of law; strongly condemns violence, pressure or threats against journalists and the media, including in relation to the disclosure of information about breaches of fundamental rights;
41. Condemns the normalisation of hate speech sponsored or supported by authorities, political parties or political leaders and reported by social media;
42. Recalls that the fight against these phenomena relies on education and public awareness; calls on the Member States to introduce awareness-raising programmes in schools and urges the Commission to support the efforts made by Member States in this regard, in particular by creating guidelines for this process;
43. Believes that awareness of hate crimes should be systematically developed among police officers and judicial authorities in the Member States, and that the victims of these crimes should be advised and encouraged to report the incidents; calls for EU-wide training for police enforcement officials in the EU to be able to combat hate crimes and hate speech effectively; stresses that this training should be provided by the European Union Agency for Law Enforcement Training (CEPOL) and build on best practices at national level and the work of FRA;
44. Welcomes the fact that the Commission created a high-level group to combat racism, xenophobia and other forms of intolerance;
45. Calls on the high-level group created by the Commission to work in particular on harmonising the definition of 'hate crime' and 'hate speech' across Europe; believes that the group should also address hate speech and incitement to violence that can be attributed to political figures;
46. Calls for this phenomenon to be curbed through improved monitoring, investigation and prosecution by the relevant judicial authorities of the authors of statements or words incompatible with European laws, while protecting freedom of speech and the right to privacy, in collaboration with civil society and IT companies;
47. Calls on the Commission in this context to propose a recast of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law in order to cover other forms of bias crime;

***Discrimination***

48. Condemns any discrimination based on any grounds such as prejudice against someone's sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, as stated in Article 21 of the Charter, or any other form of intolerance or xenophobia and recalls Article 2 of the TEU;
49. Recognises that secularism, in terms of the strict separation of church and state, and the neutrality of the state is essential for protecting freedom of religion or belief, guaranteeing equal treatment of all religions and beliefs and fighting discrimination on grounds of religion or belief;
50. Notes that the proposed 2008 Equal Treatment Directive is still pending approval by the Council; reiterates its call on the Council to adopt its position on the proposal as soon as possible;



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51. Recalls the Member States' obligation to fully implement Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;
52. Recalls that human rights are universal and that no minority should suffer discrimination; emphasises that minority rights are an inalienable part of the principle of the rule of law; notes that there is a higher risk of violation of rights of minorities when the rule of law is not respected;
53. Condemns the instances of discrimination, segregation, hate speech, hate crime and social exclusion experienced by Roma people; condemns the continuous discrimination against Roma people in access to housing, health care, education and the labour market; recalls that all European citizens should receive equal assistance and protection regardless of their ethnic origin;
54. Calls on the Commission and the Member States to collect reliable and comparable data on equality in consultation with minority representatives in order to measure inequalities and discrimination;
55. Calls on the Member States to exchange good practice and to apply tried and tested solutions in addressing the problems faced by minorities throughout the European Union;
56. Insists on the importance of pursuing equality policies that enable all ethnic, cultural and religious minorities to enjoy their fundamental rights uncontested;
57. Encourages those Member States that have not yet done so to ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages; recalls, furthermore, the need to implement the principles developed in the framework of the Organisation for Security and Cooperation in Europe (OSCE);
58. Urges the Member States to give proper consideration to minority rights, to ensure the right to use a minority language and to protect linguistic diversity within the Union; calls on the Commission to strengthen its plan to promote the teaching and use of regional languages, as a potential way of tackling language discrimination in the EU;
59. Encourages the inclusion in school curricula of education about the value of tolerance in order to provide children with the tools they need to identify all forms of discrimination, whether of an anti-Muslim, anti-Semitic, anti-African, anti-Roma or anti-LGBTI nature, or aimed at any other minority;
60. Calls on the Commission to share Member States' best practices for addressing gender stereotypes at school;
61. Regrets the fact that LGBTI people experience bullying and harassment, and suffer discrimination in different aspects of their lives;
62. Condemns all form of discrimination against LGBTI people; encourages the Member States to adopt laws and policies to combat homophobia and transphobia;
63. Encourages the Commission to present an agenda that ensures equal rights and opportunities for all citizens, while respecting the competences of Member States, and to monitor proper transposition and implementation of EU legislation relevant to LGBTI rights; urges the Commission and the Member States to work in close cooperation with civil society organisations working for the rights of LGBTI people;
64. Calls on Member States which have adopted legislation on same-sex partnerships and/or marriage to recognise provisions with similar effects adopted by other Member States; recalls the Member States' obligation to fully implement Directive 2004/38/EC, including for same-sex couples and their children; welcomes the fact that more and more Member States have introduced and/or adapted their laws on cohabitation, civil partnership and marriage to overcome the discrimination based on sexual orientation experienced by same-sex couples and their children, and calls on other Member States to introduce similar laws; calls on the Commission to put forward a proposal for the full mutual recognition of the

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effects of all civil status documents across the EU, including with regard to legal gender recognition, marriages and registered partnerships, in order to reduce the discriminatory legal and administrative barriers for citizens who exercise their right to free movement;

65. Welcomes initiatives prohibiting LGBTI conversion therapies and banning the pathologisation of trans identities and urges all Member States to adopt similar measures that respect and uphold the right to gender identity and gender expression;

66. Deplores the fact that transgender people are still considered mentally ill in the majority of Member States and calls on those states to review their national mental health catalogues and to develop alternative stigma-free access models, ensuring that medically necessary treatment remains available for all transpeople; deplores the fact that several Member States today still impose requirements on transgender people such as medical intervention in order to have the changed gender recognised (including in passports and official identity documents) and forced sterilisation as a condition for gender reassignment; notes that such requirements are clearly human rights violations; calls on the Commission to provide guidance to Member States on the best models for legal gender recognition in Europe; calls on Member States to recognise change of gender and to provide access to quick, accessible and transparent legal gender recognition procedures without medical requirements such as surgery or sterilisation or psychiatric consent;

67. Welcomes the initiative shown by the Commission in pushing for the depathologisation of transgender identities in the review of the World Health Organisation's International Classification of Diseases (ICD); calls on the Commission to intensify efforts to prevent gender variance in childhood from becoming a new ICD diagnosis;

68. Calls on the Commission to collect data on human rights violations faced by intersex people in all areas of life and to provide guidance to Member States on best practices to protect the fundamental rights of intersex people; regrets that genital 'normalisation' surgery for intersex children is still in practice in EU Member States despite not being medically necessary, even though medical procedures on children cause long-term psychological trauma for them;

69. Calls on the Member States to fully implement the Victims' Rights Directive<sup>(1)</sup> and to identify and remedy gaps in their victims' rights protection system, paying special attention to vulnerable groups, such as the rights of children, minority groups or victims of hate crime;

70. Calls, as a matter of urgency, for the EU and its Member States to combat all forms of violence and discrimination against women and to prosecute the perpetrators; calls on the Member States in particular to deal effectively with the effects of domestic violence and sexual exploitation in all its forms, including that of refugees and migrant children, and early or forced marriage;

71. Calls on the Member States to exchange best practices and to provide regular training for police and judicial staff on new forms of violence against women;

72. Welcomes the fact that every Member State has signed the Istanbul Convention and that the European Union has signed it; calls on the Member States that have not yet ratified the convention to proceed to do so;

73. Urges the Member States to step up their efforts to combat sexual harassment and sexual aggression;

74. Recalls that poverty in old age is especially worrying in the case of women, on account of the continued gender pay gap resulting in the gender pension gap;

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<sup>(1)</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

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75. Calls on the Member States to draw up appropriate policies to support elderly women and to eliminate the structural causes of gender differences in compensation;
76. Stresses the need to end discrimination against people with disabilities, granting them equal social and political rights, including the right to vote, as stated in the UN Convention on the Rights of Persons with Disabilities;
77. Acknowledges that women's sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education and the prohibition of discrimination; stresses, in this regard, that people with disabilities are entitled to enjoy all their fundamental rights on an equal basis with others;
78. Calls for the EU and its Member States to recognise the fundamental right to access to preventive health care; insists that the Union must play a role in raising awareness about and promoting best practices on this issue, including in the context of the EU Health Strategy, while respecting the competences of the Member States, given that health is a fundamental human right that is essential to the exercise of other human rights; recalls, in this regard, that coherence and consistency between the EU's internal and external human rights policies are of great importance;
79. Emphasises that any system of indiscriminate mass surveillance constitutes a serious interference with the fundamental rights of citizens; stresses that any legislative proposal in the Member States related to surveillance capabilities of intelligence bodies should always comply with the Charter and the principle of necessity, proportionality and legality;
80. Calls on the Commission and the Member States to promote the numbers of the missing children hotline (116 000) and the child helplines (116 and 111) among the general public and among relevant stakeholders in national child protection systems; calls on the Member States to ensure that citizens have access to adequate, child-friendly services, accessible throughout the EU 24/7; calls on the Member States and the Commission to allocate sufficient funds if needed;
81. Calls, as a matter of urgency, for the EU institutions and the Member States to unite in their efforts to combat infringements of children's rights online; reiterates its call for those Member States which have not done so to transpose and implement effectively the Directive on combating the sexual abuse and sexual exploitation of children and child pornography<sup>(1)</sup>; calls on the Member States to strengthen the legal ability, technical capabilities and financial resources of law enforcement authorities in order to increase cooperation, including with Europol, with a view to tackling this phenomenon; stresses the role of professionals who work with children in detecting signs of physical and psychological violence against children, including cyber bullying; calls on the Member States to ensure that awareness is raised among such professionals and that they receive adequate training;
82. Takes note of the positive trends in certain Member States regarding the rights of victims; notes, however, that there are still obvious gaps in the general services providing support to victims of crime;
83. Welcomes the EU e-Government Action Plan 2016-2020 and the European e-Justice Action Plan (2014-2018);
84. Encourages the Commission to appoint EU coordinators on Afrophobia and anti-Gypsyism, to be responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors and developing existing and new EU policies to address Afrophobia and anti-Gypsyism; stresses, in particular, that the role of the EU coordinator on anti-Gypsyism should be to strengthen and complement the work of the Commission's Non-discrimination and Roma Coordination Unit by reinforcing the team, allocating adequate resources and employing further staff in order to have sufficient capacities to fight anti-Gypsyism, raise awareness of the Roma Holocaust and to promote Holocaust remembrance; recommends the adoption of European frameworks for national strategies to combat Afrophobia, anti-Semitism and Islamophobia;

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<sup>(1)</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

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85. Condemns the steps taken by Member State governments to undermine and demonise civil society and NGOs; urges Member States to provide support to civil society organisations as they often do important work complementing social services provided by the state or even filling gaps not covered by the state;

86. Proposes the appointment of an EU coordinator for civic space and democracy, tasked with coordinating the work carried out by the EU and the Member States in this field, while playing a supervisory role and serving as a point of contact for NGOs as regards harassment-related incidents that restrict their work;

87. Invites the Commission to establish guidelines for civil society engagement and indicators for civic space;

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

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**Prospects and challenges for the EU apiculture sector****European Parliament resolution of 1 March 2018 on prospects and challenges for the EU apiculture sector (2017/2115(INI))**

(2019/C 129/05)

*The European Parliament,*

- having regard to its resolution of 15 November 2011 on honeybee health and the challenges of the beekeeping sector <sup>(1)</sup>,
  - having regard to the conclusions of the Agriculture and Fisheries Council (8606/11 ADD 1 REV 1) on the Commission communication on honeybee health (COM(2010)0714),
  - having regard to the European week of bees and pollination — EU Bee Week — which has been held at the European Parliament since 2012,
  - having regard to the European Food Safety Authority (EFSA) report ‘Collecting and Sharing Data on Bee Health: Towards a European Bee Partnership’ of September 2017, which put into practice the European Bee Partnership,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0014/2018),
- A. whereas the beekeeping sector is an integral part of European agriculture representing over 620 000 beekeepers in the EU <sup>(2)</sup>; whereas beekeeping is widely practiced as a hobby or for own consumption purposes, as well as being pursued professionally;
- B. whereas the economic value supplied by bees involves pollination and the production of honey, honey wax and other bee products, while wooden frames or beehives, as well as apitourism, are also of great importance;
- C. whereas the beekeeping sector is vital for the EU and contributes significantly to society, both economically with around EUR 14,2 billion per year, and environmentally by maintaining the ecological balance and biological diversity, as 84 % of plant species and 76 % of food production in Europe are dependent on pollination by wild and domestic bees;
- D. whereas bees and other pollinators provide pollination and thus ensure the reproduction of numerous cultivated and wild plants, ensuring food production and food security and preserving biodiversity free of charge in Europe and in the world; whereas the importance of pollination in the EU is not sufficiently recognised and is often taken for granted, while in the US, for example, a total of EUR 2 billion is spent each year on artificial pollination; whereas Europe is home to approximately 10 % of global bee diversity; whereas according to the French National Institute for Agricultural Research, the mortality of bees would cost EUR 150 billion worldwide, or 10 % of the market value of food, which attests to the need to protect pollinating insects;
- E. whereas recent research by the UN Food and Agriculture Organisation (FAO) shows that increasing the density and variety of pollinating insects has a direct impact on harvest yields and, as such, can help small-scale farmers increase their productivity by an average of 24 % overall;

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<sup>(1)</sup> OJ C 153 E, 31.5.2013, p. 43.

<sup>(2)</sup> [https://ec.europa.eu/agriculture/honey\\_en](https://ec.europa.eu/agriculture/honey_en)

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- F. whereas not all countries have a beekeeper and beehive registration system that would facilitate the monitoring of developments in the sector, the market and bee health;
- G. whereas in 2004 the Commission guaranteed EUR 32 million per year to national beekeeping programmes for the sole benefit of beekeeping, and whereas by 2016 this figure had risen to 36 million, but is still far from being enough (representing only 0,0003 % of the CAP budget);
- H. whereas between 2004 and 2016 the number of honey bee colonies rose by 47,8 % through the accession of new Member States, but EU funding increased by just 12 %, meaning that the available EU funding is not sufficient to maintain the bee population and appropriately assist beekeepers in renewing their bee colonies following population losses in Member States suffering high mortality rates;
- I. whereas despite this statistical increase, many professional beekeepers have ceased activity, and in some Member States the number of bee colonies has declined by as much as 50 % or more <sup>(1)</sup>, owing to the effects of climate change (e.g. spring frost, drought, fires), certain chemical active substances, and disturbances within the EU's internal market in honey; whereas numerous cases of winter losses and disorders continue to be recorded today;
- J. whereas national programmes for the apiculture sector in receipt of EU co-funding have an overall positive effect; whereas it is more likely to be the national implementation that can sometimes generate lack of confidence from the sector and therefore diminish uptake;
- K. whereas the apiculture sector suffers from a particularly serious demographic and ageing problem, with only a small percentage of beekeepers aged under 50, which jeopardises the future of the sector; whereas beekeeping represents a potential source of work and integration for young people in rural areas, since access to land is limited in many European regions;
- L. whereas good theoretical knowledge combined with practical training can help facilitate better understanding of and action to deal with the challenges ahead for bee colonies, and are therefore important; whereas beekeepers should operate in a responsible and professional way and in close cooperation with farmers in order to tackle future challenges such as climate change, natural disasters, reduction of bee foraging grounds, attacks by wild animals and from species of migratory birds in some regions (beehives are greatly exposed to such predations as beekeeping is often practised in the open air), and high administrative burdens in some Member States;
- M. whereas the National Apiculture Programmes co-funded by the EU provide participants with the opportunity to undertake research and development projects; whereas successful projects can substantially contribute to strengthening the sector and improving its capacity to resist natural and market crises; whereas knowledge transfer and the exchange of good and innovative practices provide added value to the European apiculture sector, in particular if complemented by a specific programme, such as the current 'Erasmus for beekeepers' under Pillar II of the CAP;
- N. whereas the practice of so-called nomadic farming has many positive aspects, but also a number of problematic ones, in particular regarding compliance with the rules to prevent hazardous situations from spreading; whereas, therefore, more careful monitoring needs to take place;
- O. whereas the currently observed increased mortality among honeybees and wild pollinators in Europe is worrying because of its negative impact on agriculture, biodiversity and ecosystems; whereas there are multiple stress factors causing increased bee mortality, which vary according to geographical area, local characteristics and climatic conditions; whereas these factors include the severe impact of invasive alien species such as *Varroa destructor*, the small hive beetle (*Aethina tumida*), the Asian hornet (*Vespa velutina*) and of American foulbrood, as well as animal pathogens such as nosemosis, the impact of some active substances in plant protection products and other biocides, climate change, environmental degradation, the degeneration of habitats and the progressive disappearance of flowering

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<sup>(1)</sup> This leads to loss of productivity because beekeepers have to increase bee stocks to produce equivalent amounts of honey.

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plants; whereas bees are dependent on agricultural land, with surface areas and crop diversity supplying their main food source, and it would therefore be useful for both beekeepers and farmers to apply a certain type of ecological focus areas called 'beekeeping areas', which could subsequently be widely used in all Member States, in particular during the low-flowering season;

- P. whereas beekeepers are often powerless to combat bee diseases and parasites, owing to lack of information and training and of effective means to counteract them, such as access to bee treatment medicines; whereas beekeepers are receiving support for protective measures against *Varroa destructor*, although those measures are not yet fully successful as research and development efforts remain inadequate regarding treatments against parasitic species, the impact of bee diets and exposure to chemical products;
- Q. whereas the obligation of beekeepers to declare diseases and parasites leads to the systematic destruction of hives and might encourage them not to declare these; whereas the medicines available on the market to treat bee diseases are limited and do not match the increased need for effective veterinary medicines; whereas several natural substances have been tested for the control of varroosis, of which three have become the basis for organic treatments, namely formic acid, oxalic acid and thymol;
- R. whereas monoculture-based farming using crop varieties and hybrids with lower nectar and pollen yields and shorter flowering periods greatly reduces both biodiversity and the extent of the areas used for bee foraging grounds; whereas British scientists have recently concluded that local and regional breeds of bees survive better in a given area than breeds of honey bees settled from elsewhere <sup>(1)</sup>; whereas the long-term health and sustainability of the apiculture sector in Europe rests on ensuring the long-term health and sustainability of local honey bee ecotypes, given their diversity and ability to adapt to local environments;
- S. whereas the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), in its report adopted on 26 February 2016, as well as the International Union for Conservation of Nature (IUCN) in its Worldwide Integrated Assessments on systemic insecticides, have warned against the decline in pollinators; whereas bees are an important indicator of environment quality;
- T. whereas beekeepers, farmers, environmentalists and citizens expect actions based on clear scientific consensus on all causes of bee mortality, including the effects of pesticide active substances (e.g. some neonicotinoids and some other systemic insecticides), as identified by EFSA;
- U. whereas the variation in scientific findings can be partially ascribed to the use of different analytical methods and research protocols; whereas lack of coordination of research into pollinators at EU level and of accessible and harmonised data between stakeholders are resulting in a proliferation of divergent or contradictory studies;
- V. whereas it is important to maintain and deepen dialogue and cooperation among all stakeholders (beekeepers, farmers, scientists, NGOs, local authorities, plant protection industries, the private sector, veterinarians and the general public), to coordinate research and to share all relevant collected data in a timely fashion;
- W. whereas there is a general demand for a common and harmonised database, including inter alia type of crop and agricultural practice, presence of pests and diseases, climate and weather conditions, landscape and infrastructure, density of bee colonies and the bee mortality rate per region, as well as for relevant digital tools and technologies that are harmless to bees, and media as suggested by the 'European Bee Partnership' initiative adopted in June 2017; whereas the results of the EFSA comprehensive scientific review, already delayed for more than one year, are needed to enable decisions to be made based on the most recent science; whereas clear results on all indicators of bee health are

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<sup>(1)</sup> 'Honey bee genotypes and the environment', in *Journal of Agricultural Research* 53(2), pp. 183-187 (2014)

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needed as soon as possible in order to stop and reduce the mortality of bees, in particular through field tests; whereas beekeepers, farmers and citizens expect the Commission to closely monitor, together with relevant EU agencies and experts from the Member States, the EFSA Guidance for assessing the impact of plant protection products on bees, and expect Member States to duly implement it;

- X. whereas honey production is also affected by weather conditions, as warm and moist weather promotes honey production, while simultaneous cold and wet weather impedes it; whereas autumn and winter losses contribute to bee colony thinning and to a decline in honey production, which can reach 50 % in some Member States, and even 100 % in some regions;
- Y. whereas attention should be paid to the varying size of the honeybee population in different agricultural areas, given that it is growing in some honey-producing countries and declining in others;
- Z. whereas the increase in bee mortality has forced beekeepers to buy new colonies more regularly, resulting in increased production costs; whereas the cost of a bee colony has increased at least fourfold since 2002; whereas replacing a bee colony can often lead to a decrease in production in the short and medium term, since new colonies are less productive when first established; whereas beekeepers never use as many bee colonies in honey production as the statistics show, since they rebuild the original number of colonies in the course of the year, at the expense of production quantity since the restocking of lost colonies also requires honey;
- AA. whereas there has been a twofold increase in the amount of honey produced and exported in some third countries over the past 15 years; whereas the EU is barely 60 % self-sufficient in honey — a figure which is not increasing — while the number of hives in the EU nearly doubled between 2003 and 2016 and the number of beekeepers increased from around 470 000 to around 620 000 during the same period; whereas in 2016 the three leading European producers of honey were Romania, Spain and Hungary, followed by Germany, Italy and Greece;
- AB. whereas every year the EU imports about 40 % of its honey; whereas in 2015 imported honey was on average 2,3 times cheaper than the honey produced in the EU; whereas the EU imports around 200 000 tonnes of honey per year, mainly from China, Ukraine, Argentina and Mexico, which is creating a serious competitive disadvantage for Europe's beekeepers compared to producers from third countries and preventing a higher degree of self-sufficiency; whereas imported honey often does not meet the standards applied to EU beekeepers;
- AC. whereas consumers often think they are eating honey from the EU, when a proportion of that honey in fact is a blend of EU and third-country honey, while a large proportion of imported honey is adulterated;
- AD. whereas since 2002 the amount of honey from the world's major honey-producing regions has stagnated or decreased as a result of poor bee health, while the amount of honey produced in China has doubled (to around 450 000 tonnes per year from 2012), representing more than the combined honey production of the EU, Argentina, Mexico, the US and Canada;
- AE. whereas in 2015 more than half of the EU's imported honey came from China — around 100 000 tonnes, double the amount in 2002 — even though the number of bee colonies has declined in other parts of the world; whereas according to beekeepers' associations and professionals a large proportion of imported honey from China might be adulterated with exogenous cane or maize sugar; whereas not all Member States are able to carry out analyses to detect irregularities in imported honey at EU external border control posts;
- AF. whereas honey is the third most adulterated product in the world; whereas adulteration does considerable harm to Europe's beekeepers and exposes consumers to serious health risks;



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- AG. whereas according to experts, the 2002 chloramphenicol problem was resolved by companies exporting honey from China not by complying with the rules but by using resin filters;
- AH. whereas at its meeting in December 2015 the Agriculture and Fisheries Council discussed quality concerns regarding honey imports and the competitiveness of the European apiculture sector; whereas following on from this the Commission ordered the centralised testing of honey;
- AI. whereas Member States' honey samples were tested by the Joint Research Centre, which found, among other things, that 20 % of the samples taken at the EU's external borders and on importers' premises did not respect the honey composition and/or honey production processes laid down in the Honey Directive (2001/110/EC), and 14 % of the samples contained added sugar; whereas in spite of this, fake and adulterated honey continues to enter Europe;
- AJ. whereas according to the Codex Alimentarius, which is used in the EU, honey is a natural product to which no substance may be added and from which none may be extracted, and which should not be dried outside the hive;
- AK. whereas the imbalance in the European honey market resulting from the wholesale importation of adulterated low-cost honey has reduced the purchase price of honey in the EU's main producer countries (Romania, Spain, Hungary, Bulgaria, Portugal, France, Italy, Greece and Croatia) by half between 2014 and 2016, and this continues to put European beekeepers in a difficult and detrimental position;
- AL. whereas the second paragraph of point (a) of Article 2(4) of the Honey Directive as amended by Directive 2014/63/EU provides that, where honey originates from more than one Member State or third country, the mandatory indication of the countries of origin may be replaced by one of the following, as appropriate: 'blend of EU honeys', 'blend of non-EU honeys' or 'blend of EU and non-EU honeys'; whereas the indication 'blend of EU and non-EU honeys' is not informative enough for the consumer;
- AM. whereas many honey packagers and traders now abuse this way of indicating origin in order to conceal the real country of origin, as well as the proportion of honey from the different countries concerned, as purchasers are becoming more knowledgeable and are distrustful of foodstuffs from certain countries; whereas many large honey producer countries such as the US, Canada, Argentina or Mexico have much stricter requirements on honey labelling than the EU's simplified rules, and therefore offer much better guarantees than the EU as regards providing consumers with the necessary information;
- AN. whereas current rules do not take account of fraudulent practices affecting processed products such as biscuits, breakfast cereals, confectionery, etc; whereas the label 'honey' can mislead consumers in regard to the real content of the given product, as it is often used when much less than 50 % of the sugar content of the product originates from honey;
- AO. whereas the 'European Honey Breakfast' initiative launched in 2014 was a great success, and this excellent initiative is open to all Member States, the aim being to contribute to the education of children as regards eating healthy food such as honey and to promote the apiculture sector; whereas on 11 May 2015 Slovenia initiated, at the meeting of the Agriculture and Fisheries Council, the official recognition of 20 May as the World Bee Day to be declared by the UN, which idea was widely supported by all Member States and was endorsed by the FAO at its July 2017 Rome Conference; whereas it was agreed there that particular attention should be paid to the apiculture sector in terms of agriculture, plant protection and sustainable farming, as bees have a large impact on the ecological balance worldwide;
- AP. whereas the EU school fruit, vegetables and milk scheme programmes represent a critical tool to reconnect children with agriculture and the variety of EU agricultural products, particularly those produced in their region; whereas in addition to promoting fresh fruit and vegetables and drinking milk, these programmes allow Member States to include other local, regional or national specialties such as honey;

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- AQ. whereas, although getting local producers involved in the programmes under the EU's 'School fruit, vegetables and milk scheme' means an additional administrative and financial burden, the potential benefits in terms of strengthening awareness of the nutritional benefits of honey, the importance of apiculture, encouragement to increase consumption and the smooth involvement of mainly local beekeepers, could be positive for the sector and the honey chain overall; whereas local producers experience difficulties in participating in the programmes under the EU school scheme due to restrictive application of the legislation on the direct supply of small quantities of honey in some Member States; whereas it is essential to promote local production and consumption;
- AR. whereas annual honey consumption varies hugely across the Member States: while Member States in Western Europe have an average consumption of 2,5-2,7 kg per person, the figure for the Member States which joined the EU from 2004 onwards is as low as 0,7 kg in some cases; whereas the European quality schemes and particularly the geographical indication (GI) schemes are of great importance for the preservation and creation of jobs; whereas more than 30 GIs for honey have been registered so far; whereas the labels 'European' and 'made in Europe' are often associated with high-value products;
- AS. whereas honey has a positive physiological impact, particularly in terms of health, given its antiseptic, anti-inflammatory and healing properties, which could be further recognised in the future agricultural policy;
- AT. whereas numerous examples of self-organisation and direct sale from the beekeeper are showing that the sale of honey, particularly organic honey, and other beekeeping products with short supply chains and at local producers' markets is hugely successful;
- AU. whereas urban beekeeping has gained in popularity in recent years and has the potential to increase awareness among a broader circle of citizens, including children, of the nature and benefits of beekeeping; whereas the planting of flowering plants in gardens and urban areas by the public and/or local and regional authorities also helps to enrich pollinator dietary sources;
- AV. whereas other beekeeping products such as pollen, propolis, beeswax, bee venom and royal jelly contribute significantly to citizens' wellbeing and are used as high-quality foods and sought as part of a natural way of life; whereas they also play a key role in the healthcare and cosmetics industries, and therefore constitute an additional resource for improving the economic situation of beekeepers; whereas, however, these products are not defined in the Honey Directive, and this omission works against implementing an effective sectoral policy and impedes quality-based approaches and the fight against fraud and adulteration; whereas any Member State can decide to ban GMO cultivation on its territory in order to protect European consumers from honey contaminated by GM pollen;
- AW. whereas large quantities of honey are imported into the EU and this in many cases causes serious disturbances and even crises on the EU honey market, contributing to weakening the European beekeeping sector; whereas the apiculture sector deserves to be treated as a priority in the EU in negotiations for free trade agreements, and honey and other bee products should be classified as 'sensitive products';

***The significance of beekeeping***

1. Underlines that honey bees, alongside wild bees and other pollinators, perform fundamental ecosystem and agriculture services by pollinating flowers, including crops, without which European agriculture, and in particular the cultivation of entomophilous plants (plants pollinated by insects), would not exist; underlines in this regard the importance of the CAP oriented towards sustainable development and the strengthening of biodiversity, which is better not only for bees' continuous existence and repopulation, but also for crop yields;
2. Calls on the Commission to ensure the prominence of beekeeping in future agricultural policy proposals, in terms of support and simplification, research and innovation, and beekeeping education programmes;

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3. Underlines that while the EU can take further action for beekeepers and bees, it is necessary to acknowledge the contribution of the current CAP in supporting beekeeping and also potentially improving the environment and biodiversity through various tools, such as crop diversification measures, ecological focus areas (EFAs), Natura 2000, organic farming, other agri-environmental measures which help to establish bee colonies, climate protection measures or the European Innovation Partnership;

#### ***EU support to beekeepers***

4. Underlines that the financing of beekeeping for food production and therapeutic purposes must be structured in a more targeted and effective way, and appropriately increased in a future agricultural policy (expected from 2021);

5. Calls on the Commission and the Member States to provide support for the EU apiculture sector via strong policy tools and appropriate funding measures corresponding to the current bee stock; proposes, therefore, a 50 % increase in the EU budget line earmarked for national beekeeping programmes, reflecting the current honey bee population in the EU and the importance of the sector overall; strongly encourages each Member State, pursuant to Article 55 of Regulation (EU) No 1308/2013 on the Single CMO, to develop a national programme for its beekeeping sector;

6. Calls on the Commission to thoroughly consider the inclusion of a new support scheme for beekeepers for the CAP post-2020, in order to adequately reflect the ecological role of bees as pollinators; underlines in this regard that the specific needs of micro, small and medium-sized enterprises, including those who pursue their activities in outermost and mountainous regions and on islands, must be taken into account; calls on the Commission, furthermore, to investigate additional measures, such as support for purchasing comb foundations;

7. Calls on beekeepers to engage in an active dialogue with the competent authorities with a view to the more effective application of national apiculture programmes, the aim being to improve them and correct any problems that may occur;

#### *Risk management*

8. Calls on the Commission to launch a study on the feasibility of a beekeeping risk management scheme as part of national beekeeping programmes, in order to deal with loss of production suffered by professional beekeepers; suggests, therefore, an allowance calculated in accordance with the average turnover of the businesses affected; underlines that in several Member States insurance companies refuse to insure bee colonies and that beekeepers have difficulties in accessing the risk management tools under Pillar II of the CAP; calls, therefore, on the Commission and the Member States to facilitate the access of beekeepers to risk management tools;

#### *EU co-funded National Beekeeping Programmes*

9. Emphasises the need for appropriate training in beekeeping, and encourages Member States to include this as a prerequisite in the national programmes; believes that expenditure on the purchase of beekeeping equipment, where it is eligible and cofinanced under the individual national beekeeping programmes, should be recognised over the entire three-year programming period, and not just in the programme year in which the expenditure was incurred;

10. Calls on the Member States to consider introducing a compensation scheme in their national beekeeping programmes for bee colony mortalities resulting from natural disasters, diseases or predations;

11. Calls on the Commission to propose a change to the timing of the programme year, for the purposes of the national beekeeping programmes, whereby the year-end would be extended to 30 October, bearing in mind that under the regulation currently in force the programme year ends on 31 July, a date which falls during the height of the beekeeping season in some Member States, making it an unsuitable point in time;

12. Points out that the spread of brown bears and other predatory animals in some regions in Europe is posing new challenges for beekeepers concerning their personal safety and economic activities, and calls on the Commission and the Member States to develop appropriate ways of addressing this, in particular through compensation for damage caused;

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### ***Research, training and education***

13. Suggests broadening and sharing beekeeping research topics and findings also along the lines of the Apitherapy project consortium — particularly where financed by the EU — among Member States in order to avoid duplication; asks in this regard for the setting- up of a common digital database, harmonised at EU level, for the exchange of information among beekeepers, researchers and all parties involved; calls on the Commission, therefore, to promote and boost European beekeeping research projects, such as EFSA's research programme under the project 'Collecting and Sharing Data on Bee Health: towards a European Bee Partnership'; considers that greater private and public investment in technical and scientific know-how is essential and should be incentivised, at national and EU level, in particular on genetic and veterinary aspects and the development of innovative bee health medicines; supports the activity of EU reference institutes and laboratories, which results in improved research coordination, inter alia for purposes of investigating further the causes of bee mortality;

14. Calls on the Member States to ensure appropriate basic and vocational training programmes for beekeepers; highlights that beyond the agricultural and other economic aspects of apiculture the teaching material should contain knowledge related to pollination and other environmental practices, such as maintaining the ecological balance and preserving biodiversity, and improving the survival conditions for pollinators in farmed landscapes; believes that specific training modules on these issues should also be developed together with beekeepers for agriculture producers engaged in the cultivation of land; calls on the Commission and the Member States to promote greater cooperation and the sharing of knowledge and information, including advanced and mutual early warning systems between farmers and beekeepers, foresters, scientists and veterinarians on spraying periods and other insecticide application, prevention and control of diseases, technologies that are not harmful for bees, and plant protection methods that minimise pollinator mortality;

15. Calls on the Commission to adopt recommendations in order to support different national high-quality basic and vocational beekeeping education programmes in the EU; calls for programmes to encourage young people to enter the beekeeping profession, given the pressing need for generational renewal in the sector; considers it necessary to further develop the potential of the beekeeping sector in ways that are tailored to the needs of all beekeepers; also calls on the Commission to work with Member States and the sector to develop a code of best practice in beekeeping, supported via access at Member State level to high-quality training; with regard to professional education, encourages faculties of veterinary medicine in universities to strengthen the areas of veterinary oversight and engagement; considers that programmes such as Horizon 2020 and Erasmus+ should nurture research and training in the field of apitherapy;

### ***Bee health and environmental aspects***

16. Reiterates concerns that increased mortality and the decline in honeybees and wild pollinators, including wild bees, in Europe will have a profound negative impact on agriculture, food production and security, biodiversity, environmental sustainability and ecosystems;

17. Highlights the need for the EU and its Member States to take the necessary and immediate steps required to implement a large-scale and long-term strategy for bee health and repopulation in order to preserve the currently declining wild bee stock in the EU, also via agri-environmental measures to support the establishment of bee colonies;

18. Stresses the importance of biodiversity for the health and wellbeing of bees, providing them with foraging grounds and natural and semi-natural habitats along with extensive permanent pastures; draws attention to the gradual disappearance of valuable bee fodder plants — such as cornflowers, vetches, thistles or white clover — caused by the inappropriate use of plant protection products, the decrease in the use of grassland for grazing and the increase in its use for hay production; points out that this results in a lack of pollen and thus causes malnutrition in bees, which contributes to the decline in bees' health and their increased susceptibility to pathogens and parasites; stresses the need for protection of wild flowers and insect-friendly species across Europe; recalls that 'beekeeping areas' with a weighting factor of 1,5 are a type of EFA within the greening of the CAP; calls on the Commission, seed breeders and farmers to promote quality plant breeding schemes with high and proven melliferous or polliniferous capacity in the selection criteria, with preference for a maximum biological diversity of locally-adapted and locally-sourced species and varieties;

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19. Points to the need for appropriate financial incentives for organic beekeepers, given the additional requirements that they have to meet and the growing impacts stemming from the environment;
20. Underlines the need to preserve the extraordinary genetic heritage, diversity and capacity for adaptation of local, endemic honeybee populations, each tailored over generations to the particularities of their local environment, recalling that this diversity is important in the fight against invasive species, including parasites and diseases;
21. Notes that monoculture-based farming reduces biodiversity and poses a risk of insufficient pollination and the disappearance of melliferous flora, and calls on the Member States to develop strategies for sowing nectariferous plants on unused land; underlines in this regard that the preservation of abiotic resources, in particular soil and water, as well as substantial diversity of pollen and a wide variety of nourishment, are essential for the protection of bees;
22. Calls, therefore, on the Commission and the Member States to provide the necessary incentives to encourage locally-developed practices, in order to preserve honey bee ecotypes and cultivation throughout the EU;
23. Calls on the Commission and the Member States to put in place measures to increase legal protection and financial support for local honey bee ecotypes and populations throughout the EU, including by means of legally protected locally endemic honeybee conservation areas;
24. Calls on the Commission to draw up an inventory to evaluate the existing and emerging health risks at EU and international level, with the aim of establishing an action plan to combat bee mortality;
25. Urges the Commission to progress in implementing the pilot projects on bees and other pollinators as indicators of environmental and habitat health, as these might prove useful for the development of future policy;
26. Calls on the Commission to ensure that farm subsidies from the various CAP budget lines take account of bee-friendly practices, for example establishing EFAs or growing wild flowers favoured by bees on fallow land;
27. Stresses the need to apply the precautionary principle in order to protect pollinators in general, both domestic and wild;
28. Notes that a healthy bee is better placed to withstand parasitism, disease and predation; understands that some invasive alien species such as *Varroa destructor*, the small hive beetle (*Aethina tumida*), the Asian hornet (a species that is extremely aggressive towards other insects), as well as American foulbrood and certain pathogens such as nosemosis, are major causes of bee mortality and cause serious economic harm to beekeepers; reaffirms its support for the pilot project launched by Parliament on the breeding and selection programme for research into *Varroa* resistance; calls on the Commission and the Member States to support EU-wide applied research through effective breeding programmes producing bee species resilient to invasive species and diseases and possessing the behavioural trait of varroa-sensitive hygiene (VSH); in view of the risk that some invasive alien species such as *Varroa destructor* are able to develop resistance to some veterinary medicinal products (VMPs), encourages the Member States to perform annual tests on the level of mites' resistance to the different active substances used in the VMPs; proposes to maintain the compulsory fight against *Varroa* at EU level;
29. Calls on the Commission to involve all relevant drug producers in research into bee drugs, inter alia in order to combat *Varroa destructor* and avoid negative side-effects on bees' immune systems from these drugs, and to set up a common IT platform in order to share best solutions and drugs with interested parties, improve the availability of veterinary products vital to beekeeping, strengthen the role of veterinarians in managing bee health, and make beekeepers aware of all available solutions; calls for public and private research into biological and physical alternative methods that are innocuous to

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human and animal health, as well as the use of natural substances and compounds for control of varroosis, taking account of the specific advantages of organic treatments;

30. Acknowledges that the results of the monitoring exercises to assess the bee health situation carried out by some Member States are important and should be shared with the other Member States and with the Commission;

31. Calls on the Member States and the regions to use all means possible to protect local and regional honeybee species (strains of *Apis Mellifera* bees) from the undesirable spread of naturalised or invasive alien species having a direct or indirect impact on pollinators; supports the repopulation of hives lost through invasive alien species with bees of local native species; recommends Member States to create centres devoted to the breeding and safeguarding of native bee species; underlines in this regard the importance of developing breeding strategies to increase the frequencies of valuable traits in local honeybee populations; notes the possibilities provided for under Regulation (EU) No 1143/2014 on Invasive Alien Species, as well as potentially under the recently adopted Animal and Plant Health regulations (Regulations (EU) 2016/429 and (EU) 2016/2031 respectively); expresses its concern that contaminated bee wax imported from China can often cause health issues for bees;

32. Calls for a considered procedure to expand the list of invasive plant species that could lead to a reduction in the diversity of bee pastures in the EU;

### ***Chemicals harmful to bees***

33. Asks the Commission to suspend the authorisation of those pesticide active substances which endanger bee health on the basis of EFSA's scientific findings based on field tests, until the publication of EFSA's final detailed impact assessment; reiterates that any decision-making process must be based on scientific assessment and findings;

34. Calls on the Commission and the Member States to act on the established scientific consensus and ban those pesticide active substances, including those neonicotinoids and those systemic insecticides which are scientifically proven (on the basis of the findings of laboratory analyses and, especially, field tests) to be dangerous to bee health; calls at the same time for safe alternative products or agronomic methods (e.g. various effective forms of low-pesticide input pest management, biological control and integrated pest management) to be implemented to replace those active substances which pose a risk to bees;

35. Calls on the Commission to closely monitor, together with the relevant EU agencies and Member State experts, the EFSA Guidance for assessing the impact of plant protection products on bees, and calls on the Member States to implement it;

36. Underlines that any product which contains substances confirmed to be harmful to bees in agricultural use should be labelled as 'harmful to bees';

37. Calls on the Commission and the Member States to immediately increase scientific research, with a clearly determined schedule, into all substances likely to endanger bee health;

38. Stresses that the long-term effects of systemic plant protection products are underestimated; welcomes the recent adoption of a pilot project for the environmental monitoring of pesticide use through honey bees;

39. Recognises that bees' resistance is considerably weakened by cumulative chemical exposure, which leaves them unable to deal with stressors such as wet years, lack of nectar, diseases or parasites, according to independent, peer-reviewed scientific evidence;

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40. Recalls Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, and in particular its Article 14, which makes it mandatory for all farmers to apply the general principles of integrated pest management on their farms from 2014, and Article 9, which lays down a general ban on aerial spraying;

41. Points out that the EU has introduced temporary restrictions on the use of four neonicotinoid insecticides (clothianidin, thiamethoxam, imidacloprid and fipronil) in order to mitigate the impact on bees;

### ***Combating honey adulteration***

42. Expects the Member States and the Commission to guarantee full compliance of imported honey and other bee products with high-quality EU standards, thus combating both honey producers in non-EU countries who use dishonest methods and EU packagers and traders who wilfully mix adulterated, imported honey with EU honey;

43. Calls on the Commission to develop effective laboratory analysis procedures, such as nuclear magnetic resonance testing, detecting bee-specific peptides and other bee-specific markers, in order to detect instances of honey adulteration, and calls on the Member States to impose harsher penalties on offenders; invites the Commission to include private internationally recognised laboratories, such as the French EUROFINs or the German QSI, to carry out the most sophisticated examinations; calls on the Commission to develop an official database for honey, categorising honey of different origins using a common method of analysis;

44. Notes that honey packaging plants, which blend or process honey from multiple producers, are subject to EU food safety monitoring as laid down in Regulation (EC) No 853/2004; believes that this should be extended to all plants processing imported honey; specifies the need to avoid creating any financial or administrative burden for EU beekeepers who pack their own honey;

45. Stresses that the suggested measures would strengthen the EU monitoring applied to honey packagers in non-EU countries, thereby enabling the official auditors to find out if adulterated honey has been used and ensuring its removal from the food chain;

46. Believes that honey should always be identifiable along the food supply chain and should be classifiable according to its plant origin, irrespective of whether it is a domestic or an imported product, except in cases of direct transactions between producer and consumer; calls in this respect for the tightening-up of the traceability requirement for honey; believes that companies importing foreign honey, as well as retailers, should conform to EU rules and should only sell beekeeping products that satisfy the definition of honey as set out in the Codex Alimentarius;

47. Requests that the Commission amend the Honey Directive with a view to provide clear definitions and setting out the main distinctive characteristics of all apiculture products, such as monofloral and multifloral honey, propolis, royal jelly, beeswax, pollen pellets, beebread and bee venom, as already called for in texts adopted by Parliament;

48. Calls on the Commission to thoroughly examine the functioning of the EU market in bee feeds, supplements and medicines, and to take the necessary measures to streamline the market and prevent adulteration and illegal trading in those products;

49. Calls on the Commission to lay down NAL (no-action level) protocols, reference points for action (RPAs), or maximum residue limits (MRLs) for honey and other beekeeping products, in order to cover substances that cannot be authorised for the EU beekeeping sector, and to harmonise border veterinary inspections and internal market checks, bearing in mind that as far as honey is concerned, low-quality imports, adulteration, and substitutes distort the market and are continuing to exert pressure on prices and, ultimately, product quality within the internal market, and that there has to be a level playing field for products and producers from both the EU and third countries;

50. Is aware of the practical significance of having an early warning system for food and feed, and therefore calls on the Commission always to place instances of honey which is clearly fake on the RASFF (Rapid Alert System for Food and Feed) list;

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51. Calls on the Commission to ban the distribution of resin-filtered honey as soon as possible, since such honey contains nothing whatsoever of biological value;
52. Calls for continuous checks to be carried out on the quality of honey imported from third countries whose legislation permits the treatment of bee colonies with antibiotics;
53. Calls on the Commission to draw up manufacturing standards for comb foundations, which should include the respective permitted proportions of paraffin, foulbrood spores, and acaricide residues, with the provision that the acaricide residue content of wax to be made into foundations must not be such that residues could start passing into the honey;
54. Calls on the Commission to thoroughly test the large-scale import of honey from China in line with Regulation (EU) 2016/1036, and particularly to probe the operations of companies exporting honey from China and to evaluate the quality, proportion of quantity and sale price level of the honey on the EU honey market;
55. Considers that, in the light of the large quantities of honey that are imported from China, a trend which has accelerated in the last 15 years, the buying-in price of honey under real production costs in the EU and the bad quality of 'manufactured' (rather than produced) imported honey should make it clear to the Commission that it is time to start investigating the practices of some Chinese exporters, in order possibly to initiate anti-dumping proceedings;
56. Calls on the Commission to require official batch-sampling and testing of honey from non-EU countries at the EU's external borders, in line with Regulation (EU) 2017/625 (the former Regulation (EC) No 882/2004);
57. Notes that the Honey Directive as amended by Directive 2014/63/EU stipulates that the country in which the honey has been harvested must be indicated on the label where the honey originates in a single Member State or third country; acknowledges, however, that further action is required to tackle fraud in the field of bee products and to address the unfair competition represented by adulterated 'honey';
58. Reminds the Commission that consumers have the right to know the place of origin of all foodstuffs; considers, however, that labelling such as 'blend of EU honeys', 'blend of non-EU honeys', and especially 'blend of EU and non-EU honeys', completely conceals the origin of the honey from the consumer and consequently fails to fulfil the principles of EU consumer protection law; calls on the Commission, therefore, to ensure the accurate and mandatory labelling of honey and bee products, as well as greater harmonisation for honey production, in line with the legislation on quality schemes for agriculture products, in order to prevent consumers from being misled and facilitate the detection of fraud; recognises the success of direct sales of honey, which eliminate part of the problem as regards labelling of origin;
59. Asks for the 'blend of EU and non-EU honeys' descriptor on labels to be replaced by an indication of exactly which country or countries the honey used in the final product come from, and that these be listed in the order which corresponds to the percentage proportions used in the final product (additionally stating the percentage by country in a given product);
60. Asks the Commission to amend the Honey Directive with regard to the use of the word 'honey' or the terms 'containing honey' or 'made with honey' in the designation of processed products, or in any graphic or non-graphic element indicating that the product contains honey, such that those terms may only be used if at least 50 % of the sugar- content of the product originates from honey;
61. Supports the idea of the Member States making it obligatory to indicate the place of origin of the honey on honey and other bee products, as is the case with certain meat and dairy products;

***Promoting bee products and therapeutic use of honey***

62. Welcomes the European Honey Breakfast initiative, and encourages the Member States to inform children about locally made products and rediscovering long-established production traditions; notes that honey is high in calories and can be used in moderation to replace refined sugar and other sweeteners, thus contributing to public health;



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63. Stresses that honey is one of the agricultural products that could be included in the 'School fruit, vegetables and milk' scheme; encourages the Member States to boost the participation of local honey producers in the relevant school programmes, and stresses the importance of educational measures aimed at raising awareness among young people of local products, while opening up the world of farming to children;
64. Calls on the Commission to put forward a proposal to increase annual EU support for these programmes by 50 %, so as to enable them to operate effectively, with pre-school competitions being organised and local products such as honey, olives and olive oil being properly included;
65. Calls on the Commission to draw up a report on the amount of honey consumed and consumption patterns in all Member States, and also another report on the various therapeutic practices employing honey, pollen, royal jelly and bee venom in the EU; stresses the growing importance of apitherapy as a natural alternative to treatment using conventional medicines, and therefore encourages all Member States to promote those products among medical and paramedical practitioners and the public in the EU;
66. Calls on the Commission to consider the voluntary introduction of the brand 'Honey from EU', designating honey originating 100 % and exclusively in the EU Member States; also calls on the Commission to do its utmost to ensure that the UN declares the 20th of May as World Bee Day;
67. Calls on the Commission to allocate a specific sum from the EU's promotional budget for advertising EU honey products for consumption and medical purposes, including measures such as promoting the direct sale of honey at local markets, public honey tastings, workshops and other events; encourages the Member States to boost local and regional sales of honey, in particular organic honey, with all the means at their disposal, in particular by providing intensive support for short supply chains through their rural development programmes, and promoting high-quality products based on geographical indication schemes; acknowledges the role of consuming locally-produced honey as a means to build up resistance to local allergens; calls on the Commission to include honey wax as a product covered by Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, given the growing interest from consumers and producers as well as its long-standing traditional production in some Member States;
68. Proposes that the Member States encourage, by all means at their disposal, the use of beekeeping products such as pollen, propolis or royal jelly in the pharmaceutical industry;
69. Calls on the Commission to promote harmonisation of the Member States' legislation concerning organic honey production, in order to overcome any discrepancies that may prevent European organic beekeepers from having access to the market under the same rules;
70. Asks the Commission to ensure that honey and other bee products are considered as 'sensitive products' in ongoing or future negotiations for free trade agreements, since direct competition may expose the EU apiculture sector to excessive or unsustainable pressure; calls on the Commission, therefore, to potentially exclude them from the scope of free trade negotiations;
71. Calls on the Commission and the Member States to develop, in conjunction with the farming and beekeeping sectors, a labelling system promoting the establishment of a responsible production system for bees;
72. Welcomes the ongoing trend towards urban beekeeping, and calls, at the same time, for close and mandatory integration between regional beekeepers' associations and the authorities, and for the introduction of minimum standards in order to put a stop to abusive husbandry practices and prevent the wilful spreading of disease and illness among bee populations;

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73. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.
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## **Banking Union — Annual Report 2017**

**European Parliament resolution of 1 March 2018 on Banking Union — Annual Report 2017 (2017/2072(INI))**

(2019/C 129/06)

*The European Parliament,*

- having regard to its resolution of 15 February 2017 on 'Banking Union — Annual Report 2016' <sup>(1)</sup>,
- having regard to the feedback of the Commission and the European Central Bank (ECB) on Parliament's resolution of 15 February 2017 on 'Banking Union — Annual Report 2016',
- having regard to the Commission report of 11 October 2017 on the Single Supervisory Mechanism (SSM) established pursuant to Regulation (EU) No 1024/2013 (COM(2017)0591),
- having regard to the proposals to amend Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (CRR), and Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (CRDIV),
- having regard to the opinion of the European Central Bank of 8 November 2017 on amendments to the Union framework for capital requirements of credit institutions and investment firms <sup>(2)</sup>,
- having regard to the report of the European Systemic Risk Board (ESRB) of 9 July 2017 on Financial Stability Implications of IFRS,
- having regard to the Council conclusions of 17 July 2017 on the action plan to tackle non-performing loans in Europe,
- having regard to the report of the Subgroup on Non-Performing Loans (NPLs) of the Council's Financial Services Committee of 31 May 2017,
- having regard to the ECB's guidance to banks on non-performing loans of 20 March 2017, and to the public consultation on its draft addendum to this guidance of 4 October 2017,
- having regard to the Commission's consultation document of 10 November 2017 on statutory prudential backstops addressing insufficient provisioning for newly originated loans that turn non-performing,
- having regard to the report of the ESRB of 11 July 2017 on resolving non-performing loans in Europe,
- having regard to the Commission's public consultation of 10 July 2017 on the development of secondary markets for non-performing loans and distressed assets and the protection of secured creditors from borrowers' default,

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0041.

<sup>(2)</sup> OJ C 34, 31.1.2018, p. 5.

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- having regard to the ECB's assessment of 6 June 2017 in which it determined that Banco Popular Español S.A. was failing or likely to fail,
- having regard to the statement of the Single Resolution Board (SRB) of 7 June 2017 on the adoption of a resolution decision for Banco Popular Español S.A.,
- having regard to the ECB's assessment of 23 June 2017 in which it determined that Veneto Banca and Banca Popolare di Vicenza were failing or likely to fail,
- having regard to the SRB's statement of 23 June 2017 on the decision not to take resolution action in relation to Banca Popolare di Vicenza and Veneto Banca,
- having regard to the Commission's statement of 25 June 2017 on the approval of state aid for the market exit of Banca Popolare di Vicenza and Veneto Banca under Italian insolvency law, involving the sale of some parts to Intesa Sanpaolo,
- having regard to the Commission's statement of 4 July 2017 on the approval of state aid to support a precautionary recapitalisation of Monte dei Paschi di Siena,
- having regard to the February 2017 version of the ECB's guide to the targeted review of internal models (TRIM),
- having regard to the July 2017 draft version of the ECB's guide to on-site inspections and internal model investigations,
- having regard to the opinion of the European Securities and Markets Authority (ESMA) of 31 May 2017 on general principles to support supervisory convergence in the context of the UK withdrawing from the EU, as well as to its three opinions of 13 July 2017 on supervisory convergence in the areas of investment management, investment firms and secondary markets in the context of the UK withdrawing from the EU,
- having regard to the opinion of the European Banking Authority (EBA) of 12 October 2017 on issues related to the departure of the UK from the EU,
- having regard to the Commission communication of 20 September 2017 on reinforcing integrated supervision to strengthen Capital Markets Union and financial integration in a changing environment (COM(2017)0542) and the Commission proposals of 20 September 2017 on the review of the European System of Financial Supervision (ESFS), including the 'omnibus' proposal amending the governance, funding and powers of the European Supervisory Authorities (ESAs),
- having regard to the ECB's public consultations of 21 September 2017 on the draft guides to assessments of credit institution licence applications and of FinTech credit institution licence applications,
- having regard to the Financial Stability Board's total loss-absorbing capacity (TLAC) term sheet of November 2015,
- having regard to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (Bank Recovery and Resolution Directive — BRRD),

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- having regard to Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (SRM Regulation),
- having regard to the Commission proposals of 23 November 2016 for a directive of the European Parliament and of the Council amending Directive 2014/59/EU on loss-absorbing and recapitalisation capacity of credit institutions and investment firms and amending Directive 98/26/EC, Directive 2002/47/EC, Directive 2012/30/EU, Directive 2011/35/EU, Directive 2005/56/EC, Directive 2004/25/EC and Directive 2007/36/EC (COM(2016)0852), and for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 806/2014 as regards loss-absorbing and recapitalisation capacity for credit institutions and investment firms (COM(2016)0851),
- having regard to the opinion of the European Central Bank of 8 November 2017 on revisions to the Union crisis management framework <sup>(1)</sup>,
- having regard to the European Court of Auditors' Special Report of 19 December 2017 entitled 'Single Resolution Board: Work on a challenging Banking Union task started, but still a long way to go',
- having regard to the Commission's withdrawal of the proposal on structural measures improving the resilience of EU credit institutions (COM(2014)0043),
- having regard to the Commission document of 27 April 2017 entitled 'April infringements package: key decisions' (MEMO/17/1045),
- having regard to the EBA Risk Dashboard, the ESMA Report on Trends, Risks and Vulnerabilities No 2 (2017), the ESRB Risk Dashboard, the ESRB Annual Report 2016, the ESRB Review of Macro-prudential Policy in the EU of April 2017,
- having regard to Directive (EU) 2017/2399 of the European Parliament and of the Council of 12 December 2017 amending Directive 2014/59/EU as regards the ranking of unsecured debt instruments in insolvency hierarchy,
- having regard to Article 107(3) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to its resolution of 19 January 2016 on stocktaking and challenges of the EU Financial Services Regulation: impact and the way forward towards a more efficient and effective EU framework for Financial Regulation and a Capital Markets Union <sup>(2)</sup>,
- having regard to the Commission communication on the application, from 1 August 2013, of state aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') <sup>(3)</sup>,
- having regard to Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (DGSD),
- having regard to the Five Presidents' Report of 22 June 2015 on completing Europe's Economic and Monetary Union,
- having regard to the Commission proposal of 24 November 2015 for a regulation of the European Parliament and of the Council amending Regulation (EU) No 806/2014 in order to establish a European Deposit Insurance Scheme ('EDIS') (COM(2015)0586),

<sup>(1)</sup> OJ C 34, 31.1.2018, p. 17.

<sup>(2)</sup> OJ C 11, 12.1.2018, p. 24.

<sup>(3)</sup> OJ C 216, 30.7.2013, p. 1.

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- having regard to the Commission communication of 24 November 2015 entitled ‘Towards the completion of the Banking Union’ (COM(2015)0587),
  - having regard to the ECOFIN Council conclusions of 17 June 2016 on a roadmap to complete the Banking Union,
  - having regard to the Commission communication of 11 October 2017 on completing the Banking Union (COM(2017)0592),
  - having regard to the ESRB EU Shadow Banking Monitor No 2 from May 2017,
  - having regard to the ESRB report of March 2015 on the regulatory treatment of sovereign exposures,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0019/2018),
- A. whereas on an unconsolidated basis, the total number of credit institutions in the euro area stood at 5 073 at the end of 2016, down from 5 474 at the end of 2015 and from 6 768 at the end 2008, amounting to a 25 % decrease over the period from 2008 to 2016; whereas on a consolidated basis, the total number of credit institutions in the euro area stood at 2 290 at the end of 2016, down from 2 904 in 2008 and 2 379 at the end of 2015 <sup>(1)</sup>; whereas, however, it is desirable to include a reference to how the proportion of too-big-to-fail banks has changed over the same period;
- B. whereas there is great dispersion of the total amount and ratios of non-performing loans (NPLs) between Member States, and there are substantial differences across banks in those countries with the highest NPL ratios; whereas the stock of NPLs stood at EUR 1 trillion in total according to the ESRB report of July 2017 entitled ‘Resolving non-performing loans in Europe’; whereas, according to the EBA’s quarterly Risk Dashboard, Europe’s main banks reported a weighted average NPL Ratio (NPLs, gross of impairments, divided by total loans) of 4,47 % as of 30 June 2017; whereas this ratio has shown a declining trend for the last 30 months;
- C. whereas, according to a recent study by the European Securities and Markets Authority (ESMA), the derivatives market in the European Union has a total notional value of EUR 453 000 billion;
- D. whereas the Banking Union needs reinforcement as it is a fundamental objective for the euro area’s financial stability and an indispensable building block of a genuine Economic and Monetary Union; whereas further efforts are needed to complete the Banking Union, as it remains incomplete as long as it lacks a fiscal backstop for the SRF and a third pillar, this being a European approach to deposit re-/insurance; whereas the ECB’s president, Mario Draghi, has repeatedly stated that EDIS remains a fundamental pillar of the Banking Union; whereas a completed Banking Union is fundamental to break the sovereign-banks nexus; whereas efforts have to be enhanced to move from bail-out to bail-in; whereas risks in certain national banking systems remain insufficiently addressed; whereas current favourable economic conditions constitute a window of opportunity to push necessary reforms to complete the Banking Union;
- E. whereas a proper clean-up of bank balance sheets after the crisis has been delayed, still hampering economic growth; whereas overall the capital and liquidity ratios of EU banks have improved over the last years, while there are still banks, including large ones, that remain undercapitalised; whereas risks to financial stability remain but have already been substantially reduced since the start of the establishment of the Banking Union; whereas the institutional and regulatory framework of European banks has been fundamentally reinforced;

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<sup>(1)</sup> European Central Bank, Report on financial structures, October 2017, pp. 23-24.

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- F. whereas participation in the Banking Union is open to Member States that have not yet adopted the euro; whereas no EU Member State has so far decided to participate on that basis; whereas several Member States are discussing the possibility of joining the Banking Union; whereas different financial institutions see advantages in being situated within the Banking Union;
- G. whereas our work on the capital markets union should not move away pressure from the completion of our work on the banking union, which is still a prerequisite for financial stability in the bank-reliant landscape of the European Union;
- H. whereas the primary responsibility of banks is to provide finance to the real economy;
- I. whereas the ECB needs some flexibility in carrying out its supervisory activities, but far-reaching decisions of principle must ultimately be left to the European legislator;
  - 1. Calls on the Commission to use regulation as the legislative tool when proposing banking legislation;

**Supervision**

- 2. Takes note of the ECB's 'failing or likely to fail' assessments in the 2017 banking cases; notes also that the supervisory and single resolution mechanisms have overall been working in this context, and agrees with the Commission that the procedures leading to decisions as to whether or not a bank is 'failing or likely to fail' need to be improved;
- 3. Notes the upcoming EBA stress tests in 2018; calls on EBA, the ESRB, the ECB and the Commission to use consistent methodologies, scenarios and assumptions when defining the stress tests in order to avoid as much as possible potential distortions of the results and mismatch, as seen, between stress tests results and resolution decisions taken soon after the presentation of these results; underlines, however, that the soundness of a bank cannot be captured by a point-in-time assessment of its balance sheet alone, as it is ensured through dynamic interactions between the bank and the markets, and is affected by various elements in the economy as a whole; considers, furthermore, that the ECB's own stress test for additional banks under its supervision could benefit from more transparency;
- 4. Stresses the importance of the cooperation between the EBA as a regulatory authority and the SSM as a supervisory authority; draws attention, in this respect, to the division of responsibilities between the ECB and the EBA and to the difference in the geographical scope of activities of each institution; recommends, in this regard, that concrete coordination of the initiatives to be taken by both institutions be improved wherever practicable in order to ensure the consistency of the single rulebook, while acknowledging that the SSM should play a leading role when Banking Union-specific issues or regulatory gaps are identified;
- 5. Welcomes the fact that the Banking Union has improved the exchange of relevant information between supervisory authorities and has improved the collection and exchange of data on the European banking system, contributing for example to better benchmarking and enabling a more holistic supervision of cross-border banking groups; welcomes the excellent work of the JSTs; notes that the Commission has identified areas for improvement concerning exchange of information and coordination between the ECB's banking supervision and the SRB, in particular as regards the crucial issues of whether an institution is eligible for precautionary recapitalisation and whether it is failing or likely to fail; notes that the current memorandum of understanding between the ECB and the SRB is not comprehensive enough to ensure that the SRB has all the information it requires from the ECB to perform its tasks in a timely and efficient manner; invites the ECB and the SRB to use the opportunity offered by the current discussions on the update of the memorandum of understanding between them in order to close existing gaps and improve the effectiveness of resolution actions; calls for an improvement of the practical modalities of cooperation and exchange of information between supervisory and resolution authorities, which is crucial for the smooth and effective conduct of resolution actions, and between all European and national bodies involved in early intervention and resolution; calls on the ECB and the SRB to keep improving their day-to-day cooperation

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and strengthening their working relationship; would welcome, in this respect, change in the relevant SSM Regulation to allow a representative of the Single Resolution Board to be a permanent observer at meetings of the Supervisory Board of the SSM; calls for an interinstitutional agreement between the ECB and the ECA to specify the exchange of information between both institutions in respect of their respective mandates as defined in the Treaties;

6. Notes that the BRRD provision on precautionary recapitalisation has been applied in 2017; notes that the use of asset quality reviews in order to determine whether the conditions for precautionary recapitalisation are met should be clarified; stresses that prior asset evaluations must be based on solid evidence, including evidence that shows that the bank is solvent and in compliance with EU state aid rules; calls on the Commission, the SSM and the SRB to reflect on ways to increase transparency when assessing the solvency of credit institutions and considering resolution decisions;

7. Reiterates its concern over the high level of non-performing loans (NPLs) in certain jurisdictions; welcomes the efforts by various Member States to reduce the level of NPLs; agrees with the Commission that 'while Member States and banks themselves have a primary responsibility in tackling Non Performing Loans, integrating national and European Union level efforts is warranted to make an impact on Non Performing Loan stocks and prevent the future build-up of new Non Performing Loans on banks' balance sheets' <sup>(1)</sup>;

8. Welcomes, in general, the work done by different EU institutions and bodies on this issue; would, however, welcome better coordination between their efforts; calls on these actors and the Member States to duly and swiftly implement the Council conclusions of 11 July 2017 on the action plan to tackle NPLs in Europe; looks forward to the package of measures to accelerate the reduction of NPLs that will be proposed in the coming months; supports, in this respect, the Commission's decision to explore the potential harmonisation in prudential terms at EU level of new loans that become non-performing; calls on the Commission to take legislative and non-legislative actions to encourage the provision of information to potential investors, the establishment of dedicated asset management companies ('bad banks') and the development of secondary markets for NPLs in order to deal with the overwhelming problem of non-performing loans; recalls the need for the Member States to improve and harmonise where necessary the insolvency framework, including through work on the Commission's proposal on early restructuring and second chance, and with a view to safeguarding the most vulnerable debtors such as SMEs and households;

9. Welcomes the intention to accelerate the clean-up of bank balance sheets, while stressing that the mandatory disposal of NPLs in an illiquid and opaque market can result in unjustified balance-sheet losses for banks; reiterates its concern regarding the draft addendum to the ECB guidance on NPLs; stresses that, in this process of monitoring and assessment under the banking supervision arrangements, the ECB may not impinge in any way upon the prerogatives of the EU legislature; recalls that the general principles of lawmaking in the Union which require impact assessments and consultation, as well as the assessment of proportionality and subsidiarity, are also relevant for level 3 legislation;

10. Reiterates its concern over the risks stemming from the holding of level III assets including derivatives, and in particular from the difficulty of their valuation; welcomes in this regard the inclusion by the EBA in the 2018 stress test procedures of specific risk management measures relating to level 2 and level 3 instruments; reaffirms its appeal to the SSM to make the issue a single supervision priority for 2018;

11. Recalls that there are risks associated with sovereign debt; notes that in some Member States financial institutions have overly invested in bonds issued by their own governments, constituting excessive 'home bias', while one of the main objectives of the BU is to break the bank-sovereign risk nexus; notes that, with a view to limiting financial stability risks, it would be better if banks' sovereign bond portfolios were more diverse; considers that the EU regulatory framework on prudential treatment of sovereign debt should be consistent with the international standard; points to the ongoing work of

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<sup>(1)</sup> Commission communication on completing the Banking Union, 11 October 2017 (COM(2017)0592), p. 15.

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the Basel Committee on Banking Supervision (BCBS) on sovereign risk, and more specifically to its recently published discussion paper ‘The regulatory treatment of sovereign exposures’; awaits with great interest, therefore, the results of the FSB’s work on sovereign debt in order to guide future decisions; stresses the crucial role of government bonds in providing high-quality liquid assets for investors and stable funding sources for governments; takes note, in this respect, of the Commission’s ongoing work on the idea of so-called sovereign bond-backed securities (SBBs) as a possible way to contribute to addressing the issue; recalls that SBBs would not constitute a form of debt mutualisation; considers that input from market participants might help to ensure market interest in SBBs;

12. Stresses the importance of addressing the flaws identified in internal models in order to re-establish their credibility and achieve a level playing field across institutions; points, in this regard, to the external research paper ‘What conclusions can be drawn from the EBA 2016 Market Risk Benchmarking Exercise?’ commissioned by the Economic Governance Support Unit of the European Parliament, which inter alia states that ‘if the results of the EBA benchmarking study are correct, and as far as the test portfolio instruments are representative, the internal market risk models currently used by European banks would strongly violate the Level Playing Field Principle (“If different banks hold the same portfolio, they should be required to hold the same amount of regulatory capital.”); notes in this context the BCBS endorsement of the amendments for the finalisation of Basel III as well as the EBA’s assessment of its impact on the EU banking sector; recalls that the agreement should not result in a significant increase in capital requirements at Union level or harm the ability of banks to finance the real economy, in particular SMEs; welcomes the work done by the ECB to assess the adequacy of internal models, including its new guide to the TRIM, with a view to addressing the variability in risk-weights applied to risk-weighted assets of the same class across credit institutions; welcomes, finally, the work done by the EBA in the framework of its benchmarking exercises; considers that the capital position of banks can be strengthened, inter alia, by reducing dividend payments and raising fresh equity, and that strengthening the overall financial position of European banks should remain a priority;

13. Stresses that the proposals made by international bodies should be translated into European law in such a way as to take due account of the specific characteristics of the European banking sector;

14. Stresses that the BCBS standards in particular should not be enacted wholesale into European law without taking proper account of the specific characteristics of the European banking system and of the proportionality principle;

15. Recalls the principle of separation between the monetary policy function and the supervisory function of the SSM and considers its respect crucial in order to avoid conflicts of interest; takes the view that this principle has been in general well complied with; believes that the test to be used in order to determine the suitability of shared services should be the policy relevance of the tasks they perform; considers, therefore, that shared services are unproblematic when they deal with issues that are non-critical in terms of policymaking, but could be a cause for concern and could warrant additional safeguards where and when this is not the case;

16. Takes the view that the involvement of more ECB staff in on-site inspections could contribute to further enhancing the independence of banking supervision from national considerations;

17. Notes the banking reform package proposed by the Commission in November 2016; underlines the importance of the fast-track procedure that led to the agreement on the phasing-in of International Financial Reporting Standard (IFRS) 9, as well as the transitional arrangements for the exemption from the large exposure limit available to exposures to certain public sector debt of Member States denominated in currencies of any Member States (Regulation (EU) 2017/2395) in order to avoid cliff effects on the regulatory capital of credit institutions; notes, however, the opinions of the ECB and the EBA that the existence of a transitional arrangement should not lead to unduly delaying IFRS 9 implementation; stresses the need to monitor the impact of IFRS 9 on the nature and allocation of loans by banks as well as on the potential pro-cyclical effects derived from the cyclical sensitivity of credit risk parameters; calls on the ESRB and the SSM to examine these issues; asks the EBA and the BIS to provide the appropriate guidance in this regard;



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18. Points out that institutions are required, under the rules on supervision, to make numerous similar reports, in various formats, to a range of authorities and that this represents a substantial additional burden; calls, therefore, for the introduction of a uniform reporting system, whereby the questions from all the authorities responsible for supervision would be collated by a central contact point which would forward them to the institutions under supervision and would then transmit the data collected to the competent authorities; emphasises that this could be a means of preventing duplicated questions and requests for identical data, thus considerably reducing the administrative burden on the banks and competent authorities, and that it would also make for more efficient supervision;

19. Acknowledges that the high costs of implementing supervision requirements can be especially difficult to handle for smaller banks; considers that the proportionality principle could be better taken into account in certain supervision arrangements by the ECB when carrying out its supervisory activities; stresses, therefore, the urgent need for further efforts to make banking supervision arrangements more proportionate for small, low-risk institutions; emphasises that improving proportionality by no means implies lowering supervisory standards, and that, rather, it simply means that the administrative burden, in terms of compliance and disclosure requirements, for example, will be lessened; welcomes, therefore, the Commission's reply to the Banking Union Annual Report 2016, which shares Parliament's view that reporting requirements should be streamlined, as well as the efforts of the Commission to introduce more proportionality in supervision;

20. Recalls that the options and discretionary powers set out in EU law concerning banking supervision must be harmonised as far as possible; considers that they must as far as possible be transitory, and must be withdrawn when there is no further need for them, to avoid over-complicating the everyday work of European and national supervisors;

21. Stresses that the regulatory framework should accommodate the particular operating principles and respect the specific mission of the cooperative and mutual banks, and that supervisory authorities should keep these in regard and reflect them in their practices and approaches;

22. Recalls its resolution of 17 May 2017<sup>(1)</sup> on FinTech; considers that FinTechs, which carry out the same kinds of activities as other players in the financial system, should therefore be subject to the same rules concerning their operations; calls, in this regard, for an approach to FinTechs which strikes the right balance between protecting consumers, maintaining financial stability and encouraging innovation; notes, in this respect, the work of the Commission, the proposed inclusion of technological innovation in the mandates of the ESAs, and the public consultation on the ECB's draft guidance to assessments of FinTech bank licence applications;

23. Acknowledges that the increased digitalisation of all aspects of banking has left banks significantly more vulnerable to cyber security risks; stresses that managing cybersecurity is first and foremost banks' own responsibility; stresses the crucial role of cybersecurity for banking services and the need to incentivise financial institutions to be very ambitious in protecting consumer data and guaranteeing cybersecurity; calls on the supervisory authorities to closely monitor and assess cybersecurity risks, as well as calling on financial institutions across the EU to be very ambitious in protecting consumer data and guaranteeing cybersecurity; welcomes the ECB initiative to oblige supervised banks to report significant cyberattacks under a real-time alert service, and also welcomes the SSM on-site inspections to supervise cybersecurity; calls on the SSM to increase its efforts and to formally make cybersecurity one of its high-level priorities;

24. Welcomes the work done by the EBA, ESMA and the SSM on promoting supervisory convergence in the context of the UK's withdrawal from the EU, with a view to limiting the development of regulatory and supervisory arbitrage risks; believes that any supervisory cooperation model to be developed between the EU and the UK should respect the financial stability of the EU and its regulatory and supervisory regime and standards and their application; recalls the importance of preparedness and of adequate contingency planning by banks to mitigate the disruptive effect of Brexit; is concerned that some banks, in particular smaller ones, might be lagging behind in their preparations for Brexit, and calls on them to intensify their work; recalls that the process for obtaining banking licences and having internal models approved takes several years and that this should be factored in;

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0211.

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25. Takes note of the proposals on the review of the European system of financial supervision (ESFS), including the 'omnibus' proposal amending the ESA's governance, funding and powers;

26. Is concerned by developments showing trends for banking groups to use increasingly complex structures and entities that undertake largely the same activities as banks but escape bank supervision; notes, in this respect, the Commission's proposal on investment firms, which should contribute to establishing a level playing field between investment firms and credit institutions and closing loopholes that might allow the use of large investment firms in order to avoid banking regulatory requirements;

27. Is concerned by the spread of shadow banking in the EU; takes note of the 2017 EU Shadow Banking Monitor by the ESRB that underlines several risks and vulnerabilities which need to be monitored in the EU shadow banking system; calls, therefore, for coordinated action to address these risks in order to ensure fair competition and financial stability; recognises, however, that since the financial crisis policies have been introduced to address financial instability risks resulting from shadow banking; encourages authorities to continue to vigilantly monitor and address emerging financial stability risks and to accompany any action on the regulation of the banking sector by appropriate regulation of the shadow banking sector; regrets that the Commission failed to address the latter issue in its replies to last year's report <sup>(1)</sup>;

28. Considers that, even though improvements are desirable, notably in terms of communication and transparency, the Banking Union remains a positive and fundamental change for the Member States using the euro; recalls that the Banking Union is open to all Member States; encourages all non-euro area Member States to take the necessary steps to join the Banking Union, in order to progressively align it with the entire internal market;

29. Welcomes the progress made in allowing some delegation in the area of fit and proper decisions by the ECB's decision of June 2017; reiterates its assessment that a change in the regulations is needed to allow more and easier delegation of decision-making on certain routine issues, from the Supervisory Board to relevant officials; reiterates its favourable view of such a change, which would contribute to making the ECB's banking supervision more efficient and effective; calls on the ECB to specify tasks for the delegation of decision-making;

**Resolution**

30. Welcomes the first application of the new resolution regime in 2017; takes note of the high number of legal applications lodged before the General Court of the EU in relation to this case; asks the Commission to assess whether and how this could endanger the effectiveness of the new resolution regime and render the resolution framework in effect inapplicable; calls on the SRB and the Commission to jointly publish a summary of the issues most criticised by the legal applications; considers that the 2017 banking cases raise questions in terms of transparency and communication, and asks for more transparency in future resolution decisions, including access for the European Parliament, under clear and appropriate conditions, to key documents informing resolution decisions, such as the valuation reports by independent valuers, in order to better understand ex ante the resolution regime; calls on the co-legislators to take the 2017 banking cases into account as lessons learnt when co-deciding on the Commission proposals on TLAC/MREL and the moratorium tool;

31. Is concerned at the mismatch between state aid rules and Union legislation related to the ability of deposit guarantee schemes (DGSs) to participate in resolution as provided for in the BRRD and DGSD, as expressed in the previous report <sup>(2)</sup>; calls on the Commission to reconsider its interpretation of the State aid rules with reference to Articles 11(3) and 11(6) of the DGSD in order to guarantee that preventive and alternative measures provided for by the European legislator can be actually implemented; considers that in the 2017 banking cases it was confirmed as the BRRD stipulates that Member States

<sup>(1)</sup> European Parliament resolution of 15 February 2017 on 'Banking Union — Annual Report 2016', paragraph 9.

<sup>(2)</sup> European Parliament resolution of 15 February 2017 on 'Banking Union — Annual Report 2016', paragraph 38.

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may proceed with normal insolvency proceedings, which may, under certain conditions, be accompanied by 'liquidation aid'; believes that a cause of the arbitrage opportunities revealed by the recent resolution cases is the discrepancy between the rules on State aid applying under, respectively, the resolution regime and national insolvency law; calls, therefore, on the Commission to undertake a review of the frameworks for bank insolvency in the Union, including the 2013 Banking Communication, in order to draw lessons from the 2017 banking cases;

32. Recalls that the BRRD was designed to ensure the continuity of critical functions, to avoid adverse effects on financial stability, to protect public funds by minimising reliance on extraordinary public financial support to failing institutions, and to protect covered depositors, investors, client funds and client assets; recalls that extraordinary public financial support measures may only be used to remedy 'a serious disturbance in the economy' and to 'preserve financial stability' and that they 'shall not be used to offset losses that an institution has incurred or is likely to incur in the near future'; considers that extraordinary public financial support should also be accompanied, where appropriate, by remedial actions; calls on the Commission to undertake as soon as possible the review referred to in the last subparagraph of Article 32(4) of the BRRD, overdue since 2015; notes that precautionary recapitalisation is an instrument for bank crisis management;

33. Calls on the Commission to re-examine on a yearly basis whether the requirements for the application of Article 107(3)(b) TFEU regarding the possibility of State aid in the financial sector continue to be fulfilled;

34. Calls on the Commission to assess whether the banking sector has benefited since the beginning of the crisis from implicit subsidies and state aid by means of the provision of unconventional liquidity support;

35. Welcomes the SRB's stated prioritisation of enhancing resolvability of credit institutions, as well as the progress made towards setting binding targets regarding individual minimum requirement for own funds and eligible liabilities (MREL) targets at consolidated level; emphasises the importance of operational and credible resolution plans, and in that context acknowledges the problems that single point of entry strategies could imply for the financial stability of host countries if not appropriately designed; underlines the need for an effective regime to address breaches of this requirement and that MREL should be mindful of institutions' business models for the purpose of ensuring the resolvability of these institutions; calls on the SRB to provide a comprehensive list of obstacles to resolvability encountered in national or European legislation; stresses that the revision of the BRRD should in no way lag behind internationally agreed standards;

36. Welcomes the agreement reached on the additional harmonisation of the priority ranking of unsecured debt instruments through Directive (EU) 2017/2399; calls for rapid implementation by Member States so that banks can issue debt in the new insolvency class and thereby build up the required buffers; reiterates its position, as expressed in the previous report <sup>(1)</sup>, that bail-inable instruments should be sold to appropriate investors who can absorb potential losses without threatening their own financial standing; recommends, therefore, that resolution authorities should monitor the extent to which instruments susceptible to bail-in are held by non-professional investors and that the EBA should proceed to an annual disclosure of these amounts as well as, where appropriate, issuing warnings and recommendations for remedial action;

37. Notes the ongoing legislative proposals for implementing total loss-absorbing capacity (TLAC) in Union law, aimed at reducing risks in the European banking sector;

38. Recalls that the substance of the Intergovernmental Agreement on the Single Resolution Fund (SRF) is ultimately to be incorporated into the Union legal framework; recalls that a fiscal backstop is key to ensuring a credible and efficient resolution framework and the ability to cope with systemic crises in the Banking Union, as well as to avoiding recourse to publicly-funded bank bailouts; notes the Commission's proposal to transform the European Stability Mechanism into a European Monetary Fund, which would host the fiscal backstop function to the SRF;

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<sup>(1)</sup> European Parliament resolution of 15 February 2017 on 'Banking Union — Annual Report 2016', paragraph 48.

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39. Welcomes the work done by the SRB in building up its capacity for bank resolution at the Union level; notes, however, that resolution planning is currently still very much a work in progress; also notes that the SRB is significantly understaffed; calls on the SRB to intensify its recruitment efforts and on national authorities to make seconded experts easily available to the SRB; recalls, in this respect, the need, within the SRB, for an appropriate balance between staff from the central level and staff from national resolution authorities, as well as the need for a clear division of labour between the SRB and national resolution authorities; welcomes, in this regard, the steps taken by the SRB in allocating roles and tasks within the SRM; points out that in addition to banks directly supervised by the ECB, the SRB also has direct responsibility for significant cross-border institutions; calls on Member States, national competent authorities and the ECB to act in a way that would limit as much as possible the additional burden and complexity for the SRB arising from this difference in scope;

40. Calls for the ex-ante contributions to the Single Resolution Fund to be calculated in a transparent manner, through the provision of information on the calculation methodology, along with efforts to harmonise information on calculation outcomes;

41. Is concerned at the influence that resolution decisions can have on the structure of the banking system; calls on the Commission to closely monitor this issue, follow up on decisions taken and inform the European Parliament about its findings on a regular basis;

#### ***Deposit insurance***

42. Welcomes the EBA's decision to publish on an annual basis data received by it in accordance with Article 10(10) of the DGSD; suggests that the presentation of the data be improved so as to allow a direct comparison of the adequacy of funding across deposit guarantee schemes (DGSs); notes, nonetheless, the need for several DGSs to accelerate the build-up of available financial means in order to achieve their target levels by 3 July 2024;

43. Invites the EBA to expand its analysis to, among other aspects, alternative funding arrangements put in place by Member States in accordance with Article 10(9) of the DGSD, and to publish this analysis in conjunction with the information received under Article 10(10) of the DGSD;

44. Draws attention to the high number of options and discretions under the DGSD; takes the view that further harmonisation of the rules applying to deposit guarantee schemes is necessary in order to achieve a level playing field within the Banking Union;

45. Recalls that deposit protection is a common concern of all EU citizens and that the Banking Union remains incomplete without a third pillar; is currently debating the proposal on an EDIS at committee level; notes, in this respect, the Commission's communication of 11 October 2017;

46. Points out that there are ongoing discussions regarding the appropriate legal basis for the establishment of the proposed European Deposit Insurance Fund;

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47. Instructs its President to forward this resolution to the Council, the Commission, the EBA, the ECB, the SRB, the national parliaments, and the competent authorities as defined in point (40) of Article 4(1) of Regulation (EU) No 575/2013.

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## RECOMMENDATIONS

## EUROPEAN PARLIAMENT

P8\_TA(2018)0059

**Cutting the sources of income for jihadists — targeting the financing of terrorism****European Parliament recommendation of 1 March 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on cutting the sources of income for jihadists — targeting the financing of terrorism (2017/2203(INI))**

(2019/C 129/07)

*The European Parliament,*

- having regard to the 1999 International Convention for the Suppression of the Financing of Terrorism,
- having regard to its resolution of 27 October 2016 on the situation in Northern Iraq/Mosul<sup>(1)</sup> and its resolution of 30 April 2015 on the destruction of cultural sites perpetrated by ISIS/Daesh<sup>(2)</sup>,
- having regard to the EU Global Strategy for Foreign and Security Policy,
- having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96<sup>(3)</sup>,
- having regard to the United Nations Global Counter-Terrorism Strategy and UN Security Council resolutions 1267 (1999), 1373 (2001), 1989 (2011), 2133 (2014), 2199 (2015), 2253 (2015) and 2368 (2017),
- having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC<sup>(4)</sup>,
- having regard to the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC (COM(2016)0450),
- having regard to the Manama declaration on countering terrorist finance of 9 November 2014,
- having regard to the Financial Action Task Force (FATF) Best Practices on Targeted Financial Sanction related to Terrorism and Terrorist Financing,

<sup>(1)</sup> Texts adopted, P8\_TA(2016)0422.

<sup>(2)</sup> OJ C 346, 21.9.2016, p. 55.

<sup>(3)</sup> OJ L 169, 8.7.2003, p. 6.

<sup>(4)</sup> OJ L 141, 5.6.2015, p. 73.

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- having regard to the FATF statement of 24 October 2014 on countering the financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL) and to the FATF report of February 2015 on the Financing of ISIL,
- having regard to the eleventh Security Union Progress Report, published by the Commission on 18 October 2017,
- having regard to the Global Counterterrorism Forum (GCTF) Addendum to the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists of September 2015,
- having regard to the G7 Taormina Statement of 26 May 2017 on the fight against terrorism and violent extremism,
- having regard to the newly established Special Committee on Terrorism,
- having regard to Article 16 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 7 and 8 of the EU Charter of Fundamental Rights on personal data protection,
- having regard to Council Regulation (EU) 2015/827 of 28 May 2015 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria <sup>(1)</sup>,
- having regard to the Commission action plan of February 2016 for strengthening the fight against terrorist financing,
- having regard to the Europol EU Terrorism Situation and Trend Report (TE-SAT) for 2017,
- having regard to the report of 26 June 2017 from the Commission to the European Parliament and the Council on the assessment of the risks of money laundering and terrorist financing affecting the internal market and relating to cross-border activities (COM(2017)0340),
- having regard to Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA <sup>(2)</sup>,
- having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA <sup>(3)</sup>,
- having regard to the proposal for a regulation of the European Parliament and of the Council of 13 July 2017 on the import of cultural goods (COM(2017)0375),
- having regard to the ninth Security Union Progress Report, published by the Commission on 27 July 2017,
- having regard to the Commission communication of 18 October 2017 to the European Parliament, the European Council and the Council entitled ‘Eleventh progress report towards an effective and genuine Security Union’ (COM(2017)0608),
- having regard to Rule 113 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A8-0035/2018),

<sup>(1)</sup> OJ L 132, 29.5.2015, p. 1.

<sup>(2)</sup> OJ L 88, 31.3.2017, p. 6.

<sup>(3)</sup> OJ L 119, 4.5.2016, p. 89.

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- A. whereas one of the key elements of the fight against terrorism is to cut off its sources of financing, including through the hidden circuits of fraud and tax evasion, money laundering and tax havens;
- B. whereas some financing may come from within European countries for use elsewhere by terrorist organisations, while other funding comes from outside Europe, in order to finance radicalisation and actual terrorist acts; whereas the external and internal dimensions of the fight against terrorism are interlinked, whereas cutting off the sources of financing of terrorism should be part of an EU broader strategy integrating both external and internal security dimensions;
- C. whereas modern communication networks, and crowdfunding in particular, have proven to be a cheap and efficient way of generating funds to finance terrorist activities or manage the jihadi network; whereas terrorist groups have been able to gather additional funds for their activities, using phishing attacks and identity theft or purchasing stolen credit cards details in online forums;
- D. whereas that financing can be used in three ways: for terrorist attacks requiring large-scale funding; for other attacks which, although their effects are equally brutal, require smaller amounts of money; and for financing propaganda that can inspire 'lone wolf' attacks that may require very little pre-planning or money; whereas the response must be effective in addressing all these situations;
- E. whereas legally sourced financing can be diverted by the recipient to third parties, individuals, groups, companies or entities with links to terrorist activity;
- F. whereas given that terrorism is a global crime, the effective response to it must also be a global and holistic one, with coordination between financial institutions, law enforcement agencies and judicial bodies and exchange of relevant information on natural and legal persons and suspicious activity being absolutely vital, bearing in mind that the protection of personal data and respect for privacy are important fundamental rights;
- G. whereas, as a result of data leaks in recent years, awareness about the links between money laundering and tax evasion on the one hand and organised crime and financing of terrorism on the other has increased considerably, and whereas these issues have become a major focus of international political concern; whereas, as acknowledged by the Commission, recent media reports have also linked large-scale VAT and excise fraud with organised crime, including terrorism <sup>(1)</sup>;
- H. whereas almost all Member States' jurisdictions have criminalised terrorist financing as a distinct offence;
- I. whereas financial data are a significant tool for gathering intelligence in order to analyse terrorist networks and how to better disrupt their operations; whereas there is a continuing need for adequate enforcement of legislation to prevent money laundering and financing of terrorism; whereas there is a need for comprehensive and preventive strategies based on the exchange of basic information and improved cooperation among financial intelligence units, intelligence agencies and law enforcement agencies involved in combating the financing of terrorism; whereas this information should cover evolving trends in international finance such as Bitmap, SWIFT coding, cryptocurrency and its corresponding regulatory mechanisms; whereas tackling the financing of terrorism globally must entail global standards of transparency with respect to ultimate beneficial owners of corporate entities, trusts and similar arrangements, in order to shine a light on financial opacity, which facilitates the laundering of criminal proceeds and the financing of terrorist organisations and actors;

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<sup>(1)</sup> [http://europa.eu/rapid/press-release\\_IP-17-3441\\_en.htm](http://europa.eu/rapid/press-release_IP-17-3441_en.htm); <https://www.euractiv.com/section/economy-jobs/news/eu-targets-terror-financing-with-vat-fraud-crackdown/>

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- J. whereas there is a need for a formalised European platform within existing structures — which thus far has existed on an informal basis — to centralise the collection of information, which is currently spread out among 28 Member States, and through which Member States can provide information on their levels of engagement and progress in combating financing of terrorism; whereas this exchange of information should be proactive;
- K. whereas a number of international non-profit organisations, charities, other foundations, networks and private donors, which have or claim to have social or cultural goals, laid the foundation for the financial capacities of ISIS/Daesh, Al-Qaeda and other jihadist organisations and act as a cover for abusive practices; whereas surveillance and the gathering of intelligence about these organisations, their funders, their activities and their links with actors in the EU, which are often extensive, is therefore vital; whereas their support for the expansion of jihadist radicalism in Africa, the Middle East, Asia and Europe should be blocked; whereas this expansion at EU borders and in our neighbouring and partner countries is particularly alarming; whereas the full implementation of the FATF recommendations in these areas by the Gulf Cooperation Council (GCC) and its member states is of crucial importance to the fight against global terrorism;
- L. whereas Al-Qaeda's global fundraising network is built on donations to charities and NGOs, which communicate with donors through social media and online forums; whereas accounts have also been used to ask supporters for donations to the cause of jihad; whereas, in recent years, several smart phone applications have been developed by terrorist organisations to maximise the outreach and encourage donations from supporters, most of them located in Gulf countries;
- M. whereas micro-states and states with a poor track record in the rule of law are particularly vulnerable and at risk of becoming hotspots for the financing of terrorism;
- N. whereas intelligence suggests that institutions and individuals in the Gulf are providing financial and logistical support to ISIS/Daesh, Al-Qaeda and other radical groups; whereas without this funding many of these terrorist groups would not be self-sufficient;
- O. whereas ISIS/Daesh and Al-Qaeda have become financially self-reliant; whereas ISIS/Daesh and Al-Qaeda are attempting to channel their money to Syria and Iraq via oil exports and investment in businesses, including through money and professional couriers, illegal fund transfers and money and professional services; whereas ISIS/Daesh and Al-Qaeda are laundering the proceeds of their criminal activities by buying businesses and assets of all kinds; whereas ISIS/Daesh and Al-Qaeda are also laundering the proceeds of stolen antiquities and smuggled art pieces and artefacts, by selling them abroad, including in markets in Member States; whereas illicit trade in goods, firearms, oil, drugs, cigarettes and cultural objects, among other items, as well as trafficking in human beings, slavery, child exploitation, racketeering and extortion, have become ways for terrorist groups to obtain funding; whereas the increasing links between organised crime and terrorist groups constitute a growing security threat to the Union; whereas these sources could allow ISIS/Daesh and Al-Qaeda to continue funding future criminal acts after their territorial collapse in Syria and Iraq;
- P. whereas an international ransom ban has been established under a series of international commitments underpinned by UN Security Council resolutions and domestic laws; whereas in practice the UN ban lacks the support of key signatories who prioritise the immediate preservation of life over their counter-terrorism commitments, and in doing so allow the financing of terrorist organisations;
1. Addresses the following recommendations to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR):
- (a) calls on the Member States and the Commission to consider cutting the funding sources of terrorist networks as a key priority, as it constitutes an effective tool for hampering the effectiveness of those networks; takes the view that preventive strategies based on the sharing of best practice and exchange of suspicious and relevant information among



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intelligence agencies is vital in combating the financing of terrorism and more generally terrorist attacks; calls on Member States' intelligence agencies therefore to improve coordination and cooperation by setting up a stable European counter-terrorism financial intelligence platform, within the framework of existing structures (e.g. Europol) so as to avoid the creation of another agency, with an in-depth focus on the proactive exchange of information on the financial support for terrorist networks; considers that such a platform would create a joint database for data on physical and legal persons and suspicious transactions; stresses that high-value data collected by any national security agency should be transmitted swiftly the moment it is recorded on the central system, which should be permitted to include information on non-EU nationals, taking particular account of possible impacts on fundamental rights and in particular the right to the protection of personal data and the principle of purpose limitation; emphasises that the information concerned must include, inter alia, a directory of banks, financial institutions and commercial entities both within and outside Europe, as well as third countries which have shortcomings in combating the financing of terrorism; calls on the Commission to draw up such a directory as quickly as possible, on the basis of its own criteria and analysis in accordance with Directive (EU) 2015/849; reiterates that those responsible for directly or indirectly committing, organising or supporting terrorist acts must be held to account for their actions;

- (b) calls on European countries, both EU Member States and third countries, to provide funding for programmes fostering the sharing of best practices among their intelligence agencies, including on the investigation and analysis of terrorists and terrorist organisations' methods of recruiting and transferring terrorist financing; recommends the introduction of quarterly public threat assessments that combine the intelligence and information gathered by Europol and the EU Intelligence and Situation Centre (INTCEN); calls on the Member States to ensure sufficient funding and human resources for intelligence agencies;
- (c) underlines, as reiterated by the Financial Action Task Force (FATF), which has developed a strategy on combating terrorist financing, that it is extremely important that information-sharing should be improved, and sped up, among financial intelligence units, between Financial Intelligence Units and the security forces and law enforcement and intelligence agencies within their own jurisdictions, among different jurisdictions, and in the private sector, especially the banking sector;
- (d) welcomes GCC engagement with the FATF; calls on the Commission and the EEAS to actively encourage the EU's partners, particularly the GCC and its member states, to fully implement the FATF recommendations in addressing deficiencies in the areas of anti-money laundering and combating the financing of terrorism and offer technical assistance in achieving progress in these areas;
- (e) calls on the VP/HR to support the efforts of the FATF and to prioritise countering terrorist financing, in particular identifying and working with UN member states with strategic anti-money laundering and countering terrorist financing deficiencies;
- (f) calls for the cooperation between Europol and the EU's key strategic partners that play a key role in the fight against terrorism worldwide to be reinforced; believes that closer cooperation would make it possible to better prevent, detect and respond to terrorism financial hubs; calls on the Member States to make better use of the informal network of European Financial Information Units (FIU.net), on the basis of the work done by Europol, by implementing the 5th Anti-Money Laundering Directive and by adopting regulatory measures to address other issues stemming from the divergent status and competences of financial intelligence units, in particular to facilitate coordination and exchange of information both among financial intelligence units, and between financial intelligence units and law enforcement authorities for the purpose of sharing the information concerned with the European counter-terrorism intelligence platform;
- (g) recalls that strengthened political dialogue, increased financial assistance and support for counter-terrorism capacity-building of EU's partners that are at the front line in the fight against terrorism are of utmost importance;

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- (h) calls on the Member States to step up the monitoring of suspicious organisations engaged in these kind of activities, such as illicit trade, smuggling, counterfeiting and fraudulent practices via the formulation of joint investigation teams with Europol, making it easier for law enforcement agencies to access suspicious transactions, taking account of the proportionality principle and the right to privacy; calls on the Member States to provide more training for and increase the specialisation of investigators in order to achieve that; calls on the Commission to support and adequately fund the development of training programmes for law enforcement and judicial authorities in Member States;
- (i) calls on the Member States and the Commission to provide an annual report on progress made and measures taken concerning the fight against the funding of terrorism and, namely, efforts made to hamper ISIS/Daesh and Al-Qaeda's financing; recalls that some Member States are more invested than others in the field of targeting terrorism financing and thus the best response should be to increase information-sharing, namely pertaining to the effectiveness of measures already put in place;
- (j) welcomes the Commission's proposal for the establishment of bank account registers and for facilitating access to them by financial intelligence units and other competent authorities engaged in combating money laundering and the financing of terrorism; notes that the Commission is shortly to propose an initiative to give law-enforcement agencies wider access to the registers; underscores the need, when exchanging bank account information, to observe the rules on police cooperation and judicial cooperation, particularly in the context of criminal proceedings; calls, in that regard, on the Member States which have not yet transposed Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014, regarding the European Investigation Order in criminal matters, to do so as soon as possible;
- (k) calls on the Member States to take the necessary legislative measures to guarantee that banks monitor pre-paid debit cards closely so as to ensure that they can only be reloaded via bank transfers and personally identifiable accounts; stresses the importance of an attribution chain enabling the intelligence services to determine when a transaction has a serious risk of being used for terrorist or other serious crime; calls furthermore on the Member States to make the necessary provisions to fully facilitate the opening of a bank account to all those present in their territory;
- (l) stresses the need to put an end to any type of tax haven that facilitates money laundering, tax avoidance and tax evasion that can play a role in the financing of terrorist networks; calls on Member States, in this context, to combat tax evasion and urges the Commission to propose and implement measures for the close monitoring of financial flows and tax havens;
- (m) notes the successful cooperation with the USA and other partners and the usefulness of the information obtained, in the context of the EU-US agreement to share information from the US Terrorism Financing Tracking Program (TFTP); calls on the Commission to propose the establishment of a specifically European system in this area, to complement the current framework and address current gaps, particularly as regards SEPA, ensuring that a balance is struck between security and individual freedoms; points out that European data protection standards would apply to this intra-European system;
- (n) calls on the VP/HR and on the Member States, in cooperation with the EU Counter-Terrorism Coordinator, to draw up a list of individuals and entities operating under opaque regimes and with high rates of suspicious financial transactions, where there is evidence that relevant authorities have failed to act, especially if they are affiliated with jihadist radicalism; calls on the VP/HR and the Member States to take into account a state's involvement in the financing of terrorism in their relations with this state;
- (o) calls on the Council of the European Union to step up the application of selective sanctions and other restrictive measures against all individuals and entities that in any way make available economic resources to ISIS/Daesh, Al-Qaeda or other jihadist groups; calls for freezing the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities (including funds derived from property owned or controlled directly or indirectly by them or by persons acting on their behalf or at their instruction); welcomes the establishment of the UN Security Council committee responsible for supervising the application of sanctions; notes that all Member States are obliged by UN Security Council resolution 2253 (2015) to act swiftly in blocking funds and financial assets to ISIS/

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Daesh, Al-Qaeda and associated individuals, groups, undertakings, and entities; calls on the VP/HR to support the call of the UN Security Council on member states of the UN to move vigorously and decisively to cut the flow of funds and other financial assets and economic resources to individuals and entities on the ISIS/Daesh and Al-Qaeda Sanctions List;

- (p) calls on the EU Member States to establish a monitoring and clearing system to ensure that places of worship and education, institutions, centres, charities, cultural associations and similar entities, where there is reasonable suspicion of having ties to terrorist groups, provide details on whom they receive funds from and how the funds they receive are distributed, both within and outside the EU, and calls for all the transactions made by those sending funds to be recorded in a centralised database, set up with all the appropriate guarantees; calls for the introduction of mandatory ex ante monitoring of the source of money and its destination where charities are concerned, when there are reasonable grounds of suspicion of links to terrorism, so as to prevent money from being distributed maliciously or negligently for terrorist purposes; urges that all such measures be carried out as part of specific programmes designed to combat Islamophobia, in order to avoid an increase in hate crimes, attacks on Muslims or any racist and xenophobic attacks motivated by religion or ethnicity;
- (q) calls on the Member States to provide greater oversight and regulate traditional ways of money transfer (such as the hawala or the Chinese fei ch'ien, among others), or informal value transfer systems, namely through the ongoing procedure for the adoption of a regulation on controls on cash entering or leaving the Union (2016/0413(COD)), making it mandatory for agents carrying out the transactions to declare to the relevant authorities every significant transaction made using these systems, and emphasising, while communicating with groups affected by these measures, that the aim is not to crack down on traditional informal money transfers, but on trafficking involving organised crime, terrorism or industrial/commercial profits deriving from dirty money; calls, in this respect, for:
- (i) all intermediaries and/or individuals involved in said activity (controllers or brokers, middlemen and fixers, coordinators, collectors and transmitters) to be required to register with the relevant national authority;
  - (ii) all transactions to be declared and documented in a way that facilitates transfer of information when requested;
  - (iii) dissuasive penalties to be established and imposed on intermediaries and/or others involved in undeclared transactions;
- (r) calls on the Commission to propose the legislation required to better monitor all electronic financial transactions and e-money issuing companies, including intermediaries, in order to prevent funds from being converted for users who are not fully identified, as can be the case with users of public networks or anonymous browsers; stresses, in this respect, that exchanging encrypted money for actual money and vice versa must, as a compulsory requirement, be done using an identifiable bank account; calls on the Commission to carry out an assessment on the implications for the financing of terrorism of e-gaming activities, virtual currencies, crypto currencies, block chain and FinTech technologies; calls on the Commission, furthermore, to consider possible measures, including legislation to create a regulatory framework for these activities in order to limit the tools for the financing of terrorism;
- (s) calls on the Commission and the Member States to increase their monitoring regarding regulating and controlling trafficking in gold, precious stones and precious metals, so that these goods are not used as ways of financing terrorist activities; calls for the establishment of criteria agreed and followed by Member States; calls on the Commission and the Member States to prohibit and sanction all commercial traffic (both exports and imports) with jihadist-controlled areas, with the exception of those humanitarian aid goods necessary for the subdued population; calls for prosecution and sanctioning for imprudence or malice of all those (either natural or legal persons) that participate in said trafficking, in any form (buying, selling, distribution, intermediation or otherwise); notes the specific risks of financing of terrorism through money or value transfer services (MVTs); calls on the Member States to devise an enhanced

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partnership and cooperation between MTVS agents and European law enforcement agencies and to issue guidelines to identify and address any specific barriers that prevent information sharing on suspicious money transfers;

- (t) welcomes the proposal for a regulation on the import of cultural goods and highlights its importance in tackling the illegal import of these goods with a view to financing terrorism; calls on the Commission to bring in a traceability certificate for artworks and antiques entering the EU market, especially for items originating from territories or places controlled by any armed non-state actors, as well as from organisations, groups or individuals included in the EU terror list; calls on the Commission to step up its cooperation with international organisations such as the UN, Unesco, Interpol, the World Customs Organisation and the International Council of Museums in order to strengthen efforts to combat the trafficking of cultural goods as a means of financing terrorism; calls on the Member States to establish police units that are specialised in dealing with the trafficking of cultural goods, and to ensure coordination among those units across the Member States; calls on the Member States to make it mandatory for companies involved in art dealing to declare all suspicious transactions, and to impose on the owners of companies dealing in art and antiques who become involved in the trafficking of such goods effective, proportionate and dissuasive penalties — including criminal penalties, where necessary — for the financing of terrorism through negligence; calls on the Commission to strengthen support to third countries, especially neighbouring countries, in their efforts to tackle crime and trafficking as source of terrorist financing;
- (u) calls on the Commission to propose measures to increase the transparency of origin, transport and brokering of commodities, especially petrochemicals, in order to strengthen traceability and stop the unwitting financing of terrorist organisations;
- (v) calls on the Commission to look into the possibility of reforming the relevant regulations and directives with the aim of ensuring that financial institutions are required to ask for information on the reason why suspicious small and large-scale transactions are being made, with a view to monitoring the payment of ransoms to terrorist organisations; calls on the Member States to take preventive measures targeting economic operators in areas at risk, with the aim of assisting them in their activities;
- (w) calls on the EEAS to appoint a financial intelligence expert to the new CSDP mission in Iraq, so as to support the Iraqi Government in preventing ISIS/Daesh and Al-Qaeda assets from being taken out of the country, and to help the Iraqi authorities in developing programmes designed to combat money laundering;
- (x) calls on the Commission and the Member States, as part of their dialogue with third-country partners on the fight against terrorism, to focus their efforts on police and judicial cooperation and on exchanging data and good practice so as to strengthen synergies in the global drive to combat the financing of terrorism;
- (y) welcomes the establishment of a network of counter-terrorism experts in EU delegations; calls for this network to be reinforced and extended to more regions, and in particular the Horn of Africa (and South-East Asia); points out the importance of the inclusion of counter-terrorism objectives in the mandates of EU CSDP missions and operations, in particular in Libya, the Sahel, the Horn of Africa and the Middle East; urges the EEAS to appoint a financial intelligence expert in its CSDP missions in countries in which there could be terrorist hubs and in the Sahel region, and to establish, in an effective manner, close cooperation with the governments in the areas concerned;
- (z) calls on the Commission and Member States to do more to encourage third-country partners to sign and ratify the 1999 International Convention for the Suppression of the Financing of Terrorism, which sets out a number of principles and standards with a view to eradicating the financing of terrorism, and to implement the convention effectively;
- (aa) stresses that addressing and alleviating socio-economic grievances, fostering viable states and ensuring respect for human rights are essential in order to reduce breeding grounds for ISIS/Daesh, Al-Qaeda and other jihadist groups, including regarding their capacities of financial autonomy;

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- (ab) urges the VP/HR and the EEAS to enhance cooperation with countries in which the proceeds of drug trafficking, human trafficking or traffic in goods are held and with countries of origin of illicit cigarettes, so that they can be seized;
  - (ac) urges the VP/HR and the EEAS to lead initiatives in the international fora to enhance corporate ownership transparency, namely through the creation of a public registers of legal entities, including companies, trusts and foundations, and of a central register of bank accounts, financial instruments, real estate property, life insurance contracts and other relevant assets which might be abused to launder money and finance terrorism;
  - (ad) calls on the Council and the Commission to establish and implement an annual benchmark reporting mechanism to Parliament on measures taken by the Member States and the Commission against the funding of terrorism;
  - (ae) urges the VP/HR and the EEAS to support our foreign partners in their domestic efforts to curb financial flows from private individuals to organisations deemed to be providing aid and resources to terrorists;
  - (af) urges the Member States to swiftly adopt the Commission's proposed VAT reforms, to prevent criminal organisations from exploiting the gaps in the European VAT system to finance terrorism and other criminal activities;
  - (ag) welcomes the Commission proposal on the mutual recognition of freezing and confiscation orders;
  - (ah) reaffirms the view that confronting and defeating ISIS/Daesh, Al-Qaeda and other jihadist groups, whether financially, militarily or ideologically, must remain at the top of the security and defence agenda; calls on the EEAS to use its diplomatic engagement with regional states to emphasise this common interest for both the EU and regional actors;
2. Instructs its President to forward this recommendation to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Member States.
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P8\_TA(2018)0060

## EU priorities for the 62nd session of the UN Commission on the Status of Women

European Parliament recommendation of 1 March 2018 to the Council on the EU priorities for the 62nd session of the UN Commission on the Status of Women (2017/2194(INI))

(2019/C 129/08)

*The European Parliament,*

- having regard to the 62nd session of the UN Commission on the Status of Women, its priority theme of ‘Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls’ and its review theme of ‘Participation in and access of women to the media, and information and communications technologies and their impact on and use as an instrument for the advancement and empowerment of women’,
- having regard to the Fourth World Conference on Women, held in Beijing in September 1995, the Declaration and Platform for Action for the empowerment of women adopted in Beijing and the subsequent outcome documents of the UN Beijing + 5, + 10, + 15 and + 20 Special Sessions on new actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted on 9 June 2000, 11 March 2005, 2 March 2010 and 9 March 2015 respectively,
- having regard to Article 157(4) of the Treaty on the Functioning of the European Union,
- having regard to its resolution of 9 September 2015 on empowering girls through education in the EU <sup>(1)</sup>,
- having regard to its resolution of 8 March 2016 on the situation of women refugees and asylum seekers in the EU <sup>(2)</sup>,
- having regard to its resolution of 14 February 2017 on promoting gender equality in mental health and clinical research <sup>(3)</sup>,
- having regard to its resolution of 4 April 2017 on women and their roles in rural areas <sup>(4)</sup>,
- having regard to the UN resolution entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’, adopted at the UN Sustainable Development Summit on 25 September 2015 in New York,
- having regard to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC <sup>(5)</sup>,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to General recommendation No 34 (2016) of the Committee on the Elimination of Discrimination against Women on the rights of rural women,

<sup>(1)</sup> OJ C 316, 22.9.2017, p. 182.

<sup>(2)</sup> OJ C 50, 9.2.2018, p. 25.

<sup>(3)</sup> Texts adopted, P8\_TA(2017)0028.

<sup>(4)</sup> Texts adopted, P8\_TA(2017)0099.

<sup>(5)</sup> OJ L 180, 15.7.2010, p. 1.

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- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and to its resolution of 12 September 2017 <sup>(1)</sup> on EU accession thereto,
  - having regard to the Paris Agreement of 12 December 2015,
  - having regard to Rule 113 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Gender Equality (A8-0022/2018),
- A. whereas equality between women and men is a fundamental principle of the Union, as recognised in the Treaties and the Charter of Fundamental Rights;
- B. whereas the fifth UN Sustainable Development Goal (SDG5) is to achieve gender equality and empower all women and girls throughout the world, and should be fully integrated into the 2030 Agenda in order to achieve progress in all the SDGs and targets; whereas the SDGs include a goal to 'double the agricultural productivity and incomes of small-scale food producers, in particular women';
- C. whereas the Union and its Member States must be at the forefront of the empowerment of women and girls, and have a duty to work towards the achievement of full gender equality in the Union, and to promote this goal in all external relations;
- D. whereas social and economic circumstances and living conditions have changed substantially in recent decades and differ quite considerably between the various countries;
- E. whereas the lack of governmental action against gender inequality puts current and future achievements in the field at risk; whereas addressing traditional gender power relations, stereotypes and beliefs is key to ensuring women's empowerment and poverty eradication;
- F. whereas the discrimination suffered by women also affects rural women; whereas the majority of women in the world live in rural areas and are therefore more exposed to multiple forms of discrimination on the basis of age, class, ethnicity, race, disability and gender identity;
- G. whereas women's participation in the labour market in rural areas includes a wide range of jobs that go beyond conventional agriculture;
- H. whereas the work of rural women is often paid less than the work of men for the same output, is often formally unrecognised, as with unpaid care work, for example, and is not reflected in the number of women who are farm owners; whereas, however, women are key actors in achieving the transformational economic, environmental and social changes necessary for sustainable development;
- I. whereas rural women, who are often the primary care providers in their families and communities, encounter numerous difficulties in accessing childcare and elderly care for their families, which results in a disproportionate burden borne by women and hinders their integration into the labour market; whereas the provision of quality care services is essential for women and promotes work-life balance;
- J. whereas rural women encounter numerous difficulties in accessing adequate public health services owing to limited mobility and a lack of access to transport or means of contacting transport (for example, a mobile phone); whereas there is a need for comprehensive health services which address the physical, mental and emotional well-being of rural women (for example, to respond to gender-based violence); whereas access to sexual and reproductive health rights and education is more limited in rural areas;

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0329.

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- K. whereas retaining populations in rural areas, devoting particular attention to areas with natural constraints, is essential for society as a whole, as the conservation of the environment and the landscape depend on it;
- L. whereas there is a direct link between gender inequality and environmental degradation;
- M. whereas climate change and its consequences have a particular and disproportionate negative impact on rural women and girls; whereas rural women are also powerful actors of change towards a more sustainable and ecologically sound agriculture and can play an important role in the creation of green jobs; whereas providing equal access for women farmers to land and other productive resources is key to achieving gender equality, food security and effective climate policies;
- N. whereas young women in rural areas continue to suffer from inequality and multiple forms of discrimination; whereas measures are needed to promote effective equality between men and women so that there are more work opportunities, including self-employment and in the science, technology, engineering and maths (STEM) sector, which enable them to remain in rural environments, thereby ensuring generational renewal and the survival of the agricultural sector and rural areas;
- O. whereas the agricultural sector, in which women play an important role, is key to the vitality of rural areas, and to enhancing generational renewal, social cohesion and economic growth; whereas agriculture should provide safe, nutritious and healthy food; whereas the agricultural sector should also contribute to the diversification of the landscape, to mitigating climate change and to preserving biodiversity and cultural heritage;
- P. whereas nutrition plays a significant role in the development and well-being of girls; whereas poor nutrition leads to physical and mental problems such as stunting, infertility, listlessness, fatigue and poor concentration, thereby reducing women's economic potential and impacting on the well-being of the wider family and community;
- Q. whereas rural women need to be able to participate in decision-making bodies in the public sphere; whereas balanced representation is essential to achieving equality;
- R. whereas, with regard to risk prevention in the workplace, men and women are exposed to different factors; whereas, for example, calculations to evaluate the harmful effects of chemicals are often based on the physiques of men — who generally have greater muscle mass — and even disregard specific recommendations for pregnant or breastfeeding women; whereas, therefore, different factors need to be taken into account for adopting measures to ensure women's health in agriculture;
- S. whereas discrimination also affects women in the media sector; whereas the media play a crucial role for all of society and it is desirable, therefore, that women — who represent at least 50 % of society — are fairly involved in creating media content and decision-making in media organisations;
- T. whereas the role of the media sector is crucial for the promotion of gender equality, since the media not only reflect but also create role models and standards of conduct, thus shaping public opinion and culture in a significant way;
- U. whereas media coverage contributes to a broad understanding among all layers of society of the complexity of the situations of women and men;
- V. whereas women and children are disproportionately impacted by conflict, accounting for the highest proportion of refugees either in camps or on the move in search of safety;



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- W. whereas in many societies women do not have equal entitlement to land and property through legal means, which exacerbates poverty and limits their economic development;
  - X. whereas trans women face disproportionate discrimination on the basis of their gender identity;
  - Y. whereas stronger support for sexual and reproductive health and rights is a pre-condition for gender equality and women's empowerment;
  - Z. whereas social norms with regard to the roles of women and men place women in a situation of greater vulnerability, particularly in relation to their sexual and reproductive health, and in the light of harmful practices such as FGM or child, early and forced marriages;
1. Addresses the following recommendations to the Council:

***General conditions for empowering women and girls***

- (a) to reconfirm its unwavering commitment to the Beijing Platform for Action;
- (b) to support mothers who are entrepreneurs in rural areas as they face specific challenges; stresses that fostering entrepreneurship among these women may not only entail a successful reconciliation of work-life balance, but also serve to stimulate new job opportunities and better quality of life in rural areas, and to encourage other women to put their own projects into practice;
- (c) to put an end to all forms of discrimination against all women and girls everywhere and to combat all forms of violence, which represent serious violations of their fundamental rights, violations which are in turn a direct consequence of such discrimination;
- (d) to involve all governments and require them to draw up programmes aimed at eliminating sexual and gender-based violence and harmful practices, such as child, early and forced marriage and female genital mutilation and human trafficking;
- (e) to call on the Member States to fight gender stereotypes and invest in women's and girls' access to tailor-made education, lifelong learning and vocational training, especially in rural areas, particularly in STEM, as well as entrepreneurship and innovation, as these areas are important tools for achieving the SDGs, and to promote equality in the agricultural and food sectors, as well as in tourism and other industries in rural areas;
- (f) to develop policies aimed at eradicating poverty and ensuring an adequate standard of living for particularly vulnerable groups, including women and girls, especially through social protection systems;
- (g) to promote information, technical assistance measures and the exchange of good practices between Member States concerning the establishment of a professional status for assisting spouses in farming, enabling them to enjoy individual rights, including, in particular, maternity leave, social insurance against accidents at work, access to training and retirement pension rights;
- (h) to eliminate the gender pay gap, the lifetime remuneration (earnings) gap and the pensions gap;
- (i) to call on the Member States and regional and local authorities to guarantee universal access to adequate childcare and elderly care in rural areas;
- (j) to call on the Member States and regional and local authorities to provide affordable, high-quality facilities and public and private services for everyday life, especially in rural areas and with particular regard for health, education and care; notes that this would require the inclusion of rural childcare infrastructure, healthcare services, educational facilities, care homes for elderly and dependent people, sickness and maternity replacement services and cultural services;

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- (k) to ensure gender mainstreaming, as a tool for integrating the principle of equality between women and men, and combating discrimination, into all policies and programmes by means of adequate financial and human resources;
- (l) to mobilise the necessary resources to achieve equality by mainstreaming gender into all policies and actions, including through gender budgeting, as a tool for integrating the principle of equality between women and men, and combating discrimination;
- (m) to ensure the full involvement of Parliament and its Committee on Women's Rights and Gender Equality in the decision-making process regarding the EU's position at the 62nd session of the UN Commission on the Status of Women;

***The empowerment of rural women***

- (n) to recall that the Convention on the Elimination of All Forms of Discrimination against Women introduces the obligation to eliminate direct and indirect discrimination against women through legal, political and programmatic measures in all areas of life and that Article 14 of the convention is the only international obligation that addresses the specific needs of women in rural areas;
- (o) to ensure that rural women and girls have accessible, affordable and high-quality formal and informal education, including training, which should enable them to acquire new or to develop existing management, financial literacy, economic, marketing, and business skills, as well as citizenship, civil and political education, and technological and sustainable agriculture training; to ensure that women have the same opportunities and freedom of choice regarding the career they wish to pursue;
- (p) to ensure that rural women and girls can easily access credit and productive resources, and that they receive support on their entrepreneurial and innovation initiatives;
- (q) to safeguard the right of and access to high-quality universal healthcare which takes into account the physiological differences between women and men, and which is tailor-made for the needs of rural women and girls, particularly with regard to sexual and reproductive health and rights;
- (r) to condemn all forms of violence against women and to ensure that victims living in rural and remote areas are not deprived of equal access to assistance;
- (s) to improve the effectiveness, transparency and democratic nature of international, national, regional and local institutions which support and strengthen the roles of rural women, ensuring their presence through equal participation;
- (t) to facilitate the transition of rural women from the informal to the formal economy, and to recognise that women in rural areas work in a variety of fields and are often agents of change towards sustainable and ecologically sound agriculture, food security and the creation of green jobs;
- (u) to plan and implement climate-resilient agricultural policies which take due account of the specific threats faced by rural women as a result of natural or man-made disasters;
- (v) to guarantee the participation of rural women and girls in decision-making regarding the planning of and response to all stages of disasters and other crises, from early warning to relief, recovery, rehabilitation and reconstruction, and to guarantee their protection and safety in the event of disasters and other crises;
- (w) to take all the necessary measures to ensure that rural women enjoy a safe, clean and healthy environment;

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- (x) to provide high-quality, accessible infrastructure and public services for rural women and communities and to invest in their development and maintenance;
- (y) to facilitate digital development, as it can significantly contribute to creating new jobs, by simplifying entry into self-employment, boosting competitiveness and tourism development and creating a better balance between work and family life;
- (z) to support the establishment and ongoing activities of local community groups, which should meet periodically to discuss development-related issues and challenges and to take constructive action;
- (aa) to call on the Member States, the social partners and civil society to support and promote the participation of women in decision-making and in the governing bodies of professional, business and trade union associations and organisations in the areas of rural policies, health, education and agriculture, as well as in management and representation bodies through an equal presence;
- (ab) to recognise and support the active role of women in rural areas and their contribution to the economy as entrepreneurs, heads of family businesses and promoters of sustainable development;
- (ac) to ensure rural women's ownership rights, in particular of farm holdings and inheritance of land, which is an important tool for their economic empowerment and for enabling them to fully participate in and benefit from rural development;
- (ad) to ensure rural women's access to productive resources, e-platforms, markets, marketing facilities and financial services; to promote local, regional and traditional markets, including food markets, which are places where women generally have more opportunities to sell their products directly, leading to greater economic empowerment;
- (ae) to promote the employment of women in the STEM sector, particularly in positions which contribute to the circular economy and the fight against climate change;
- (af) to develop employment policies, services and programmes to address the precarious situation of rural women, who often work in the informal sector and who can face multiple forms of intersectional discrimination on the basis of sex, age, class, religion, ethnicity, disability or gender identity; to provide tailored assistance and support for their needs and interests;
- (ag) to establish programmes to ensure that women and their families have access to universal social protection systems which have an impact on their future retirement situation and thus reduce the pensions gap, which is multifaceted in nature;
- (ah) to collect gender-disaggregated data and develop statistics on the values, situations, conditions and needs of rural women in order to enable adequate policies to be drawn up; to monitor the situation of women in rural areas on a regular basis;
- (ai) to urge the ratification and implementation of the UN Convention on the Rights of Persons with Disabilities, including Article 6 thereof on 'Women with disabilities'; to ensure the accessibility of goods, infrastructure and services;
- (aj) to call on the Commission, the Member States and regional and local governments to provide affordable, high-quality facilities and public and private services geared towards everyday life in rural areas, and to create the necessary conditions to improve the work-life balance for women in rural areas, in particular by guaranteeing suitable care facilities for dependants, accessible healthcare and public transport;

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- (ak) to stress the importance of including safeguards in EU policies on the living and working conditions of women hired as seasonal agricultural workers, especially as regards the need for them to be given social protection, health insurance and healthcare; to encourage regional, local and national authorities and other institutions to guarantee the fundamental human rights of migrant and seasonal workers and their families, especially of women and vulnerable people, and to foster their integration into the local community;

***Participation in and access of women to the media, and information and communications technologies and their impact on and use as an instrument for the advancement and empowerment of women***

- (al) to ensure access to reliable high-speed broadband internet infrastructure and services; to invest in and promote the use of new technologies in rural areas and agriculture; to acknowledge the important social, psychological and economic benefits thereof; to insist on the development of a holistic approach (the 'digital village'); to promote equal opportunities in access to and training in the use of these technologies;
- (am) to devote attention to women's presence and advancement in the media sector and to non-stereotypical media content;
- (an) to encourage public media organisations to establish their own equality policies providing for a balanced representation of men and women in decision-making bodies;
- (ao) to ensure that the growing sexualised portrayal of women and girls in the media is combated effectively, with due respect for freedom of expression;
- (ap) to encourage media organisations to prevent procedures of an organisational culture which is often uncongenial to a work-life balance;
- (aq) to tackle the gender pay gap in the media sector through anti-discrimination measures, ensuring equal pay for equal work between women and men;
- (ar) to take all the necessary measures against acts of violence against investigative journalists, devoting particular attention paid to female journalists, who are often more vulnerable;
2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission.
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## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

P8\_TA(2018)0048

**Setting up a special committee on financial crimes, tax evasion and tax avoidance (TAX3)****European Parliament decision of 1 March 2018 on setting up a special committee on financial crimes, tax evasion and tax avoidance (TAX3), and defining its responsibilities, numerical strength and term of office (2018/2574(RSO))**

(2019/C 129/09)

*The European Parliament,*

- having regard to the proposal for a decision of the Conference of Presidents,
- having regard to its decision of 12 February 2015 <sup>(1)</sup> on setting up a special committee on tax rulings and other measures similar in nature or effect (the 'TAXE 1 special committee'), its powers, numerical strength and term of office,
- having regard to its resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect <sup>(2)</sup>,
- having regard to its decision of 2 December 2015 <sup>(3)</sup> on setting up a special committee on tax rulings and other measures similar in nature or effect (the 'TAXE 2 special committee'), its powers, numerical strength and term of office,
- having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect <sup>(4)</sup>,
- having regard to its decision of 8 June 2016 <sup>(5)</sup> on setting up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion (the 'PANA inquiry committee'), its powers, numerical strength and term of office,

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<sup>(1)</sup> OJ C 310, 25.8.2016, p. 42.

<sup>(2)</sup> OJ C 366, 27.10.2017, p. 51.

<sup>(3)</sup> OJ C 399, 24.11.2017, p. 201.

<sup>(4)</sup> Texts adopted, P8\_TA(2016)0310.

<sup>(5)</sup> OJ L 166, 24.6.2016, p. 10.

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- having regard to its recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion <sup>(1)</sup>,
  - having regard to Rule 197 of its Rules of Procedure,
1. Decides to set up a special committee on financial crimes, tax evasion and tax avoidance, vested with the following powers:
- (a) to build on and complement the work carried out by the TAXE 1 and TAXE 2 special committees, in particular focusing on the effective implementation by Member States, Commission and/or the Council, and the impact of, the recommendations in its abovementioned resolutions of 25 November 2015 and 6 July 2016;
  - (b) to build on and complement the work carried out by the PANA inquiry committee, in particular focusing on the effective implementation by Member States, Commission and/or the Council, and the impact of, the recommendations in its abovementioned recommendation of 13 December 2017;
  - (c) to follow up on the progress by the Member States in ending tax practices which allow for tax avoidance and/or tax evasion that are harmful for the proper functioning of the single market, as referred to in its abovementioned resolutions of 25 November 2015 and 6 July 2016 and recommendation of 13 December 2017;
  - (d) to assess how EU VAT rules were circumvented in the framework of the Paradise Papers and to evaluate in a more general way the impact of VAT fraud and administrative cooperation rules in the Union; and to analyse the exchange of information and coordination policies between the Member States and Eurofisc;
  - (e) to contribute to the ongoing debate on taxation of the digital economy;
  - (f) to assess national schemes providing tax privileges (such as citizenship programmes);
  - (g) to follow closely the ongoing work of, and contribution by, the Commission and Member States in international institutions, including the Organisation for Economic Co-operation and Development, G20, UN and the Financial Action Task Force (FATF), while fully respecting the competences of the Committee on Economic and Monetary Affairs regarding taxation matters;
  - (h) to access documents relevant to its work and to make the necessary contacts and hold hearings with international, European (including the Code of Conduct Group for Business Taxation) and national institutions and fora, the national parliaments and governments of the Member States and third countries, as well as representatives of the academic community, business and civil society, including social partners, in close cooperation with the standing committees; in doing so taking into account efficient use of Parliament resources;
  - (i) to analyse and assess the third-country dimension in tax avoidance practices, including the impact on developing countries; to monitor improvements and existing gaps in the exchange of information with third countries in this respect, with particular attention to be given to the Crown Dependencies and Overseas Territories;
  - (j) to assess the Commission's own assessment and screening process for listing countries in the AMLD delegated act on high-risk third countries;
  - (k) to assess the methodology, country screening and impact of the EU list of non-cooperative jurisdictions for tax purposes (EU blacklist of tax havens), the removal of countries from the list, and the sanctions adopted towards listed countries;
  - (l) to examine the consequences of bilateral tax treaties concluded by Member States;
  - (m) to make any recommendations that it deems necessary in this matter;

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0491.

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2. Decides that the Special Committee should take into account in its work the recent Paradise Papers revelations from 5 November 2017 and any relevant developments within the remit of the Committee that emerge during its term;
  3. Decides that the special committee shall have 45 members;
  4. Decides that the term of office of the special committee shall be 12 months, beginning on the date of adoption of this decision.
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Thursday 1 March 2018

### III

(Preparatory acts)

## EUROPEAN PARLIAMENT

P8\_TA(2018)0044

### **Insurance distribution: date of application of Member States' transposition measures \*\*\*I**

**European Parliament legislative resolution of 1 March 2018 on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2016/97 as regards the date of application of Member States' transposition measures (COM(2017)0792 — C8-0449/2017 — 2017/0350(COD))**

**(Ordinary legislative procedure: first reading)**

(2019/C 129/10)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0792),
  - having regard to Article 294(2) and Articles 53(1) and 62 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0449/2017),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 February 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0024/2018),
- A. Whereas for reasons of urgency it is justified to proceed to the vote before the expiry of the deadline of eight weeks laid down in Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality;
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;



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3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
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**P8\_TC1-COD(2017)0350**

**Position of the European Parliament adopted at first reading on 1 March 2018 with a view to the adoption of Directive (EU) 2018/... of the European Parliament and of the Council amending Directive (EU) 2016/97 as regards the date of application of Member States' transposition measures**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2018/411).*

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Thursday 1 March 2018

P8\_TA(2018)0045

**EU-USA Bilateral Agreement on prudential measures regarding insurance and reinsurance  
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**European Parliament legislative resolution of 1 March 2018 on the draft Council decision on the conclusion of the Bilateral Agreement between the European Union and the United States of America on prudential measures regarding insurance and reinsurance (08054/2017 — C8-0338/2017 — 2017/0075(NLE))**

(Consent)

(2019/C 129/11)

*The European Parliament,*

- having regard to the draft Council decision (08054/2017),
  - having regard to the Bilateral Agreement between the European Union and the United States of America on prudential measures regarding insurance and reinsurance (08065/2017),
  - 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 (C8-0338/2017),
  - having regard to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of insurance and reinsurance (Solvency II) <sup>(1)</sup>,
  - 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 Economic and Monetary Affairs (A8-0008/2018),
1. Gives its consent to conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United States of America.

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<sup>(1)</sup> OJ L 335, 17.12.2009, p. 1

Thursday 1 March 2018

P8\_TA(2018)0046

**Nomination of a Member of the Court of Auditors — Annemie Turtelboom****European Parliament decision of 1 March 2018 on the nomination of Annemie Turtelboom as a Member of the Court of Auditors (C8-0008/2018 — 2018/0801(NLE))****(Consultation)**

(2019/C 129/12)

*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 (C8-0008/2018),
  - having regard to Rule 121 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A8-0027/2018),
- 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 20 February 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 Annemie Turtelboom 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.
-

Thursday 1 March 2018

P8\_TA(2018)0047

## Appointment of a member of the Single Resolution Board

**European Parliament decision of 1 March 2018 on the proposal of the Commission for the appointment of a member of the Single Resolution Board (N8-0052/2018 — C8-0036/2018 — 2018/0901(NLE))**

(Approval)

(2019/C 129/13)

*The European Parliament,*

- having regard to the Commission proposal of 14 February 2018 for the appointment of Boštjan Jazbec as member of the Single Resolution Board (N8-0052/2018),
  - having regard to the third subparagraph of Article 56(6) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 <sup>(1)</sup>,
  - having regard to Rule 122a of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0030/2018),
  - A. whereas Article 56(4) of Regulation (EU) No 806/2014 provides that the members of the Single Resolution Board referred to in Article 43(1)(b) of that regulation are to be appointed on the basis of merit, skills, knowledge of banking and financial matters, and of experience relevant to financial supervision, regulation and bank resolution;
  - B. whereas Article 56(4) of Regulation (EU) No 806/2014 provides that the selection procedure shall respect the principles of gender balance, experience and qualification;
  - C. whereas in accordance with Article 56(6) of Regulation (EU) No 806/2014, on 20 December 2017 the Commission adopted a shortlist of candidates for the position of member of the Single Resolution Board referred to in Article 43(1)(b) of that regulation;
  - D. whereas in accordance with Article 56(6) of Regulation (EU) No 806/2014, the shortlist was provided to Parliament;
  - E. whereas on 14 February 2018, the Commission adopted a proposal to appoint Boštjan Jazbec as member of the Single Resolution Board and submitted it to Parliament;
  - F. whereas Parliament's Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the proposed candidate for the functions of member of the Single Resolution Board, in particular in view of the requirements laid down in Article 56(4) of Regulation (EU) No 806/2014;
  - G. whereas, on 21 February 2018, the Committee held a hearing with Boštjan Jazbec, at which he made an opening statement and then responded to questions from the members of the Committee;
1. Approves the Commission's proposal for the appointment of Boštjan Jazbec as member of the Single Resolution Board for a period of five years;
  2. Instructs its President to forward this decision to the European Council, the Council, the Commission and the governments of the Member States.

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<sup>(1)</sup> OJ L 225, 30.7.2014, p. 1.

Thursday 1 March 2018

P8\_TA(2018)0049

## Definition, presentation and labelling of spirit drinks and protection of geographical indications thereof \*\*\*I

Amendments adopted by the European Parliament on 1 March 2018 on the proposal for a regulation of the European Parliament and of the Council on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks (COM(2016)0750 — C8-0496/2016 — 2016/0392(COD)) <sup>(1)</sup>

(Ordinary legislative procedure: first reading)

(2019/C 129/14)

### Amendment 1

#### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

- (3) The measures applicable to spirit drinks should contribute to attaining a high level of consumer protection, preventing deceptive practices and attaining market transparency and fair competition. They should safeguard the reputation which the Union's spirit drinks have achieved in the Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in respect of spirit drinks, where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned. The production of spirit drinks is strongly linked to the agricultural sector. Besides representing a major outlet for the agriculture of the Union, this link is determinant for the quality and reputation of the spirit drinks produced in the Union. This strong link to the **agricultural** sector should therefore be emphasised by the regulatory framework.

*Amendment*

- (3) The measures applicable to spirit drinks should contribute to attaining a high level of consumer protection, **removing information asymmetry**, preventing deceptive practices and attaining market transparency and fair competition. They should safeguard the reputation which the Union's spirit drinks have achieved in the Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in respect of spirit drinks, where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned. The production of spirit drinks is **governed by Regulation (EC) No 178/2002 of the European Parliament and the Council <sup>(1a)</sup>, Regulation (EU) No 1169/2011 of the European and the Council <sup>(1b)</sup> and Regulation (EU) 2017/625 of the European Parliament and the Council <sup>(1c)</sup>**, and is strongly linked to the agricultural sector. Besides representing a major outlet for the agriculture of the Union, this link is determinant for the quality, **safety** and reputation of the spirit drinks produced in the Union. This strong link to the **agri-food** sector should therefore be emphasised by the regulatory framework.

<sup>(1)</sup> The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0021/2018).

Thursday 1 March 2018

Text proposed by the Commission

Amendment

- (<sup>1a</sup>) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).
- (<sup>1b</sup>) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).
- (<sup>1c</sup>) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (OJ L 95, 7.4.2017, p. 1).

## Amendment 2

## Proposal for a regulation

## Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) *The measures applicable to spirit drinks constitute a special case compared with the general rules laid down for the agri-food sector. The special features in this instance relate to the fact that traditional production methods continue to be kept alive, that spirit drinks are closely linked with the agricultural sector, the use of high-quality products, and the commitment to protecting consumer safety, which the spirit drinks sector is promising never to abandon.*

Thursday 1 March 2018

**Amendment 3**  
**Proposal for a regulation**

**Recital 4**

*Text proposed by the Commission*

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- (4) To ensure a more uniform approach in the legislation on spirit drinks, this Regulation should set out clear criteria for the definition, presentation and labelling of spirit drinks as well as for the protection of geographical indications. It should also set out rules on the use of ethyl alcohol or distillates of agricultural origin in the production of alcoholic beverages and on the use of the sales denominations of spirit drinks in the presentation and labelling of foodstuffs.

*Amendment*

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- (4) To ensure a more uniform approach in the legislation on spirit drinks, this Regulation should set out clear criteria for the definition, presentation and labelling of spirit drinks as well as for the protection of geographical indications, ***without prejudice to the diversity of the official languages and alphabets in the Union***. It should also set out rules on the use of ethyl alcohol or distillates of agricultural origin in the production of alcoholic beverages and on the use of the sales denominations of spirit drinks in the presentation and labelling of foodstuffs.

**Amendment 5**  
**Proposal for a regulation**

**Recital 15**

*Text proposed by the Commission*

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- (15) In some cases, food business operators may be required or may want to indicate the origin of spirit drinks to draw consumers' attention to the qualities of their product. ***Such origin indications should comply with harmonised criteria***. Therefore, specific provisions on the indication of the country of origin or place of provenance in the presentation and labelling of spirit drinks should be laid down.

*Amendment*

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- (15) In some cases, food business operators may be required or may want to indicate the origin of spirit drinks to draw consumers' attention to the qualities of their product. Therefore, specific provisions on the indication of the country of origin or place of provenance in the presentation and labelling of spirit drinks should be laid down.

Thursday 1 March 2018

**Amendment 6**  
**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Concerning the protection of geographical indications, it is important to have due regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS Agreement'), and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade ('GATT Agreement') which were approved by Council Decision 94/800/EC <sup>(12)</sup>.

<sup>(12)</sup> Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

*Amendment*

(17) Concerning the protection of geographical indications, it is important to have due regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS Agreement'), and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade ('GATT Agreement') which were approved by Council Decision 94/800/EC <sup>(12)</sup>. ***In order to enhance protection and to combat counterfeiting more effectively, such protection should also apply with regards to goods which are in transit through the Union Customs territory.***

<sup>(12)</sup> Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

**Amendment 7**  
**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) Regulation (EU) No 1151/2012 of the European Parliament and of the Council <sup>(13)</sup> does not apply to spirit drinks. Rules on protection of geographical indications of spirit drinks should therefore be laid down. Geographical indications identifying spirit drinks as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the spirit drink **are** essentially attributable to its geographical origin should be registered by the Commission.

<sup>(13)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

*Amendment*

(18) Regulation (EU) No 1151/2012 of the European Parliament and of the Council <sup>(13)</sup> does not apply to spirit drinks. Rules on protection of geographical indications of spirit drinks should therefore be laid down. Geographical indications identifying spirit drinks as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation, ***traditional method of processing and production***, or other characteristic of the spirit drink **is** essentially attributable to its geographical origin, should be registered by the Commission.

<sup>(13)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).



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**Amendment 8**  
**Proposal for a regulation**  
**Recital 18 a (new)**

Text proposed by the Commission

Amendment

(18a) *It is appropriate that spirit drinks with a geographical indication that are based on wines without indication of origin protection, and are registered in accordance with this Regulation, should benefit from the same management tools concerning production potential as those that are available under Regulation (EU) No 1308/2013 of the European Parliament and of the Council<sup>(1a)</sup>.*

<sup>(1a)</sup> *Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).*

**Amendment 9**  
**Proposal for a regulation**  
**Recital 19**

Text proposed by the Commission

Amendment

(19) Procedures for the registration, modification and possible cancellation of Union or third country geographical indications in accordance with the TRIPS Agreement should be laid down whilst automatically recognising the status of existing **protected** geographical indications of the Union. In view of making procedural rules on geographical indications consistent through all the sectors concerned, such procedures for spirit drinks should be modelled on **the more exhaustive and well tested** procedures for agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 while taking into account specificities of spirit drinks. In order to simplify the registration procedures and to ensure that information for food business operators and consumers is electronically available **an** electronic register of geographical indications **should be established**.

(19) Procedures for the registration, modification and possible cancellation of Union or third country geographical indications in accordance with the TRIPS Agreement should be laid down whilst automatically recognising the status of existing **registered** geographical indications of the Union. In view of making procedural rules on geographical indications consistent through all the sectors concerned, such procedures for spirit drinks should be modelled on **similar** procedures **used** for agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 while taking into account specificities of spirit drinks. In order to simplify the registration procedures and to ensure that information for food business operators and consumers is electronically available a **transparent, comprehensive and easily accessible** electronic register of geographical indications **with the same legal value as Annex III to Regulation (EC) No 110/2008** should be established. **Geographical indications registered under Regulation (EC) No 110/2008 should automatically be registered by the Commission. The Commission should complete the verification of geographical indications contained in Annex III to Regulation (EC) No 110/2008, in accordance with Article 20 of that Regulation, before the entry into force of this Regulation.**

Thursday 1 March 2018

**Amendment 10**  
**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

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(20) Member State authorities should be responsible for ensuring compliance with this Regulation, **and the** Commission should be able to monitor and verify such compliance. Therefore the Commission and the Member States should be required to share relevant information with each other.

*Amendment*

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(20) **Preserving a high standard of quality is essential if the spirit drinks sector's reputation and value are to be maintained.** Member State authorities should be responsible for ensuring **that the standard is preserved through** compliance with this Regulation. **The** Commission should, **however,** be able to monitor and verify such compliance **in order to ascertain that it is being uniformly enforced.** Therefore the Commission and the Member States should be required to share relevant information with each other.

**Amendment 11**  
**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

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(21) In applying a quality policy and in order to allow for a high level of quality of spirit drinks and diversity in the spirit drinks sector, Member States should be allowed to adopt rules on the definition, presentation and labelling of spirit drinks produced in their territory that are stricter than those laid down in this Regulation.

*Amendment*

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(21) In applying a quality policy and in order to allow for a high level of quality of spirit drinks and diversity in the spirit drinks sector, Member States should be allowed to adopt rules on the **production,** definition, presentation and labelling of spirit drinks produced in their territory that are stricter than those laid down in this Regulation.

Thursday 1 March 2018

**Amendment 13**  
**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

- (22) In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the traditional ageing processes and, in exceptional cases, the law of the importing third countries, and in order to ensure the protection of geographical indications, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the amendment of or derogations from the technical definitions and requirements of the categories of spirit drinks and the specific rules concerning some of them referred to under Chapter I of this Regulation, the labelling and presentation referred to under Chapter II of this Regulation, the geographical indications referred to under Chapter III of this Regulation and the checks and exchange of information referred under Chapter IV of this Regulation.

*Amendment*

- (22) In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the traditional ageing processes and, in exceptional cases, the law of the importing third countries, and in order to ensure the **full** protection of geographical indications, **while taking into account the importance of traditional practices**, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the amendment of or derogations from the technical definitions and requirements of the categories of spirit drinks and the specific rules concerning some of them referred to under Chapter I of this Regulation, the labelling and presentation referred to under Chapter II of this Regulation the geographical indications referred to under Chapter III of this Regulation and the checks and exchange of information referred under Chapter IV of this Regulation.

**Amendment 14**  
**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

- (23) ***In order to react rapidly to economic and technological developments regarding spirit drinks covered by this Regulation for which no category and technical specifications exist so as to protect consumers and the economic interests of producers and unify the given production and quality requirements for those spirit drinks, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission as regard the addition, subject to certain conditions, of new categories of spirit drinks to those listed respectively in Part I and II of Annex II to this Regulation and the technical specifications thereof.***

*Amendment*

*deleted*

Thursday 1 March 2018

### Amendment 15

#### Proposal for a regulation

##### Article 2 — paragraph 1 — point 1 — point d — point i — introductory part

*Text proposed by the Commission*

(i) either directly by using any of the following methods:

*Amendment*

(i) either directly by using any of the following methods,  
***individually or in combination:***

### Amendment 16

#### Proposal for a regulation

##### Article 2 — paragraph 1 — point 1 — point d — point i — indent 2

*Text proposed by the Commission*

— the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a ***mixture*** thereof within the meaning of this Regulation,

*Amendment*

— the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a ***combination*** thereof within the meaning of this Regulation,

### Amendment 17

#### Proposal for a regulation

##### Article 2 — paragraph 1 — point 1 — point d — point i — indent 3 — introductory part

*Text proposed by the Commission*

— the addition to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of ***any*** of the following:

*Amendment*

— the addition to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of ***one or more*** of the following:

### Amendment 18

#### Proposal for a regulation

##### Article 2 — paragraph 1 — point 1 — point d — point ii — introductory part

*Text proposed by the Commission*

(ii) by adding to a spirit drink any of the following:

*Amendment*

(ii) by adding to a spirit drink any of the following, ***individually or in combination:***

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**Amendment 19****Proposal for a regulation****Article 2 — paragraph 1 — point 1 — point d — point ii — indent 4 a (new)***Text proposed by the Commission**Amendment*— *drinks*;**Amendment 20****Proposal for a regulation****Article 2 — paragraph 1 — point 3 — introductory part***Text proposed by the Commission**Amendment*

(3) 'mixture' means a spirit drink listed in Part I of Annex II or corresponding to a geographical indication mixed with **any** of the following:

(3) 'mixture' means a spirit drink listed in Part I of Annex II or corresponding to a geographical indication mixed with **one or more** of the following:

**Amendment 21****Proposal for a regulation****Article 2 — paragraph 1 — point 3 — point b a (new)***Text proposed by the Commission**Amendment**(ba) ethyl alcohol of agricultural origin;***Amendment 22****Proposal for a regulation****Article 2 — paragraph 1 — point 4 — introductory part***Text proposed by the Commission**Amendment*

(4) 'compound term' means the combination of the terms of a sales denomination of a spirit drink provided for in Part I of Annex II or the terms of a geographical indication, describing a spirit drink, from which all the alcohol of the final product originates, with **any** of the following:

(4) 'compound term' means the combination of the terms of a sales denomination of a spirit drink provided for in Part I of Annex II or the terms of a geographical indication, describing a spirit drink, from which all the alcohol of the final product originates, with **one or more** of the following:

Thursday 1 March 2018

### Amendment 23

#### Proposal for a regulation

#### Article 2 — paragraph 1 — point 6

*Text proposed by the Commission*

- (6) 'geographical indication' means ***an indication*** which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;

*Amendment*

- (6) 'geographical indication' ***means a name that has been registered in accordance with this Regulation***, which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;

### Amendment 24

#### Proposal for a regulation

#### Article 2 — paragraph 1 — point 7

*Text proposed by the Commission*

- (7) 'product specification' means a file attached to the application for the protection of a geographical indication setting out the specifications which the spirit drink must comply with;

*Amendment*

- (7) 'product specification' means a file attached to the application for the protection of a geographical indication setting out the specifications which the spirit drink must comply with ***and corresponding to the 'technical file' referred to in Regulation (EC) No 110/2008***;

### Amendment 25

#### Proposal for a regulation

#### Article 2 — paragraph 1 — point 11 a (new)

*Text proposed by the Commission*

*Amendment*

- (11a) ***'group' means a pool of producers, processors or importers of spirit drinks which are organised in a sector-specific manner and generate a significant turnover;***

### Amendment 26

#### Proposal for a regulation

#### Article 2 — paragraph 1 — point 11 b (new)

*Text proposed by the Commission*

*Amendment*

- (11b) ***'of agricultural origin' means obtained from agricultural products listed in Annex I to the TFEU.***

Thursday 1 March 2018

**Amendment 27****Proposal for a regulation****Article 3 — paragraph 1***Text proposed by the Commission*

1. The alcohol used in the production of **alcoholic beverages** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **alcoholic beverages** shall be ethyl alcohol of agricultural origin.

*Amendment*

1. The alcohol used in the production of **spirit drinks** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **spirit drinks** shall be ethyl alcohol of agricultural origin.

**Amendment 28****Proposal for a regulation****Article 3 — paragraph 2***Text proposed by the Commission*

2. Distillates used in the production of **alcoholic beverages** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **alcoholic beverages** shall exclusively be of agricultural origin.

*Amendment*

2. Distillates used in the production of **spirit drinks** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **spirit drinks** shall exclusively be of agricultural origin.

**Amendment 29****Proposal for a regulation****Article 3 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

**2a. Where ethyl alcohol or distillates of agricultural origin are to be marketed, the raw materials from which they have been obtained shall be specified in their electronic accompanying documents.**

**Amendment 30****Proposal for a regulation****Article 4 — paragraph 1 — point e***Text proposed by the Commission*

(e) **solely** be sweetened **in accordance with point (3) of Annex I and in order** to round off the final taste of the product.

*Amendment*

(e) **not** be sweetened **except** to round off the final taste of the product. **The maximum content of sweetening products expressed as invert sugar shall not exceed the thresholds set out for each category in Annex II.**

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**Amendment 31****Proposal for a regulation****Article 4 — paragraph 2 — point e***Text proposed by the Commission**Amendment*

(e) be sweetened **to correspond to particular product characteristics and in accordance with point (3) of Annex I and taking into account the relevant legislation of the Member States.**

(e) be sweetened.

**Amendment 32****Proposal for a regulation****Article 4 — paragraph 3 — point e***Text proposed by the Commission**Amendment*

(e) be sweetened **to correspond to particular product characteristics and in accordance with point (3) of Annex I.**

(e) be sweetened.

**Amendment 33****Proposal for a regulation****Article 5***Text proposed by the Commission**Amendment*

Article 5

Article 5

Delegated powers

Delegated powers

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

(a) the amendment of the technical definitions provided for in Annex I;

(a) the amendment of the technical definitions provided for in Annex I.

(b) **the amendment of the requirements of the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.**



Thursday 1 March 2018

Text proposed by the Commission

Amendment

The delegated acts referred to **in points (a) and (b) of** the first subparagraph shall be limited to meeting demonstrated needs resulting from evolving consumer demands, technological progress, developments in relevant international standards or needs for product innovation.

The delegated acts referred to in **point (a)** of the first subparagraph shall, **while allowing for the importance of traditional practice within Member States** be limited to meeting demonstrated needs resulting from evolving consumer demands, technological progress, developments in relevant international standards or needs for product innovation.

**2. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the addition of new categories of spirit drinks in Annex II.**

**A new category may be added under the following conditions:**

- (a) the marketing of a spirit drink under a particular name and in accordance with uniform technical specifications is economically and technically necessary to protect the interests of consumers and producers;**
- (b) a spirit drink has a significant market share in at least one Member State;**
- (c) the name chosen for the new category shall either be a widely used name or where this is not possible be of a descriptive nature, in particular, by referring to the raw material used for the production of the spirit drink;**
- (d) the technical specifications for the new category shall be laid down and based on an evaluation of existing quality and production parameters used on the Union market. When laying down the technical specifications, the applicable Union consumer protection legislation shall be respected and account shall be taken of any relevant international standards. They shall ensure fair competition amongst union producers as well as the high reputation of Union spirit drinks.**

3. The Commission shall, in exceptional cases where the law of the importing third country so requires, also be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the requirements under the technical definitions provided for in Annex I, the requirements under the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.

3. The Commission shall, in exceptional cases where the law of the importing third country so requires, also be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the requirements under the technical definitions provided for in Annex I, the requirements under the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.

Thursday 1 March 2018

## Amendment 34

## Proposal for a regulation

## Article 8 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

**1a.** *The names of raw materials or plant names which are reserved for the designation of drinks belonging to certain spirit drink product categories may be used in the description and presentation of all foods, including spirit drinks, provided that, in particular in the case of spirits, it is ensured that consumers are not misled.*

## Amendment 35

## Proposal for a regulation

## Article 8 — paragraph 3

Text proposed by the Commission

Amendment

3. Where a spirit drink meets the requirements of more than one of the categories of spirit drinks **15 to 47 of** Part I of Annex II, it may be **sold** under one or more of the **relevant** sales denominations provided for under those categories.

3. Where a spirit drink meets the requirements of more than one of the categories of spirit drinks **listed in** Part I of Annex II, it may be **placed on the market** under one or more of the sales denominations provided for under those categories.

## Amendment 36

## Proposal for a regulation

## Article 8 — paragraph 4 — subparagraph 2 — introductory part

Text proposed by the Commission

Amendment

If a **sales denomination** is supplemented or replaced in accordance with point (a) of the first subparagraph, the geographical indication referred to in that point may only be supplemented either:

If a **legal name** is supplemented or replaced in accordance with point (a) of the first subparagraph, the geographical indication referred to in that point may only be supplemented either:

## Amendment 37

## Proposal for a regulation

## Article 8 — paragraph 4 — subparagraph 2 — point a

Text proposed by the Commission

Amendment

(a) by terms already in use on 20 February 2008 for existing geographical indications within the meaning of Article 34(1);  
or

(a) by terms already in use on 20 February 2008 for existing geographical indications within the meaning of Article 34(1), **including the terms traditionally used in Member States to indicate that a product has a protected designation of origin under national law;** or

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**Amendment 38****Proposal for a regulation****Article 8 — paragraph 4 — subparagraph 2 — point b***Text proposed by the Commission*

(b) by terms **indicated in** the relevant product specification.

*Amendment*

(b) by **any** terms **permitted by** the relevant product specification.

**Amendment 39****Proposal for a regulation****Article 9 — paragraph 1 — point a***Text proposed by the Commission*

(a) the alcohol used in the production of the foodstuffs originates exclusively from the spirit drinks referred to in the compound term or in the allusion(s), except for ethyl alcohol that may be **present in** flavourings used for the production of that foodstuff; and

*Amendment*

(a) the alcohol used in the production of the foodstuffs originates exclusively from the spirit drinks referred to in the compound term or in the allusion(s), except for ethyl alcohol **of agricultural origin** that may be **used as a carrier for** flavourings used for the production of that foodstuff; and

**Amendment 40****Proposal for a regulation****Article 9 — paragraph 5***Text proposed by the Commission*

5. The allusion to any spirit drink category or geographical indication, for the presentation of a foodstuff, shall not be in the same line as the sales denomination. Without prejudice to the second subparagraph of Article 10(3), for the presentation of alcoholic beverages, the allusion shall appear in a font size smaller than those used for the sales denomination and compound term.

*Amendment*

5. **Without prejudice to Article 13(1) of Regulation (EU) No 1169/2011**, the allusion to any spirit drink category or geographical indication, for the presentation of a foodstuff, shall not be in the same line as the sales denomination. Without prejudice to the second subparagraph of Article 10(3) **of this Regulation**, for the presentation of alcoholic beverages, the allusion shall appear in a font size smaller than those used for the sales denomination and compound term.

Thursday 1 March 2018

**Amendment 41**  
**Proposal for a regulation**  
**Article 9 a (new)**

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*Text proposed by the Commission*

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*Amendment*

**Article 9a**

**Labelling in the case of added alcohol**

***Where there has been addition of alcohol, as defined in point (4) of Annex I, diluted or not, to a spirit drink listed in categories 1 to 14 of Annex II, that spirit drink shall bear the sales denomination 'spirit drink'. It may not bear a name reserved in categories 1 to 14.***

**Amendment 42**  
**Proposal for a regulation**  
**Article 10 — paragraph 1 — subparagraph 1**

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*Text proposed by the Commission*

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*Amendment*

A mixture shall bear the sales denomination 'spirit drink'.

A mixture shall bear the sales denomination 'spirit drink' ***which shall be displayed clearly in a prominent place on the label.***

**Amendment 43**  
**Proposal for a regulation**  
**Article 11 — paragraph 3**

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*Text proposed by the Commission*

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*Amendment*

3. A maturation period or age may only be specified in the presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that the spirit drink ***was aged*** under supervision of the tax authorities of a Member State or ***a*** supervision affording equivalent guarantees.

3. A maturation period or age may only be specified in the presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that ***all the operations to age*** the spirit drink ***took place*** under supervision of the tax authorities of a Member State or supervision affording equivalent guarantees. ***The Commission shall set up a public register listing the bodies appointed by each Member State to supervise ageing processes.***

Thursday 1 March 2018

**Amendment 44****Proposal for a regulation****Article 11 — paragraph 3 a (new)**

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*Text proposed by the Commission*

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*Amendment*

**3a.** *Where a maturation or ageing period is stated in the presentation or labelling of a spirit drink, it shall also be stated in the electronic accompanying document.*

**Amendment 45****Proposal for a regulation****Article 11 — paragraph 3 b (new)**

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*Text proposed by the Commission*

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*Amendment*

**3b.** *By way of derogation from paragraph 3 of this Article, in the case of brandy that has been aged using the dynamic ageing system or 'criaderas y solera' system, the average age, calculated as described in Annex IIa, may only be mentioned in the presentation or labelling provided that the ageing of the brandy has been subject to a control system authorised by the competent authority. The average age in the labelling of brandy shall be expressed in years and shall include a reference to the 'criaderas y solera' system.*

**Amendment 46****Proposal for a regulation****Article 12 — paragraph 1**

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*Text proposed by the Commission*

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*Amendment*

1. Where the origin of a spirit drink is indicated, it shall correspond to the **country or territory of origin in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council** <sup>(16)</sup>.

1. Where the origin of a spirit drink is indicated, it shall correspond to the **place or region where the stage in the production process of the finished product which conferred on the spirit drink its character and essential qualities took place.**

<sup>(16)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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## Amendment 47

## Proposal for a regulation

## Article 13 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

*Without prejudice to the first paragraph, in the case of spirit drinks produced in the Union and intended for export, the geographical indications and the terms indicated in italics in Annex II may be accompanied by translation where such translation is a legal requirement of the importing country.*

## Amendment 48

## Proposal for a regulation

## Article 14

Text proposed by the Commission

Amendment

Article 14

Article 14

Use of a Union symbol for **protected** geographical indications

Use of a Union symbol for geographical indications

The Union symbol for the protected geographical **indication** may be used for the labelling **and presentation** of spirit drinks.

The Union symbol for the protected geographical **indications adopted under Article 12(7) of Regulation (EU) No 1151/2012** may be used for the **presentation and** labelling of spirit drinks **with a geographical indication**.

## Amendment 49

## Proposal for a regulation

## Article 16

Text proposed by the Commission

Amendment

Article 16

Article 16

Delegated powers

Delegated powers

1. In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

1. In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, **whilst at the same time ensuring consumer protection and taking into account traditional practice**, the Commission shall be empowered to adopt delegated acts, **supplementing this Regulation**, in accordance with Article 43 concerning:

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*Text proposed by the Commission*

- (a) amendments to the rules on indications on the label of spirits drinks concerning compound terms or allusions;
- (b) amendments to the rules on the presentation and labelling of mixtures; and
- (c) updating and completing Union reference methods for the analysis of spirit drinks.

2. In order to take into account traditional ageing processes in the Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from Article 11(3) concerning the specification of a maturation period or age in the presentation or labelling of a spirit drink.

**3. In exceptional cases where the law of the importing third country so requires, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the provisions on presentation and labelling contained in this Chapter.**

*Amendment*

- (a) amendments to the rules on indications on the label of spirits drinks concerning compound terms or allusions;
- (b) amendments to the rules on the presentation and labelling of mixtures; and
- (c) updating and completing Union reference methods for the analysis of spirit drinks.

2. In order to take into account traditional ageing processes in the Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from Article 11(3) concerning the specification of a maturation period or age in the presentation or labelling of a spirit drink.

**Amendment 50****Proposal for a regulation****Article 18 — paragraph 1***Text proposed by the Commission*

1. **Protected** geographical indications may be used by any operator marketing a spirit drink produced in conformity with the corresponding product specification.

*Amendment*

1. Geographical indications may be used by any operator marketing a spirit drink produced in conformity with the corresponding product specification.

**Amendment 51****Proposal for a regulation****Article 18 — paragraph 2 — introductory part***Text proposed by the Commission*

2. **Protected** geographical indications and the spirit drinks using those protected names in conformity with the product specification shall be protected against:

*Amendment*

2. Geographical indications and the spirit drinks using those protected names in conformity with the product specification shall be protected against:

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### Amendment 52

#### Proposal for a regulation

#### Article 18 — paragraph 2 — point a — point i

*Text proposed by the Commission*

(i) by comparable products not complying with the product specification of the protected name; or

*Amendment*

(i) by comparable products not complying with the product specification of the protected name, **including when those products are used as an ingredient**; or

### Amendment 53

#### Proposal for a regulation

#### Article 18 — paragraph 2 — point b

*Text proposed by the Commission*

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar;

*Amendment*

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', **'sort'**, 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar, **including when those products are used as an ingredient**;

### Amendment 54

#### Proposal for a regulation

#### Article 18 — paragraph 2 — point c

*Text proposed by the Commission*

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the **inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container** liable to convey a false impression as to its origin;

*Amendment*

(c) any other false or misleading indication as to the provenance, origin, nature, **ingredients**, or essential qualities of the product, on the **presentation or labelling** of the product liable to convey a false impression as to its origin;



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**Amendment 55**  
**Proposal for a regulation**  
**Article 18 — paragraph 3**

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*Text proposed by the Commission*

3. **Protected** geographical indications shall not become generic in the Union within the meaning of Article 32(1).

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*Amendment*

3. Geographical indications shall not become generic in the Union within the meaning of Article 32(1).

**Amendment 56**  
**Proposal for a regulation**  
**Article 18 — paragraph 3 a (new)**

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*Text proposed by the Commission*

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*Amendment*

**3a. The protection for geographical indications referred to in paragraph 2 shall also apply to goods entering the customs territory of the Union without being released for free circulation within the Union.**

**Amendment 57**  
**Proposal for a regulation**  
**Article 18 — paragraph 4**

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*Text proposed by the Commission*

4. Member States shall take the steps necessary to stop the unlawful use of **protected** geographical indications as referred to in paragraph 2.

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*Amendment*

4. Member States shall take the steps necessary to stop the unlawful use of geographical indications as referred to in paragraph 2.

**Amendment 58**  
**Proposal for a regulation**  
**Article 18 — paragraph 4 a (new)**

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*Text proposed by the Commission*

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*Amendment*

**4a. Member States may apply the provisions laid down in Articles 61 to 72 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, establishing a common organisation of the markets in agricultural products, to areas where wines suitable for producing spirit drinks with a geographical indication are produced. For the purposes of those provisions, the areas concerned may be treated as areas where wines with a protected designation of origin or protected geographical indication may be produced.**

Thursday 1 March 2018

**Amendment 59****Proposal for a regulation****Article 19 — paragraph 1 — point e***Text proposed by the Commission*

- (e) a description of the method of **obtaining** the spirit drink and, where appropriate, the authentic and unvarying local methods as well as information on packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

*Amendment*

- (e) a description of the method of **producing** the spirit drink and, where appropriate, the authentic and unvarying local methods as well as information on packaging, if the **applicant or** applicant group (**hereinafter referred to together as ‘applicant’**) so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

**Amendment 60****Proposal for a regulation****Article 19 — paragraph 1 — point f***Text proposed by the Commission*

- (f) details **establishing the link between a given quality, reputation or other characteristic of the spirit drink and the geographical area referred to in point (d)**;

*Amendment*

- (f) **the details bearing out the link with the geographical environment or the geographical origin**;

**Amendment 61****Proposal for a regulation****Article 20 — paragraph 1 — subparagraph 1 — point a***Text proposed by the Commission*

- (a) the names and addresses of the applicant **group** and of the authorities or, if available, the bodies verifying compliance with the provisions of the product specification;

*Amendment*

- (a) the names and addresses of the applicant and of the authorities or, if available, the bodies verifying compliance with the provisions of the product specification;

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**Amendment 62****Proposal for a regulation****Article 20 — paragraph 1 — subparagraph 1 — point c — point i***Text proposed by the Commission*

- 
- (i) the main points of the product specification: the name, a description of the spirit drink, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;

*Amendment*

- 
- (i) the main points of the product specification: the name, **category**, a description of the spirit drink, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;

**Amendment 63****Proposal for a regulation****Article 20 — paragraph 2 — point a***Text proposed by the Commission*

- 
- (a) the name and address of the applicant **group**;

*Amendment*

- 
- (a) the name and address of the applicant;

**Amendment 64****Proposal for a regulation****Article 20 — paragraph 2 — point c***Text proposed by the Commission*

- 
- (c) a declaration by the Member State that it considers that the application lodged by the applicant **group** and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant thereto;

*Amendment*

- 
- (c) a declaration by the Member State that it considers that the application lodged by the applicant and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant thereto;

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**Amendment 65****Proposal for a regulation****Article 21 — paragraph 1 — subparagraph 3***Text proposed by the Commission*

A joint application shall be submitted to the Commission by a Member State concerned, or by an applicant **group** in a third country concerned, directly or through the authorities of that third country. It shall include the declaration referred to in point (c) of Article 20(2) from all the Member States concerned. The requirements laid down in Article 20 shall be fulfilled in all Member States and third countries concerned.

*Amendment*

A joint application shall be submitted to the Commission by a Member State concerned, or by an applicant in a third country concerned, directly or through the authorities of that third country. It shall include the declaration referred to in point (c) of Article 20(2) from all the Member States concerned. The requirements laid down in Article 20 shall be fulfilled in all Member States and third countries concerned.

**Amendment 66****Proposal for a regulation****Article 21 — paragraph 5***Text proposed by the Commission*

5. Where the application relates to a geographical area in a third country the application shall be lodged with the Commission, **either directly or** via the authorities of the third country concerned.

*Amendment*

5. Where the application relates to a geographical area in a third country the application shall be lodged with the Commission via the authorities of the third country concerned.

**Amendment 67****Proposal for a regulation****Article 22***Text proposed by the Commission***Article 22***Amendment***deleted****Transitional national protection**

1. A Member State may, on a transitional basis only, grant protection to a name under this Regulation at national level, with effect from the date on which an application is lodged with the Commission.

2. Such national protection shall cease on the date on which either a decision on registration under this Regulation is taken or the application is withdrawn.

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Text proposed by the Commission

Amendment

3. Where a name is not registered under this Chapter, the consequences of such national protection shall be the sole responsibility of the Member State concerned.

4. The measures taken by Member States under paragraph 1 shall produce effects at national level only, and they shall have no effect on intra-Union or international trade.

### Amendment 68

#### Proposal for a regulation

#### Article 23 — paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall scrutinise by appropriate means any application that it receives pursuant to Article 21, in order to check that it is justified and that it meets the conditions of this Chapter. This scrutiny **should** not exceed a period of **12** months. Where this period is exceeded, the Commission shall indicate in writing to the applicant the reasons for the delay.

1. The Commission shall scrutinise by appropriate means any application that it receives pursuant to Article 21, in order to check that it is justified and that it meets the conditions of this Chapter. This scrutiny **shall consist of a check that there are no manifest errors in the application and, as a general rule, shall not exceed a period of 6 months.** Where this period is exceeded, the Commission shall **immediately** indicate in writing to the applicant the reasons for the delay.

The Commission shall, at least each month, make public the list of names for which registration applications have been submitted to it, as well as their date of submission.

The Commission shall, at least each month, make public the list of names for which registration applications have been submitted to it, as well as their date of submission.

### Amendment 69

#### Proposal for a regulation

#### Article 27 — paragraph 1

Text proposed by the Commission

Amendment

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 23(1), the Commission considers that the conditions for registration are not fulfilled, it shall adopt **implementing acts rejecting the application. Those implementing acts shall be adopted** in accordance with **the examination procedure referred to in Article 44(2).**

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 23(1), the Commission considers that the conditions for registration are not fulfilled, it shall adopt **delegated acts supplementing this Regulation,** in accordance with **Article 43, rejecting the application.**

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**Amendment 70****Proposal for a regulation****Article 27 — paragraph 2***Text proposed by the Commission*

2. If the Commission receives no notice of opposition or no admissible reasoned statement of opposition under Article 24, it shall adopt **implementing acts, without applying the procedure referred to in Article 44(2)**, registering the name.

*Amendment*

2. If the Commission receives no notice of opposition or no admissible reasoned statement of opposition under Article 24, it shall adopt **delegated acts supplementing this Regulation, in accordance with Article 43**, registering the name.

**Amendment 71****Proposal for a regulation****Article 27 — paragraph 3 — point a***Text proposed by the Commission*

(a) if an agreement has been reached, **register the name by means of implementing acts adopted without applying the procedure referred to in Article 44(2)**, and, if necessary, amend the information published pursuant to Article 23(2) provided such amendments are not substantial; or

*Amendment*

(a) if an agreement has been reached, **adopt delegated acts supplementing this Regulation, in accordance with Article 43, to register the name** and, if necessary, amend the information published pursuant to Article 23(2) provided such amendments are not substantial; or

**Amendment 72****Proposal for a regulation****Article 27 — paragraph 3 — point b***Text proposed by the Commission*

(b) if an agreement has not been reached, adopt **implementing acts deciding on the registration. Those implementing acts shall be adopted** in accordance with **the examination procedure referred to in Article 44(2)**.

*Amendment*

(b) if an agreement has not been reached, adopt **delegated acts supplementing this Regulation, in accordance with Article 43, deciding on the registration**.

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**Amendment 73****Proposal for a regulation****Article 28 — paragraph 1 — subparagraph 2 a (new)**

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*Text proposed by the Commission*

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*Amendment*

*Where national law applies, the application shall follow the procedure laid down in national law.*

**Amendment 74****Proposal for a regulation****Article 28 — paragraph 3**

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*Text proposed by the Commission*

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*Amendment*

3. The scrutiny of the application shall **focus on** the proposed amendment.

3. The scrutiny of the application shall **only address** the proposed amendment.

**Amendment 75****Proposal for a regulation****Article 29 — paragraph 1 — introductory part**

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*Text proposed by the Commission*

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*Amendment*

The Commission **may**, on its own initiative or at the request of any natural or legal person having a legitimate interest, **adopt implementing acts** to cancel the registration of a geographical indication in the following cases:

The Commission **is empowered to adopt delegated acts supplementing this Regulation, in accordance with Article 43**, on its own initiative or at the request of any natural or legal person having a legitimate interest, **in order** to cancel the registration of a geographical indication in the following cases:

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**Amendment 76****Proposal for a regulation****Article 29 — paragraph 1 — point b***Text proposed by the Commission*

(b) where no product is placed on the market under the geographical indication for at least seven years.

*Amendment*

(b) where no product is placed on the market under the geographical indication for at least seven **consecutive** years.

**Amendment 77****Proposal for a regulation****Article 29 — paragraph 3***Text proposed by the Commission*

**The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 44(2).**

*Amendment*

**deleted**

**Amendment 78****Proposal for a regulation****Article 29 — paragraph 3 a (new)***Text proposed by the Commission*

*(This text is blank in the original document.)*

*Amendment*

**Acts to cancel the registration of geographical indications shall be published in the Official Journal of the European Union.**

**Amendment 79****Proposal for a regulation****Article 30 — paragraph 1***Text proposed by the Commission*

The Commission shall adopt **implementing** acts, **without applying the procedure referred to in Article 44(2)**, establishing and maintaining a publicly accessible updated electronic register of geographical indications of spirit drinks recognised under this scheme ('the Register').

*Amendment*

The Commission shall adopt **delegated** acts, **supplementing this Regulation, in accordance with Article 43**, establishing and maintaining a publicly accessible updated electronic register of geographical indications of spirit drinks recognised under this scheme ('the Register'), **replacing and having the same legal value as Annex III to Regulation (EC) No 110/2008. The Register [insert footnote with a direct link to the relevant site] shall provide direct access to all product specifications for spirit drinks registered as geographical indications.**



Thursday 1 March 2018

**Amendment 80****Proposal for a regulation****Article 30 — paragraph 2**

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*Text proposed by the Commission*

The Commission *may* adopt **implementing** acts laying down detailed rules on the form and content of the Register. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).**

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*Amendment*

The Commission **is empowered to** adopt *delegated* acts, **supplementing this Regulation, in accordance with Article 43** laying down detailed rules on the form and content of the Register.

**Amendment 81****Proposal for a regulation****Article 30 — paragraph 3**

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*Text proposed by the Commission*

Geographical indications of spirit drinks produced in third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the Register as geographical indications.

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*Amendment*

Geographical indications of spirit drinks produced in third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the Register as geographical indications **only after the Commission has adopted a delegated act to that effect.**

**Amendment 82****Proposal for a regulation****Article 31 — paragraph 3 a (new)**

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*Text proposed by the Commission*

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*Amendment*

**3a. The protection of geographical indications of spirit drinks in accordance with Article 2 of this Regulation shall be without prejudice to the protected geographical indications and designations of origin of products defined in Article 93 of Regulation (EU) No 1308/2013.**

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### Amendment 83

#### Proposal for a regulation

#### Article 32 — paragraph 3

*Text proposed by the Commission*

3. A name shall not be protected as a geographical indication if the **production or preparation** steps which are compulsory for the relevant category of spirit drink, do not take place in the relevant geographical area.

*Amendment*

3. A name shall not be protected as a geographical indication if the steps which are compulsory for the relevant category of spirit drink, do not take place in the relevant geographical area.

### Amendment 84

#### Proposal for a regulation

#### Article 34

*Text proposed by the Commission*

Article 34

*Amendment*

Article 34

**Implementing** powers with respect to existing **protected** geographical indications

1. **Without prejudice to paragraph 2**, geographical indications of spirit drinks protected under Regulation (EC) No 110/2008, shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the Register.

2. **For a period of up to two years following the entry into force of this Regulation, the Commission, by means of implementing acts, may, on its own initiative, cancel the protection of geographical indications referred to in Article 20 of Regulation (EU) No 110/2008 if they do not comply with point (6) of Article 2(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).**

Powers with respect to existing geographical indications

Geographical indications of spirit drinks protected under Regulation (EC) No 110/2008, shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the Register.

Thursday 1 March 2018

**Amendment 85****Proposal for a regulation****Article 35 — paragraph 1 — subparagraph 1 — point b***Text proposed by the Commission*

- (b) **control** body within the meaning of point 5 of **the second subparagraph of Article 2** of Regulation (EC) No 882/2004 of the European Parliament and of the Council <sup>(19)</sup>, operating as a product certification body.

<sup>(19)</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the **verification of compliance with** feed and food law, animal health and **animal** welfare **rules** (OJ L 165, 30.4.2004, p. 1).

*Amendment*

- (b) **delegated** body within the meaning of point 5 of Article 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council <sup>(19)</sup>, operating as a product certification body.

<sup>(19)</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls **and other official activities** performed to ensure **the application of** food and feed law, **rules on** animal health and welfare, **plant health and plant protection products, amending Regulations** (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

**Amendment 86****Proposal for a regulation****Article 35 — paragraph 1 — subparagraph 2***Text proposed by the Commission*

Notwithstanding the national legislation of Member States, the costs of such verification of compliance with the product specification shall be borne by the **food business** operators which are subject to those controls.

*Amendment*

Notwithstanding the national legislation of Member States, the costs of such verification of compliance with the product specification shall be borne by the operators which are subject to those controls.

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#### Amendment 87

##### Proposal for a regulation

##### Article 35 — paragraph 5

*Text proposed by the Commission*

5. The competent authorities or bodies referred to in paragraphs 1 and 2 verifying compliance of the **protected** geographical indication with the product specification shall be objective and impartial. They shall have at their disposal the qualified staff and resources necessary to carry out their tasks.

*Amendment*

5. The competent authorities or bodies referred to in paragraphs 1 and 2 verifying compliance of the geographical indication with the product specification shall be objective and impartial. They shall have at their disposal the qualified staff and resources necessary to carry out their tasks.

#### Amendment 88

##### Proposal for a regulation

##### Article 37 — paragraph 1

*Text proposed by the Commission*

1. Procedures and requirements laid down in Regulation (EC) **No 882/2004** shall apply mutatis mutandis to the checks provided for in Articles 35 and 36 of this Regulation.

*Amendment*

1. Procedures and requirements laid down in Regulation (EU) **2017/625** shall apply mutatis mutandis to the checks provided for in Articles 35 and 36 of this Regulation.

#### Amendment 89

##### Proposal for a regulation

##### Article 37 — paragraph 2

*Text proposed by the Commission*

2. Member States shall ensure that activities for the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles **41 to 43** of Regulation (EC) **No 882/2004**.

*Amendment*

2. Member States shall ensure that activities for the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles **109 to 111** of Regulation (EU) **2017/625**.

#### Amendment 90

##### Proposal for a regulation

##### Article 37 — paragraph 3

*Text proposed by the Commission*

3. The annual reports referred to in Article **44(1)** of Regulation (EC) **No 882/2004** shall include in a separate section the information referred to in that provision concerning the control of the obligations established by this Regulation.

*Amendment*

3. The annual reports referred to in Article **113(1)** of Regulation (EU) **2017/625** shall include in a separate section the information referred to in that provision concerning the control of the obligations established by this Regulation.

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**Amendment 91**  
**Proposal for a regulation**  
**Article 38**

Text proposed by the Commission

Amendment

Article 38

Article 38

Delegated powers

Delegated powers

**1. In order to take account of the specificities of the production in the demarcated geographical area, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:**

**(a) the additional criteria for the demarcation of the geographical area; and**

**(b) the restrictions and derogations related to the production in the demarcated geographical area.**

**2. In order to ensure product quality and traceability, the Commission may, by means of delegated acts adopted in accordance with Article 43, provide for the conditions under which the product specification may include information concerning packaging as referred to in point (e) of Article 19 or any specific labelling rule as referred to in point (h) of Article 19.**

3. In order to ensure the rights or legitimate interests of producers or **food business** operators, the Commission may, by means of delegated acts adopted in accordance with Article 43, set out:

(a) in which cases a single producer may apply for the protection of a geographical indication;

(b) the conditions to be followed in respect of an application for the protection of a geographical indication, preliminary national procedures, scrutiny by the Commission, the opposition procedure and the cancellation of geographical indications, including in cases where the geographical area covers more than one country.

3. In order to ensure the rights or legitimate interests of producers or operators, the Commission may, by means of delegated acts adopted in accordance with Article 43, set out:

(a) in which cases a single producer may apply for the protection of a geographical indication;

(b) the conditions to be followed in respect of an application for the protection of a geographical indication, preliminary national procedures, scrutiny by the Commission, the opposition procedure and the cancellation of geographical indications, including in cases where the geographical area covers more than one country.

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*Text proposed by the Commission*

4. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, laying down rules which limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications for registration.

5. In order to facilitate the administrative process of an amendment application, including where the amendment consists in a temporary change of the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, to establish conditions and requirements for the procedure concerning the amendments to be approved both by the Member States and by the Commission.

6. In order to prevent the unlawful use of geographical indications, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the appropriate actions to be implemented by the Member States in this respect.

7. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the necessary measures regarding the notification of **food business** operators to the competent authorities.

*Amendment*

4. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, laying down rules which limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications for registration.

5. In order to facilitate the administrative process of an amendment application, including where the amendment consists in a temporary change of the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, to establish conditions and requirements for the procedure concerning the amendments to be approved both by the Member States and by the Commission.

6. In order to prevent the unlawful use of geographical indications, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the appropriate actions to be implemented by the Member States in this respect.

7. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the necessary measures regarding the notification of operators to the competent authorities.

## Amendment 92

### Proposal for a regulation

#### Article 40 — paragraph 1

*Text proposed by the Commission*

1. Member States shall be responsible for checks on spirit drinks. They shall take the measures necessary to ensure compliance with this Regulation and designate the competent authorities responsible on compliance with this Regulation.

*Amendment*

1. Member States shall be responsible for checks on spirit drinks, **in accordance with Regulation (EU) 2017/625**. They shall take the measures necessary to ensure compliance with this Regulation and designate the competent authorities responsible on compliance with this Regulation.

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**Amendment 93**  
**Proposal for a regulation**  
**Article 43 — paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Articles 5, 16, 38, 41 **and** 46(2) shall be conferred on the Commission for **an indeterminate** period of **time from** the entry into force of this Regulation.

*Amendment*

2. The power to adopt delegated acts referred to in Articles 5, 16, **27, 29, 30,** 38, 41 and 46(2) shall be conferred on the Commission for **a** period of **five years from ... [O] please insert the date of** the entry into force of this Regulation]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

**Amendment 94**  
**Proposal for a regulation**  
**Article 46 — paragraph 3 — subparagraph 1**

*Text proposed by the Commission*

3. Articles 19 to 23, 28 and 29 shall apply to applications for protection, applications for amendment and cancellations submitted after the date of application of this Regulation.

*Amendment*

3. Articles 19 to 23, 28 and 29 shall apply to applications for protection, applications for amendment and cancellations submitted after the date of application of this Regulation. **Reference to product specifications as defined in point 7 of Article 2(1) shall also be taken to include the technical files of spirit drinks protected under Regulation (EC) No 110/2008 where appropriate and, in particular, with respect to this Article and Articles 18, 28, 29, 35, 38 and 39 of this Regulation.**

**Amendment 95**  
**Proposal for a regulation**  
**Annex I — paragraph 1 — point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) ‘Of agricultural origin’ means obtained from agricultural products listed in Annex I to the TFEU;**

Thursday 1 March 2018

**Amendment 96****Proposal for a regulation****Annex I — paragraph 1– point 1 b (new)***Text proposed by the Commission**Amendment*

(1b) *'Distillation' a procedure whereby a mixture of substances containing alcohol or an alcoholic liquid is heated and the resulting steam is then condensed again (liquefied). This thermal procedure aims either to separate substances in the original mixture or to strengthen certain sensory characteristics of the alcoholic liquid. Distillation is carried out either once or more than once, depending on the product category, production method or the equipment used.*

**Amendment 98****Proposal for a regulation****Annex I — paragraph 1 — point 2 — paragraph 2***Text proposed by the Commission**Amendment*

Where reference is made to the raw materials used, the distillate must be obtained exclusively from **that** raw materials.

Where reference is made to the raw materials used, the distillate must be obtained exclusively from **those** raw materials.

**Amendment 99****Proposal for a regulation****Annex I — paragraph 1 — point 2 a (new)***Text proposed by the Commission**Amendment*

(2a) *In the context of this Regulation, the general term 'distillation' is used for both single and multiple distillation or re-distillation.*

**Amendment 100****Proposal for a regulation****Annex I — paragraph 1 — point 3 — point e a (new)***Text proposed by the Commission**Amendment*

(ea) *stevia;*



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**Amendment 101****Proposal for a regulation****Annex I — paragraph 1 — point 3 — point f***Text proposed by the Commission*


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(f) any other natural **carbohydrate substances** having a similar effect to the products referred to in points (a) to (e).

*Amendment*


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(f) any other natural **substances or agricultural raw materials** having a similar effect to the products referred to in points (a) to (e).

**Amendment 102****Proposal for a regulation****Annex I — paragraph 1 — point 4***Text proposed by the Commission*


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(4) 'Addition of alcohol' means the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink.

*Amendment*


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(4) 'Addition of alcohol' means the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink. ***The use of alcohol of agricultural origin for dilution or dissolution of colours, flavouring or any other authorised additives used in the preparation of spirit drinks shall not be considered as addition of alcohol.***

**Amendment 103****Proposal for a regulation****Annex I — paragraph 1 — point 8 a (new)***Text proposed by the Commission*


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(8a) 'Flavouring' means the addition of flavourings or food ingredients with flavouring properties in the preparation of a spirit drink.

*Amendment*


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(8a) 'Flavouring' means the addition of flavourings or food ingredients with flavouring properties in the preparation of a spirit drink.

**Amendment 104****Proposal for a regulation****Annex I — paragraph 1 — point 14***Text proposed by the Commission*


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(14) 'Colouring' means using in the **preparation** of a spirit drink one or more colours, as defined in point 2 of Annex I to Regulation (EC) No 1333/2008.

*Amendment*


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(14) 'Colouring' means using in the **production** of a spirit drink one or more colours, as defined in point 2 of Annex I to Regulation (EC) No 1333/2008.

Thursday 1 March 2018

**Amendment 105****Proposal for a regulation****Annex I — paragraph 1 — point 16 a (new)***Text proposed by the Commission**Amendment*

(16a) *'Place of manufacture' means the place or region where the stage in the production process of the finished product, which conferred on the spirit drink its character and essential definitive qualities, took place.*

**Amendment 106****Proposal for a regulation****Annex I — paragraph 1 — point 16 b (new)***Text proposed by the Commission**Amendment*

(16b) *'Description' means the terms used on the labelling, presentation, and packaging; in the documents accompanying the transport of a drink; in the commercial documents, particularly the invoices and delivery notes; and used in advertisements for the drink.*

**Amendment 107****Proposal for a regulation****Annex II –part I — category 1 — point a — point ii***Text proposed by the Commission**Amendment*

(ii) a spirit drink produced exclusively by alcoholic fermentation and distillation of sugar-cane juice which has the aromatic characteristics specific to rum and a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol. This spirit drink may be placed on the market with the word 'agricultural' qualifying the **sales denomination** 'rum' accompanied by **any** registered geographical indications of the French Overseas Departments and the Autonomous Region of Madeira.

(ii) a spirit drink produced exclusively by alcoholic fermentation and distillation of sugar-cane juice which has the aromatic characteristics specific to rum and a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol. This spirit may be placed on the market with the word 'agricultural' qualifying the **legal name** 'rum' **only when it is** accompanied by **one of the** registered geographical indications of the French Overseas Departments and the Autonomous Region of Madeira.

Thursday 1 March 2018

**Amendment 108**  
**Proposal for a regulation**  
**Annex II — part I — category 1 — point f a (new)**

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*Text proposed by the Commission*

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*Amendment*

***(fa) Rum may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.***

**Amendment 109**  
**Proposal for a regulation**  
**Annex II — part I — category 2 — title**

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*Text proposed by the Commission*

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*Amendment*

**2. Whisky or Whiskey**

2. Whisky or Whiskey

*(The words 'Whisky or Whiskey' are to appear in italics if adopted.)*

**Amendment 110**  
**Proposal for a regulation**  
**Annex II — part I — category 2 — point c**

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*Text proposed by the Commission*

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*Amendment*

(c) No addition of alcohol as defined in point (54) of Annex I, diluted or not, shall take place.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

**Amendment 111**  
**Proposal for a regulation**  
**Annex II — part I — category 2 — point d**

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*Text proposed by the Commission*

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*Amendment*

(d) Whisky or whiskey shall not be sweetened or flavoured, nor contain any additives other than plain caramel used for colouring.

(d) Whisky or whiskey shall not be sweetened or flavoured, nor contain any additives other than plain caramel **(E150a)** used for colouring.

Thursday 1 March 2018

**Amendment 112****Proposal for a regulation****Annex II — part I — category 3 — point b**

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*Text proposed by the Commission*

(b) With the exception of 'Korn', the minimum alcoholic strength by volume of grain spirit shall be **37** %.

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*Amendment*

(b) With the exception of 'Korn', the minimum alcoholic strength by volume of grain spirit shall be **35** %.

**Amendment 113****Proposal for a regulation****Annex II — part I — category 3 — point f a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(fa) Grain spirit may only be sweetened by up to 10 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

**Amendment 114****Proposal for a regulation****Annex II — part I — category 4 — point d**

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*Text proposed by the Commission*

(d) Wine spirit shall not be flavoured. This shall not exclude traditional production **methods**.

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*Amendment*

(d) Wine spirit shall not be flavoured. This shall not exclude **the addition of substances traditionally used in its** production. **The Commission shall adopt delegated acts in accordance with Article 43 specifying which substances are authorised across the Union and shall be guided in so doing by traditional production processes in the individual Member States.**

**Amendment 115****Proposal for a regulation****Annex II — part I — category 4 — point f a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(fa) Wine spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

Thursday 1 March 2018

**Amendment 116**  
**Proposal for a regulation**  
**Annex II — part I — category 4 — point f b (new)**

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*Text proposed by the Commission*

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*Amendment*

(fb) *The term ‘wine spirit’ in connection with ‘vinegar’ is still authorised for the description, presentation and labelling of vinegar.*

**Amendment 117**  
**Proposal for a regulation**  
**Annex II — part I — category 5 — title**

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*Text proposed by the Commission*

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*Amendment*

**5. Brandy or Weinbrand**

*5. Brandy or Weinbrand*

**Amendment 118**  
**Proposal for a regulation**  
**Annex II — part I — category 5 — point d**

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*Text proposed by the Commission*

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*Amendment*

(d) Brandy or Weinbrand shall not be flavoured. This shall not exclude **traditional** production **methods**.

(d) *Brandy or Weinbrand shall not be flavoured. This shall not exclude **the addition of substances traditionally used in their production. The Commission shall adopt delegated acts in accordance with Article 43 specifying which substances are authorised across the Union and shall be guided in so doing by traditional production processes in the individual Member States.***

**Amendment 119**  
**Proposal for a regulation**  
**Annex II — part I — category 5 — point e a (new)**

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*Text proposed by the Commission*

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*Amendment*

(ea) *Brandy or Weinbrand may be sweetened by up to 35 g per litre of finished product, expressed as invert sugar, in order to round off the final held.*

*(The words ‘Brandy or Weinbrand’ are to appear in italics if adopted.)*

Thursday 1 March 2018

**Amendment 120****Proposal for a regulation****Annex II — part I — category 6 — point e a (new)***Text proposed by the Commission**Amendment*

- (ea) **Grape marc spirit or grape marc may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

**Amendment 121****Proposal for a regulation****Annex II — part I — category 7 — point a — point iv***Text proposed by the Commission**Amendment*

- (iv) the maximum hydrocyanic acid content shall be 7 grams per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit;

- (iv) the maximum hydrocyanic acid content shall be **1** gram per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit; **in the case of stone-fruit marc spirit, the ethyl carbamate content of the final product shall not exceed 1 mg/l.**

**Amendment 122****Proposal for a regulation****Annex II — part I — category 7 — point f a (new)***Text proposed by the Commission**Amendment*

- (fa) **Fruit marc spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

**Amendment 123****Proposal for a regulation****Annex II — part I — category 8 — title***Text proposed by the Commission**Amendment***8. Raisin spirit or raisin brandy**

8. Raisin spirit or raisin brandy

Thursday 1 March 2018

**Amendment 124****Proposal for a regulation****Annex II — part I — category 8 — point e a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (*ea*) **Raisin spirit or raisin brandy may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

(The words 'raisin brandy' are to appear in italics if adopted.)

**Amendment 125****Proposal for a regulation****Annex II — part I — category 9 — point a — point iv**

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*Text proposed by the Commission*

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*Amendment*

- (iv) in the case of stone-fruit spirits, it has a hydrocyanic acid content **not exceeding 7 grams** per hectolitre of 100 % vol. alcohol.

- (iv) in the case of stone-fruit spirits, a hydrocyanic acid content **of 1 gram** per hectolitre of 100 % vol. alcohol **shall not be exceeded. In the case of stone-fruit spirits, the ethyl carbamate content of the final product shall not exceed 1 mg/l.**

**Amendment 126****Proposal for a regulation****Annex II — part I — category 9 — point b — point ii a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (*ii a*) — **checkerberry (*Sorbus torminalis* (L.) Crantz),**  
— **sorb (*Sorbus domestica* L.),**  
— **rosehip (*Rosa canina* L.),**

Thursday 1 March 2018

## Amendment 127

## Proposal for a regulation

## Annex II — part I — category 9 — point f — paragraph 3 a (new)

Text proposed by the Commission

Amendment

*Alternatively the sales denomination 'Obstler' may be used for fruit spirit produced exclusively from different varieties of apples, pears or both.*

(The word 'Obstler' is to appear in italics if adopted.)

## Amendment 128

## Proposal for a regulation

## Annex II — part I — category 9 — point h

Text proposed by the Commission

Amendment

(h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be sold under the name 'fruit spirit' or 'vegetable spirit', **as appropriate**. The name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of the quantity used.

(h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be sold under the name 'fruit **and vegetable** spirit' or 'vegetable **and fruit** spirit', **according to whether mashes from mainly fruit or berries or mashes from vegetables are distilled together**. The name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of the quantity used.

## Amendment 129

## Proposal for a regulation

## Annex II — part I — category 9 — point h a (new)

Text proposed by the Commission

Amendment

**(ha) Fruit spirit may be sweetened by up to 18 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

## Amendment 130

## Proposal for a regulation

## Annex II — part I — category 10 — point d

Text proposed by the Commission

Amendment

(d) Neither cider spirit nor perry spirit shall be flavoured.

(d) Neither cider spirit nor perry spirit shall be flavoured. **However, that shall not exclude traditional production methods.**



Thursday 1 March 2018

**Amendment 131**  
**Proposal for a regulation**  
**Annex II — part I — category 10 — point e a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(ea) Cider spirit and perry spirit may be sweetened by up to 15 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

**Amendment 132**  
**Proposal for a regulation**  
**Annex II — part I — category 11 — point f a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(fa) Honey spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

**Amendment 133**  
**Proposal for a regulation**  
**Annex II — part I — category 12 — title**

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*Text proposed by the Commission*

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*Amendment*

**12. Hefebrand**

**12. Hefebrand or lees spirit**

*(The words 'or lees spirit' are to appear in plain bold text if adopted.)*

**Amendment 134**  
**Proposal for a regulation**  
**Annex II — part I — category 12 — point a**

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*Text proposed by the Commission*

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*Amendment*

(a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine or of fermented fruit.

(a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine or of **lees of** fermented fruit.

Thursday 1 March 2018

## Amendment 135

## Proposal for a regulation

## Annex II — part I — category 12 — point f a (new)

Text proposed by the Commission

Amendment

*(fa) Hefebrand or lees spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

*(The word 'Hefebrand' is to appear in italics if adopted.)*

## Amendment 136

## Proposal for a regulation

## Annex II — part I — category 13 — title

Text proposed by the Commission

Amendment

13. **Bierbrand or eau de vie de bière**13. *Bierbrand or eau de vie de bière*

## Amendment 137

## Proposal for a regulation

## Annex II — part I — category 13 — point e a (new)

Text proposed by the Commission

Amendment

*(ea) Bierbrand or eau-de-vie de bière may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

*(The words 'Bierbrand or eau-de-vie de bière' are to appear in italics if adopted.)*

## Amendment 138

## Proposal for a regulation

## Annex II — part I — category 14 — title

Text proposed by the Commission

Amendment

14. **Topinambur**14. **Topinambur or Jerusalem artichoke spirit**

*(The words 'Jerusalem artichoke spirit' are to appear in plain bold text if adopted.)*

Thursday 1 March 2018

**Amendment 139****Proposal for a regulation****Annex II — part I — category 14 — point e a (new)***Text proposed by the Commission**Amendment*

(*ea*) *Topinambur* or Jerusalem artichoke spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

(The word '*Topinambur*' is to appear in italics if adopted.)

**Amendment 140****Proposal for a regulation****Annex II — part I — category 15 — point a — paragraph 3***Text proposed by the Commission**Amendment*

Maximum levels of residue for ethyl alcohol of agricultural origin shall meet those set out in point (1) of Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100 % vol. alcohol.

Maximum levels of residue for ethyl alcohol of agricultural origin **used to produce vodka** shall meet those set out in point (1) of Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100 % vol. alcohol.

**Amendment 141****Proposal for a regulation****Annex II — part I — category 15 — point b***Text proposed by the Commission**Amendment*

(b) The **minimum** alcoholic strength by volume of vodka shall be 37,5 %.

(b) The alcoholic strength by volume of vodka shall be **not less than 37,5 % and no more than 80 %**.

**Amendment 142****Proposal for a regulation****Annex II — part I — category 15 — point b a (new)***Text proposed by the Commission**Amendment*

(*ba*) **Vodka shall not be coloured.**

Thursday 1 March 2018

**Amendment 143**

**Proposal for a regulation**

**Annex II — part I — category 15 — point d**

*Text proposed by the Commission*

(d) The description, presentation or labelling of vodka not produced exclusively from potatoes or cereals shall bear the indication 'produced from ..', supplemented by the name of the raw materials used to produce the ethyl alcohol of agricultural origin.

*Amendment*

(d) The description, presentation or labelling of vodka not produced exclusively from potatoes or cereals **or both** shall bear the indication 'produced from ..', supplemented by the name of the raw materials used to produce the ethyl alcohol of agricultural origin.

**Amendment 144**

**Proposal for a regulation**

**Annex II — part I — category 15 — point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) *Vodka may be sweetened in order to round off the final taste. However, the final product may not contain more than 10 g of sweetening substances per litre, expressed as invert sugar equivalent.***

**Amendment 145**

**Proposal for a regulation**

**Annex II — part I — category 15 — point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(db) *Alternatively, the sales denomination may be 'vodka' in any Member State.***

*(The word 'Vodka' is to appear in italics if adopted.)*

Thursday 1 March 2018

**Amendment 146****Proposal for a regulation****Annex II — part I — category 16 — point a — point i***Text proposed by the Commission*


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(i) produced by maceration of fruit or berries listed under point (ii), whether partially fermented or unfermented, with the possible addition of a maximum of 20 litres of ethyl alcohol of agricultural origin or of spirit or of distillate deriving from the same fruit, or of a **mixture** thereof, per 100 kg of fermented fruit or berries, followed by distillation at less than 86 % vol.;

*Amendment*


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(i) produced by maceration of fruit or berries listed under point (ii), whether partially fermented or unfermented, with the possible addition of a maximum of 20 litres of ethyl alcohol of agricultural origin or of spirit or of distillate deriving from the same fruit, or of a **combination** thereof, per 100 kg of fermented fruit or berries, followed by distillation at less than 86 % vol.;

**Amendment 147****Proposal for a regulation****Annex II — part I — category 16 — point a — point ii — indent 9***Text proposed by the Commission*


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— rowanberries (*Sorbus aucuparia* L.),

*Amendment*


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(Does not affect the English version.)

**Amendment 148****Proposal for a regulation****Annex II — part I — category 16 — point a — point ii — indent 10***Text proposed by the Commission*


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— service-berry (*Sorbus domestica* L.),

*Amendment*


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(Does not affect the English version.)

**Amendment 149****Proposal for a regulation****Annex II — part I — category 16 — point a — point ii — indent 32 a (new)***Text proposed by the Commission*


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*Amendment*


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— **aronia (chokeberry)**,

— **bird cherry (*Prunus padus* L.)**.

Thursday 1 March 2018

**Amendment 150****Proposal for a regulation****Annex II — part I — category 17 — point a***Text proposed by the Commission*

(a) *Geist* (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

*Amendment*

(a) *Geist* (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, **mushrooms** or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

**Amendment 151****Proposal for a regulation****Annex II — part I — category 17 — title***Text proposed by the Commission*

17. ***Geist* (with the name of the fruit or the raw materials used)**

*Amendment*

17. *Geist* (with the name of the fruit or the raw materials used)

**Amendment 152****Proposal for a regulation****Annex II — part I — category 17 — point c a (new)***Text proposed by the Commission*

(a) *Geist* (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

*Amendment*

(ca) ***Use of the term ‘-geist’ preceded by a term other than the name of a fruit shall continue to be authorised in imaginative names in the spirit drinks sector.***

**Amendment 153****Proposal for a regulation****Annex II — part I — category 19 — point a***Text proposed by the Commission*

(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin or grain spirit or grain distillate or a **mixture** thereof with juniper (*Juniperus communis* L. or *Juniperus oxicedrus* L.) berries.

*Amendment*

(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin or grain spirit or grain distillate or a **combination** thereof with juniper (*Juniperus communis* L. or *Juniperus oxicedrus* L.) berries.

Thursday 1 March 2018

**Amendment 154**  
**Proposal for a regulation**  
**Annex II — part I — category 20 — title**

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*Text proposed by the Commission*

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*Amendment*

20. **Gin**20. *Gin*

**Amendment 155**  
**Proposal for a regulation**  
**Annex II — part I — category 21 — title**

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*Text proposed by the Commission*

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*Amendment*

21. **Distilled gin**21. *Distilled gin*

**Amendment 156**  
**Proposal for a regulation**  
**Annex II — Part I — category 21 — point a — point ii**

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*Text proposed by the Commission*

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*Amendment*

(ii) the ***mixture*** of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; flavouring substances or flavouring preparations as specified in point (c) of category 20 or both may also be used to flavour distilled gin.

(ii) the ***combination*** of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; flavouring substances or flavouring preparations as specified in point (c) of category 20 or both may also be used to flavour distilled *gin*.

**Amendment 157**  
**Proposal for a regulation**  
**Annex II — part I — category 22 — title**

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*Text proposed by the Commission*

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*Amendment*

22. **London Gin**22. *London Gin*

Thursday 1 March 2018

**Amendment 158**

**Proposal for a regulation**

**Annex II — part I — category 22 — point c**

*Text proposed by the Commission*

*Amendment*

(c) The term *London gin* may **be supplemented by** the term 'dry'.

(c) The term *London gin* may **incorporate** the term 'dry'.

**Amendment 159**

**Proposal for a regulation**

**Annex II — part I — category 24 — title**

*Text proposed by the Commission*

*Amendment*

24. **Akvavit or aquavit**

24. *Akvavit or aquavit*

**Amendment 160**

**Proposal for a regulation**

**Annex II — part I — category 26 — title**

*Text proposed by the Commission*

*Amendment*

26. **Pastis**

26. *Pastis*

**Amendment 161**

**Proposal for a regulation**

**Annex II — part I — category 27 — title**

*Text proposed by the Commission*

*Amendment*

27. **Pastis de Marseille**

27. *Pastis de Marseille*

**Amendment 162**

**Proposal for a regulation**

**Annex II — part I — category 28 — title**

*Text proposed by the Commission*

*Amendment*

28. **Anis**

28. *Anis*



Thursday 1 March 2018

**Amendment 163****Proposal for a regulation****Annex II — part I — category 28 — point b***Text proposed by the Commission**Amendment*

(b) The minimum alcoholic strength by volume of anis shall be **37 %**.

(b) The minimum alcoholic strength by volume of *anis* shall be **35 %**.

**Amendment 164****Proposal for a regulation****Annex II — part I — category 29 — title***Text proposed by the Commission**Amendment*

29. **Distilled anis**

29. Distilled *anis*

**Amendment 165****Proposal for a regulation****Annex II — part I — category 30 — title***Text proposed by the Commission**Amendment*

30. **Bitter-tasting spirit drinks or bitter**

30. Bitter-tasting spirit drinks or *bitter*

**Amendment 166****Proposal for a regulation****Annex II — part I — category 30 — point a***Text proposed by the Commission**Amendment*

(a) Bitter-tasting spirit drinks or bitter are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with flavouring substances.

(a) Bitter-tasting spirit drinks or *bitter* are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with flavouring substances **or flavouring preparations or both**.

**Amendment 167****Proposal for a regulation****Annex II — part I — category 31 — point d a (new)***Text proposed by the Commission**Amendment*

(*da*) **The maximum sugar content of flavoured vodka shall be 100 grams per litre, expressed as invert sugar.**

Thursday 1 March 2018

**Amendment 168**

**Proposal for a regulation**

**Annex II — part I — category 31 — point d b (new)**

*Text proposed by the Commission*

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*Amendment*

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**(db) *The term ‘vodka’ in any official Union language may be replaced by ‘vodka’.***

*(The second word ‘vodka’ is to appear in italics if adopted.)*

**Amendment 169**

**Proposal for a regulation**

**Annex II — part I — category 32 — point a — point ii**

*Text proposed by the Commission*

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*Amendment*

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(ii) produced using ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a **mixture** thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added.

(ii) produced using ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a **combination** thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added.

**Amendment 170**

**Proposal for a regulation**

**Annex II — part I — category 32 — point d — paragraph 2 a (new)**

*Text proposed by the Commission*

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*Amendment*

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***Alternatively, the sales denomination may be ‘liqueur’ in any Member State.***

*(The word ‘liqueur’ is to appear in italics if adopted.)*

Thursday 1 March 2018

**Amendment 171**  
**Proposal for a regulation**  
**Annex II — part I — category 32 — point d a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(da) The sales denomination 'liqueur' can also be supplemented with the name of the aroma or foodstuff used in the preparation of the product.*

**Amendment 172**  
**Proposal for a regulation**  
**Annex II — part I — category 34 — title**

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*Text proposed by the Commission*

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*Amendment*

34. **Crème de cassis**

34. *Crème de cassis*

**Amendment 173**  
**Proposal for a regulation**  
**Annex II — part I — category 35 — title**

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*Text proposed by the Commission*

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*Amendment*

35. **Guignolet**

35. *Guignolet*

**Amendment 174**  
**Proposal for a regulation**  
**Annex II — part I — category 36 — title**

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*Text proposed by the Commission*

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*Amendment*

36. **Punch au rhum**

36. *Punch au rhum*

Thursday 1 March 2018

**Amendment 175**  
**Proposal for a regulation**  
**Annex II — part I — category 37 — title**

Text proposed by the Commission

Amendment

37. **Sloe gin**37. *Sloe gin*

**Amendment 176**  
**Proposal for a regulation**  
**Annex II — part I — category 38 — title**

Text proposed by the Commission

Amendment

38. **'Sloe-aromatised spirit drink or Pacharán'**31a. *'Sloe-aromatised spirit drink or Pacharán'*

*(The category on 'Sloe-aromatised spirit drink or Pacharán' is to be moved between categories 31 'vodka' and 32 'liqueur'.)*

**Amendment 177**  
**Proposal for a regulation**  
**Annex II — part I — category 39 — title**

Text proposed by the Commission

Amendment

39. **Sambuca**39. *Sambuca*

**Amendment 178**  
**Proposal for a regulation**  
**Annex II — part I — category 39 — point a — point ii**

Text proposed by the Commission

Amendment

(ii) it has a minimum sugar content of **370** grams per litre expressed as invert sugar;

(ii) it has a minimum sugar content of **350** grams per litre expressed as invert sugar;

Thursday 1 March 2018

**Amendment 179**  
**Proposal for a regulation**  
**Annex II — part I — category 40 — title**

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*Text proposed by the Commission*

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*Amendment*

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40. **Maraschino, Marrasquino or Maraskino**

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40. *Maraschino, Marrasquino or Maraskino*

**Amendment 180**  
**Proposal for a regulation**  
**Annex II — part I — category 41 — title**

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*Text proposed by the Commission*

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*Amendment*

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41. **Nocino**

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41. *Nocino*

**Amendment 181**  
**Proposal for a regulation**  
**Annex II — part I — category 42 — title**

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*Text proposed by the Commission*

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*Amendment*

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42. **Egg liqueur or advocaat or avocat or advokat**

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42. *Egg liqueur or advocaat or avocat or advokat*

**Amendment 182**  
**Proposal for a regulation**  
**Annex II — part I — category 42 — point a**

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*Text proposed by the Commission*

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*Amendment*

(a) Egg liqueur or advocaat or avocat or advokat is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit, or a **mixture** thereof, the ingredients of which are **quality** egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum content of pure egg yolk must be 140 grams per litre of the final product.

(a) Egg liqueur or *advocaat* or *avocat* or *advokat* is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit, or a **combination** thereof, the ingredients of which are egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum content of pure egg yolk must be 140 grams per litre of the final product. **Any use of eggs from hens belonging to a species other than *Gallus Gallus* should be indicated on the label.**

Thursday 1 March 2018

**Amendment 183****Proposal for a regulation****Annex II — part I — category 42 — point c***Text proposed by the Commission*

(c) Only flavouring substances and flavouring preparations may be used in the preparation of egg liqueur or advocaat or avocát or advokát.

*Amendment*

(c) Only **foodstuffs with flavouring properties, natural** flavouring substances and flavouring preparations may be used in the preparation of egg liqueur or *advocaat* or *avocat* or *advokat*.

**Amendment 184****Proposal for a regulation****Annex II — part I — category 42 — point c a (new)***Text proposed by the Commission**Amendment*

(ca) **Cream may be used in the preparation of egg liqueur or advocaat or avocat or advokát.**

**Amendment 185****Proposal for a regulation****Annex II — part I — category 43 — point a***Text proposed by the Commission*

(a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit drink, or a **mixture** thereof, the characteristic ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum egg yolk content must be 70 grams per litre of the final product.

*Amendment*

(a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit drink, or a **combination** thereof, the characteristic ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum egg yolk content must be 70 grams per litre of the final product.

**Amendment 186****Proposal for a regulation****Annex II — part I — category 44 — title***Text proposed by the Commission*44. **Mistrà***Amendment*

44. Mistrà

Thursday 1 March 2018

**Amendment 187****Proposal for a regulation****Annex II — part I — category 45 — title***Text proposed by the Commission**Amendment***45. Vákevā glögi or spritglögg**

45. Vákevā glögi or spritglögg

**Amendment 188****Proposal for a regulation****Annex II — part I — category 46 — title***Text proposed by the Commission**Amendment***46. Berenburg or Beerenburg**

46. Berenburg or Beerenburg

**Amendment 189****Proposal for a regulation****Annex II — Part II — point 2 a (new)***Text proposed by the Commission**Amendment*

**2a. Guignolet Kirsch is produced in France and obtained by mixing guignolet and kirsch, such that a minimum proportion of 3 % of the total pure alcohol contained in the final product comes from kirsch. The minimum alcoholic strength by volume of Guignolet Kirsch shall be 15 %. As regards the labelling and presentation, the word ‘Guignolet’ shall appear in the presentation and labelling, in characters of the same font, size and colour, and on the same line, as the word ‘Kirsch’ and, in the case of bottles, on the front label. The alcoholic composition information shall include an indication of the percentage by volume of pure alcohol that guignolet and kirsch represent in the total pure alcohol content by volume of Guignolet Kirsch.**

Thursday 1 March 2018

**Amendment 190**  
**Proposal for a regulation**  
**Annex II a (new)**

Text proposed by the Commission

Amendment

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**ANNEX IIa****DYNAMIC OR 'CRIADERAS Y SOLERA' AGEING SYSTEM**

*The dynamic or 'criaderas y solera' ageing system consists in the execution of periodical extractions of a portion of the brandy contained in each of the oak casks and containers that form an ageing scale and the corresponding replenishments with brandy extracted from the preceding ageing scale.*

**Definitions**

*Ageing scales: Each group of oak casks and containers with the same level of maturation, through which the brandy progresses in the course of its ageing process. Each scale is known as 'criadera', except the last one, previous to the expedition of the brandy, known as the 'solera'.*

*Extraction: Partial volume of brandy drawn from each oak cask and container in an ageing scale, for its incorporation to the oak casks and containers in the next ageing scale or, in the case of the solera, for its expedition.*

*Replenishment: Volume of brandy from the oak casks and containers of a given ageing scale that is incorporated into and blended with the content of the oak casks and containers of the following scale in terms of age.*

*Average age: Period of time corresponding to the rotation of the total stock of brandy that is undergoing the ageing process, calculated as the fraction between the total volume of brandy contained in all the ageing scales and the volume of the extractions made from the last scale –the solera– in one year.*

*The average age of the brandy drawn from the solera can be calculated using the following formula:  $\bar{t} = Vt/Ve$*

**In which:**

—  $\bar{t}$  is the average age, expressed in years



Thursday 1 March 2018

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Text proposed by the Commission

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Amendment

- *V<sub>t</sub> is the total volume of stocks in the ageing system, expressed in litres of pure alcohol.*
- *V<sub>e</sub> is the total volume of product extracted for shipping during a year, expressed in litres of pure alcohol.*

*Minimum average age. In the case of oak casks and containers of less than 1 000 litres, the number of annual extractions and replenishments shall be equal to or lower than twice the number of scales in the system, in order to guarantee that the youngest component has an age equal to or higher than 6 months.*

*In the case of oak casks and containers of 1 000 litres or more, the number of annual extractions and replenishments shall be equal to or lower than the number of scales in the system, in order to guarantee that the youngest component has an age equal to or higher than 1 year.*

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Thursday 1 March 2018

P8\_TA(2018)0050

## **Mandatory automatic exchange of information in the field of taxation \***

**European Parliament legislative resolution of 1 March 2018 on the proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (COM(2017)0335 — C8-0195/2017 — 2017/0138(CNS))**

**(Special legislative procedure — consultation)**

(2019/C 129/15)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2017)0335),
  - having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0195/2017),
  - having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect <sup>(1)</sup>,
  - having regard to Rule 78c of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0016/2018),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> Texts adopted, P8\_TA(2016)0310.

Thursday 1 March 2018

**Amendment 1**  
**Proposal for a directive**

**Recital 2**

*Text proposed by the Commission*

- (2) Member States find it increasingly difficult to protect their national tax bases from erosion as tax planning structures have evolved to be particularly sophisticated and often take advantage of the increased mobility of both capital and persons within the internal market. **These** structures commonly consist of arrangements which are developed across various jurisdictions and move taxable profits towards more beneficial tax regimes or have the effect of reducing the **taxpayer's overall tax bill**. As a result, Member States often experience considerable reductions in their tax revenues **which hinder them** from applying growth-friendly tax policies. It is therefore critical that Member States' tax authorities obtain comprehensive and relevant information about **potentially aggressive tax** arrangements. This information would enable those authorities to be able to promptly react against harmful tax practices and to close loopholes through enacting legislation or by undertaking adequate risk assessments and carrying out tax audits.

*Amendment*

- (2) Member States find it increasingly difficult to protect their national tax bases from erosion as **aggressive and complex** tax planning structures have evolved to be particularly sophisticated and often take advantage of the increased mobility of both capital and persons within the internal market. **Those** structures commonly consist of arrangements which are developed across various jurisdictions and move **the** taxable profits **of corporations and individuals** towards more beneficial tax regimes or have the effect of reducing the **fiscal impact on taxpayers**. As a result, Member States often experience considerable reductions in their tax revenues. **In addition, the spread of the corporate tax rates within Member States and between Member States is rising, and it is key not to compromise the principle of tax equality. This is hindering Member States** from applying growth-friendly tax policies. It is therefore critical that Member States' tax authorities obtain comprehensive and relevant information about arrangements **facilitating tax evasion and tax avoidance**. This information would enable those authorities to be able to promptly react against harmful tax practices and to close loopholes through enacting legislation or by undertaking adequate risk assessments and carrying out tax audits. **A lack of reaction from tax authorities on reported schemes should not however be interpreted as implicit clearance by them. Reporting formats should be succinct and user-friendly so that the volume of information that could be generated by this Directive does not inhibit meaningful action on schemes that are being reported.**

Thursday 1 March 2018

**Amendment 2**  
**Proposal for a directive**

**Recital 3**

*Text proposed by the Commission*

- (3) Considering that most of the potentially aggressive tax planning arrangements span across more than one jurisdiction, the disclosure of information about those arrangements would bring additional positive results where that information was also exchanged amongst Member States. In particular, the automatic exchange of information between tax administrations **is** crucial in order to provide these authorities with the necessary information to enable them to take action where they observe aggressive tax practices.

*Amendment*

- (3) Considering that most of the potentially aggressive tax planning arrangements span across more than one jurisdiction, the disclosure of information about those arrangements would bring additional positive results where that information was also exchanged amongst Member States. In particular, the automatic exchange of information between tax administrations, **and ensuring coordination with financial intelligence units dealing with money-laundering and terrorist financing, are** crucial in order to provide these authorities with the necessary information to enable them to take action where they observe aggressive tax practices. **However, Member States should be encouraged to establish similar disclosure requirements for arrangements that exist solely in their own jurisdiction.**

**Amendment 3**  
**Proposal for a directive**

**Recital 4**

*Text proposed by the Commission*

- (4) Recognising how a transparent framework for developing business activity could contribute to clamping down on tax avoidance and evasion in the internal market, the Commission has been called on to embark on initiatives on the mandatory disclosure of potentially aggressive tax planning arrangements along the lines of Action 12 of the OECD Base Erosion and Profit Shifting (BEPS). In this context, the European Parliament has called for tougher measures against intermediaries who assist in arrangements that may lead to tax avoidance and evasion.

*Amendment*

- (4) Recognising how a transparent framework for developing business activity could contribute to clamping down on tax avoidance and evasion in the internal market, the Commission has been called on to embark on initiatives on the mandatory disclosure of potentially aggressive tax planning arrangements along the lines of Action 12 of the OECD Base Erosion and Profit Shifting (BEPS). In this context, the European Parliament has **demonstrated the crucial role of intermediaries in advising, creating and managing tax schemes and** called for tougher measures against intermediaries who assist in arrangements that may lead to tax avoidance and evasion.

Thursday 1 March 2018

**Amendment 4**  
**Proposal for a directive**

**Recital 5**

*Text proposed by the Commission*

- (5) It is necessary to recall how certain financial intermediaries and other providers of tax advice *seem to* have actively assisted their clients to conceal money offshore. Furthermore, although the CRS introduced by Council Directive 2014/107/EU<sup>(27)</sup> is a significant step forward in establishing a tax transparent framework within the Union, at least in terms of financial account information, it can still be improved.

<sup>(27)</sup> Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation (OJ L 359, 16.12.2014, p. 1).

*Amendment*

- (5) It is necessary to recall how certain financial intermediaries and other providers of tax advice, **and auditors**, have actively assisted their clients to conceal money offshore. Furthermore, although the CRS introduced by Council Directive 2014/107/EU<sup>(27)</sup> is a significant step forward in establishing a tax transparent framework within the Union, at least in terms of financial account information, it can still be improved. **In addition, the capacity of Member States to process the amount of financial account information received should be enhanced accordingly and tax administrations' financial, human and IT resources should be increased, where necessary, and kept at adequate levels.**

<sup>(27)</sup> Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation (OJ L 359, 16.12.2014, p. 1).

Thursday 1 March 2018

**Amendment 5**  
**Proposal for a directive**

**Recital 6**

*Text proposed by the Commission*

- (6) The disclosure of potentially aggressive tax planning arrangements of a cross-border dimension can contribute effectively to the efforts for creating an environment of fair taxation in the internal market. In this light, an obligation on intermediaries to inform tax authorities on certain cross-border arrangements that could potentially be used for tax avoidance purposes would constitute a step in the right direction. In order to develop a more comprehensive policy, it would also be significant that as a second step, following disclosure, the tax authorities share information with their peers in other Member States. Such arrangements should also enhance the effectiveness of the CRS. In addition, it would be crucial to grant the Commission access to **a sufficient amount of** information so that it can monitor the proper functioning of this Directive. Such access to information by the Commission does not discharge a Member State from its obligations to notify any state aid to the Commission.

*Amendment*

- (6) The disclosure of potentially aggressive tax planning arrangements of a cross-border dimension can contribute effectively to the efforts for creating an environment of fair taxation in the internal market. In this light, an obligation on intermediaries, **auditors and, where appropriate, taxpayers** to inform tax authorities on certain cross-border arrangements that could potentially be used for tax avoidance purposes would constitute a **necessary** step in the right direction. In order to develop a more comprehensive policy, it would also be significant that as a second step, following disclosure, the tax authorities **automatically** share information with their peers in other Member States. Such arrangements should also enhance the effectiveness of the CRS. In addition, it would be crucial to grant the Commission access to **relevant** information so that it can monitor the proper functioning of this Directive **and carry out its responsibilities under competition policies**. Such access to information by the Commission does not discharge a Member State from its obligations to notify any state aid to the Commission. **Finally, in order to enhance legal certainty for intermediaries and taxpayers, the Commission should publish a list of the reported cross-border arrangements that could potentially be used for tax avoidance purposes, without making any reference to the intermediary or taxpayer.**

Thursday 1 March 2018

**Amendment 7**  
**Proposal for a directive**

**Recital 7**

*Text proposed by the Commission*

- (7) It is acknowledged that the disclosure of potentially aggressive cross-border tax planning arrangements would stand a better chance of achieving its envisaged deterrent effect where the relevant information reached the tax authorities at an early stage, in other words before the disclosed arrangements are actually implemented. Where the disclosure obligation is shifted to taxpayers, it would be practical to place the obligation to disclose those potentially aggressive cross-border tax planning arrangements at a slightly later stage, **as taxpayers may not be aware of the nature of the arrangements at the time of the inception**. To facilitate Member States' administrations, the subsequent automatic exchange of information on these arrangements could take place every quarter.

*Amendment*

- (7) It is acknowledged that the disclosure of potentially aggressive cross-border tax planning arrangements would stand a better chance of achieving its envisaged deterrent effect where the relevant information reached the tax authorities at an early stage, in other words before the disclosed arrangements are actually implemented. **In addition, appropriate penalties should be imposed to prevent and suppress those arrangements.** Where the disclosure obligation is shifted to taxpayers, it would be practical to place the obligation to disclose those potentially aggressive cross-border tax planning arrangements at a slightly later stage. To facilitate Member States' administrations, the subsequent automatic exchange of information on these arrangements could take place every quarter.

**Amendment 8**  
**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

- (9a) ***The constantly growing role and importance of intellectual property rights in the business models and tax structures of large corporations further underline the urgency of a better exchange of information on tax avoidance arrangements, given the various easy options that the use of intellectual property rights give for the artificial transfer of profits.***

Thursday 1 March 2018

**Amendment 9**  
**Proposal for a directive**  
**Recital 9 b (new)**

Text proposed by the Commission

Amendment

- (9b) *The lack of comprehensive, public country-by-country reporting on relevant financial figures of major multinational enterprises has contributed to the poor reliability of aggregated data on offshore structures, highlighted by the fact that many of the recent high-profile tax avoidance structures are not visible in the current commercial corporate financial account data-bases. Those statistical gaps hinder the attempts of tax authorities to conduct risk assessments on risk jurisdictions and underline the need for a greater exchange of information on tax planning structures.*

**Amendment 10**  
**Proposal for a directive**  
**Recital 10**

Text proposed by the Commission

Amendment

- (10) Given that the primary objective of such legislation should focus on ensuring the proper functioning of the internal market, it would be critical not to regulate at the level of the Union beyond what is necessary to achieve the envisaged aims. This is why it would be necessary to limit any common rules on disclosure to cross-border situations, namely situations in either more than one Member State or a Member State and a third country. In such circumstances, due to the potential impact on the functioning of the internal market, one *can justify* the need for enacting a common set of rules, rather than leaving the matter to be dealt with at the national level.

- (10) Given that the primary objective of such legislation should focus on ensuring the proper functioning of the internal market **and limiting tax evasion and tax avoidance**, it would be critical not to regulate at the level of the Union beyond what is necessary to achieve the envisaged aims. This is why it would be necessary to limit any common rules on disclosure to cross-border situations, namely situations in either more than one Member State or a Member State and a third country. In such circumstances, due to the potential impact on the functioning of the internal market, one **justifies** the need for enacting a common set of rules, rather than leaving the matter to be dealt with at the national level. **If a Member State implements further national reporting measures of a similar nature, the additional information collected should be shared with other Member States if relevant.**



Thursday 1 March 2018

**Amendment 12**  
**Proposal for a directive**  
**Recital 11 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (11a) *Since all Member States might not have an incentive to design and implement effective penalties and in order to ensure the consistent implementation of this Directive across Member States, the exchange of information between tax authorities regarding the imposition of penalties and situations where the Member State has refrained from imposing penalties should also be automatic.*

**Amendment 13**  
**Proposal for a directive**  
**Recital 13**

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*Text proposed by the Commission*

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*Amendment*

- (13) In order to improve the prospects for effectiveness of this Directive, Member States should lay down penalties against the violation of national rules that implement this Directive and ensure that these penalties actually apply in practice, that they are proportionate and **have a** dissuasive **effect**.

- (13) In order to improve the prospects for effectiveness of this Directive, Member States should lay down penalties against the violation of national rules that implement this Directive and ensure that these penalties, **including financial penalties**, actually apply **promptly** in practice, that they are **effective**, proportionate and dissuasive. **Member States should submit to the Commission and make publicly available a list of intermediaries and taxpayers on whom penalties have been imposed under this Directive, including names, nationalities and residences.**

Thursday 1 March 2018

**Amendment 14**  
**Proposal for a directive**

**Recital 14**

*Text proposed by the Commission*

- (14) In order to supplement or amend certain non-essential elements 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 connection with updating the hallmarks **in order to include in** the list of hallmarks **potentially** aggressive tax planning **arrangements or series of arrangements in response to updated information on those arrangements or series of arrangements which is derived from the mandatory disclosure of such arrangements.**

*Amendment*

- (14) In order to supplement or amend certain non-essential elements 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 connection with updating the hallmarks. **Every two years, the Commission should publish a draft update of** the list of hallmarks **that define** aggressive tax planning **to include any new or modified tax evasion and tax avoidance arrangements that will have been identified since the previous update was published and should be brought into force within four months of the publication of the draft update.**

**Amendment 15**  
**Proposal for a directive**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

- (15a) **In order to ensure the uniform use and interpretation of hallmarks, the Commission should regularly monitor the activities of tax authorities, in accordance with this Directive.**

Thursday 1 March 2018

**Amendment 16**  
**Proposal for a directive**

**Recital 18**

*Text proposed by the Commission*

- (18) Since the **objective** of this Directive, namely to improve the functioning of the internal market through discouraging the use of cross-border aggressive tax planning arrangements, cannot sufficiently be achieved by the Member States acting individually in an uncoordinated fashion but can rather be better achieved at Union level by reason of the fact that it targets schemes which are developed to potentially take advantage of market inefficiencies that originate in the interaction amongst disparate national tax rules, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on **the** European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve **that objective**, especially considering that it is limited to arrangements of a cross-border dimension of either more than one Member State or a Member State and a third country.

*Amendment*

- (18) Since the **objectives** of this Directive, namely **to significantly limit the catastrophic consequences of tax evasion and tax avoidance on the public accounts** and to improve the functioning of the internal market through discouraging the use of cross-border aggressive tax planning arrangements, cannot sufficiently be achieved by the Member States acting individually in an uncoordinated fashion but can rather be better achieved at Union level by reason of the fact that it targets schemes which are developed to potentially take advantage of market inefficiencies that originate in the interaction amongst disparate national tax rules, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve **those objectives**, especially considering that it is limited to arrangements of a cross-border dimension of either more than one Member State or a Member State and a third country.

**Amendment 17**

**Proposal for a directive**

**Article 1 — paragraph 1 — point 1 — point b**

Directive 2011/16/EU

Article 3 — point 18 — point c

*Text proposed by the Commission*

- (c) one or more of the parties to the arrangement or series of arrangements carries on a business in another jurisdiction through a permanent establishment situated in that jurisdiction and the arrangement or series of arrangements forms part or the whole of the business of that permanent establishment;

*Amendment*

- (c) one or more of the parties to the arrangement or series of arrangements carries on a business **activity** in another jurisdiction through a permanent establishment **or a controlled foreign company of any kind** situated in that jurisdiction and the arrangement or series of arrangements forms part or the whole of the business of that permanent establishment;

Thursday 1 March 2018

**Amendment 18****Proposal for a directive****Article 1 — paragraph 1 — point 1 — point b**

Directive 2011/16/EU

Article 3 — point 18 — point d

*Text proposed by the Commission*

(d) one or more of the parties to the arrangement or series of arrangements carries on a business in another jurisdiction **through a permanent establishment which is not situated** in that jurisdiction **and the arrangement or series of arrangements forms part or the whole of the business of that permanent establishment;**

*Amendment*

(d) one or more of the parties to the arrangement or series of arrangements carries on a business **activity** in another jurisdiction **without creating a taxable presence** in that jurisdiction;

**Amendment 19****Proposal for a directive****Article 1 — paragraph 1 — point 1 — point b**

Directive 2011/16/EU

Article 3 — point 20

*Text proposed by the Commission*

20. 'hallmark' means **a typical characteristic or feature of** an arrangement or series of arrangements which is listed in Annex IV.

*Amendment*

20. 'hallmark' means an arrangement or series of arrangements which is listed in Annex IV.

**Amendment 20****Proposal for a directive****Article 1 — paragraph 1 — point 1 — point b**

Directive 2011/16/EU

Article 3 — point 23 — point c a (new)

*Text proposed by the Commission**Amendment*

(ca) **a taxpayer is the beneficial owner of another taxpayer within the meaning of Directive (EU) 2015/849.**

Thursday 1 March 2018

**Amendment 21****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 1 a (new)

*Text proposed by the Commission**Amendment*

**1a. While conducting statutory audits of statements of their clients, auditors shall be subject to identification and disclosure obligations regarding potential breaches by the audited entity, or its intermediaries, of the identification and disclosure obligations set out in this Article of which the auditor has become aware. Each Member State shall take the necessary measures to require auditors to file information with the competent authorities on such breaches within 10 working days, beginning on the day after the publication of their audit reports.**

**Amendment 22****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 2 — subparagraph 1

*Text proposed by the Commission**Amendment*

2. Each Member State **shall** take the necessary measures to give intermediaries the right to a waiver from filing information on a reportable cross-border arrangement or series of such arrangements where they are entitled to a legal professional privilege under the national law of that Member State. In such circumstances, the obligation to file information on such an arrangement or series of arrangements shall be the responsibility of the taxpayer and intermediaries shall inform taxpayers of this responsibility due to the privilege.

2. Each Member State **may, where appropriate**, take the necessary measures to give intermediaries the right to a waiver from filing information on a reportable cross-border arrangement or series of such arrangements where they are entitled to a legal professional privilege under the national law of that Member State. In such circumstances, the obligation to file information on such an arrangement or series of arrangements shall be the responsibility of the taxpayer and intermediaries shall inform **in writing** taxpayers of this responsibility due to the privilege, **keeping an acknowledgment of receipt signed by the taxpayer. The taxpayer shall report the information on the reportable cross-border arrangement or series of arrangements to the competent authorities within 10 working days.**

Thursday 1 March 2018

### Amendment 23

#### Proposal for a directive

#### Article 1 — paragraph 1 — point 2

Directive 2011/16/EU

Article 8aaa — paragraph 4

*Text proposed by the Commission*

4. Each Member State shall take the necessary measures to require intermediaries and taxpayers to file information on reportable cross-border arrangements that **were implemented between [date of political agreement] and 31 December 2018. Intermediaries and taxpayers, as appropriate, shall file information on those reportable cross-border arrangements by 31 March 2019.**

*Amendment*

4. Each Member State shall take the necessary measures to require intermediaries, **auditors** and taxpayers to file information on reportable cross-border arrangements that **are active on ... [date of entry into force of this Directive] and those that will enter into force thereafter.**

### Amendment 24

#### Proposal for a directive

#### Article 1 — paragraph 1 — point 2

Directive 2011/16/EU

Article 8aaa — paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Each Member State shall take the measures necessary to assess the tax arrangements disclosed through the exchange of information provided for by this Directive, as well as make available to their tax authorities the resources required.**

### Amendment 25

#### Proposal for a directive

#### Article 1 — paragraph 1 — point 2

Directive 2011/16/EU

Article 8aaa — paragraph 6 — point a

*Text proposed by the Commission*

(a) the identification of intermediaries and taxpayers, including their name, residence for tax purposes, and taxpayer identification number (TIN) and, where appropriate, the persons who are associated enterprises to the intermediary or taxpayer;

*Amendment*

(a) the identification of intermediaries **or, where applicable, auditors** and taxpayers, including their name, **nationality**, residence for tax purposes, and taxpayer identification number (TIN) and, where appropriate, the persons who are associated enterprises to the intermediary or taxpayer;

Thursday 1 March 2018

**Amendment 26****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 6 — point c

*Text proposed by the Commission*

(c) a summary of the content of the reportable cross-border arrangement or series of such arrangements, including a reference to the name by which they are commonly known, if any, and a description in abstract terms of the relevant business activities or arrangements, without leading to the disclosure of **a commercial**, industrial or professional secret **or of a commercial process**, or of information whose disclosure would be contrary to public policy;

*Amendment*

(c) a summary of the content of the reportable cross-border arrangement or series of such arrangements, including a reference to the name by which they are commonly known, if any, and a description in abstract terms of the relevant business activities or arrangements, without leading to the disclosure of **intellectual property**, industrial or professional secret, or of information whose disclosure would be contrary to public policy;

**Amendment 27****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 6 — point d

*Text proposed by the Commission*

(d) the date **that** the implementation of the reportable cross-border arrangement or of the first step in a series of such arrangements **is to start or started**;

*Amendment*

(d) the **starting** date **of** the implementation of the reportable cross-border arrangement or of the first step in a series of such arrangements;

**Amendment 28****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 6 — point e

*Text proposed by the Commission*

(e) details of the national tax provisions **the application of which creates a tax advantage**, if applicable;

*Amendment*

(e) details of the national tax provisions **forming the basis for the reportable arrangements or series of arrangements**, if applicable;

Thursday 1 March 2018

**Amendment 29****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 6 — point h

*Text proposed by the Commission*

(h) the identification of any person in the other Member States, if any, likely to be affected by the reportable cross-border arrangement or series of such arrangements indicating to which Member States the affected intermediaries or taxpayers are linked.

*Amendment*

(h) the identification of any person in the other Member States, if any, likely to be affected by the reportable cross-border arrangement or series of such arrangements indicating to which Member States the affected intermediaries, **auditors** or taxpayers are linked.

**Amendment 30****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 7

*Text proposed by the Commission*

7. To facilitate the exchange of information referred to in paragraph 5 of this Article, the Commission shall adopt the practical arrangements necessary for the implementation of this Article, including measures to standardise the communication of the information set out in paragraph 6 of this Article, as part of the procedure for establishing the standard form provided for in Article 20(5).

*Amendment*

7. To facilitate the exchange of information referred to in paragraph 5 of this Article, the Commission shall adopt the practical arrangements, **and provide sufficient resources**, necessary for the implementation of this Article, including measures to standardise the communication of the information set out in paragraph 6 of this Article, as part of the procedure for establishing the standard form provided for in Article 20(5).

**Amendment 31****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aaa — paragraph 8

*Text proposed by the Commission*

8. The Commission shall **not** have access to information referred to in points (a), (c) **and** (h) of paragraph 6.

*Amendment*

8. The Commission shall have access to information referred to in points (b), (c), (d), (e), (f) **and** (g) of paragraph 6. **Without making any reference to the respective intermediary or taxpayer, the Commission shall make publicly available a list of the reported cross-border arrangements.**



Thursday 1 March 2018

**Amendment 32****Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2011/16/EU

Article 21 — paragraph 5 — subparagraph 1

*Text proposed by the Commission*

The Commission shall by 31 December 2017 develop and provide with technical and logistical support a secure **Member State** central directory on administrative cooperation in the field of taxation where information to be communicated in the framework of paragraphs 1 and 2 of Article 8a shall be recorded in order to satisfy the automatic exchange provided for in those paragraphs.

*Amendment*

The Commission shall by 31 December 2017 develop and provide with technical and logistical support a secure central directory on administrative cooperation in the field of taxation, **with access limited to the Member States and the Commission**, where information to be communicated in the framework of paragraphs 1 and 2 of Article 8a shall be recorded in order to satisfy the automatic exchange provided for in those paragraphs.

**Amendment 33****Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 2011/16/EU

Article 21 — paragraph 5 — subparagraph 2

*Text proposed by the Commission*

The Commission shall by 31 December 2018 develop and provide with technical and logistical support a secure **Member State** central directory on administrative cooperation in the field of taxation where information to be communicated in the framework **of paragraphs 5, 6 and 7** of Article 8aaa shall be recorded in order to satisfy the automatic exchange provided for in **those paragraphs**.

*Amendment*

The Commission shall by 31 December 2018 develop and provide with technical and logistical support a secure central directory on administrative cooperation in the field of taxation **with access limited to the Member States and the Commission**, where information to be communicated in the framework of Article 8aaa shall be recorded in order to satisfy the automatic exchange provided for in **that Article. Additionally, information exchanged under the automatic exchange provided for in Articles 8, 8a and 8aa, shall also be accessible through the central directory, with access limited to the Member States and the Commission.**

Thursday 1 March 2018

#### Amendment 34

##### Proposal for a directive

##### Article 1 — paragraph 1 — point 4

Directive 2011/16/EU

Article 21 — paragraph 5 — subparagraph 3

*Text proposed by the Commission*

The competent authorities of all Member States shall have access to the information recorded in that directory. **The Commission shall also have access to the information recorded in that directory, however within the limitations set out in Articles 8a (8) and 8aaa(8).** The necessary practical arrangements shall be adopted by the Commission in accordance with the procedure referred to in Article 26(2).

*Amendment*

The competent authorities of all Member States **and the Commission** shall have access to the information recorded in that directory. The necessary practical arrangements shall be adopted by the Commission in accordance with the procedure referred to in Article 26(2).

#### Amendment 35

##### Proposal for a directive

##### Article 1 — paragraph 1 — point 5

Directive 2011/16/EU

Article 23 — paragraph 3

*Text proposed by the Commission*

3. Member States shall communicate to the Commission a yearly assessment of the effectiveness of the automatic exchange of information referred to in Articles 8, 8a, 8aa and 8aaa **as well as the practical results achieved.** The Commission shall, by means of implementing acts, adopt the form and the conditions of communication for that yearly assessment. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 26(2)..

*Amendment*

3. Member States shall communicate to the Commission a yearly assessment of the effectiveness of the automatic exchange of information referred to in Articles 8, 8a, 8aa and 8aaa; **the quality and quantity of information exchanged; and the legislative changes proposed or implemented based on the loopholes in the regulatory framework revealed by this information.** The Commission shall, by means of implementing acts, adopt the form and the conditions of communication for that yearly assessment. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 26(2). **Based on those assessments the Commission shall put forward legislative proposals to close loopholes in existing law.**

Thursday 1 March 2018

**Amendment 36****Proposal for a directive****Article 1 — paragraph 1 — point 5 a (new)**

Directive 2011/16/EU

Article 23 — paragraph 3 a (new)

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*Text proposed by the Commission*

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*Amendment***(5a) in Article 23, the following paragraph is inserted:**

*'3a. Member States shall communicate to the Commission the number of arrangements or series of arrangements disclosed, as classified in Annex IV, together with a description of such arrangements, the nationalities of taxpayers benefiting from such arrangements and the number and the extent of penalties imposed on intermediaries or taxpayers disclosing such arrangements. The Commission shall produce a yearly public report containing that information.'*

**Amendment 37****Proposal for a directive****Article 1 — paragraph 1 — point 5 b (new)**

Directive 2011/16/EU

Article 23 — paragraph 3 b (new)

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*Text proposed by the Commission*

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*Amendment***(5b) in Article 23, the following paragraph is inserted:**

*'3b. Each year, Member States shall submit to the Commission a list of the cross-border arrangements that are regarded by the relevant tax authority as being compliant with this Directive.'*

Thursday 1 March 2018

### Amendment 38

#### Proposal for a directive

#### Article 1 — paragraph 1 — point 6

Directive 2011/16/EU

Article 23aa — paragraph 1

*Text proposed by the Commission*

The Commission shall be empowered to adopt delegated acts in accordance with Article 26a to amend Annex IV, in order to include in the list of hallmarks potentially aggressive tax planning arrangements or series of arrangements in response to updated information on those arrangements or series of arrangements which is derived from the mandatory disclosure of such arrangements..

*Amendment*

The Commission shall be empowered to adopt delegated acts in accordance with Article 26a to amend Annex IV, in order to include in the list of hallmarks potentially aggressive tax planning arrangements or series of arrangements in response to updated information on those arrangements or series of arrangements, which is derived from the mandatory disclosure of such arrangements. ***It shall do so every two years acting on the basis of the information that will be available regarding new or modified tax evasion and tax avoidance arrangements, publishing its new criteria in draft form four months prior to bringing them into force.***

### Amendment 39

#### Proposal for a directive

#### Article 1 — paragraph 1 — point 7

Directive 2011/16/EU

Article 25a — paragraph 1

*Text proposed by the Commission*

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and concerning Articles 8aa and 8aaa, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

*Amendment*

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and concerning Articles 8aa and 8aaa, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***The Commission may publish an indicative table of penalties.***

Thursday 1 March 2018

**Amendment 40****Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2011/16/EU

Article 26a — paragraph 5 a (new)

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*Text proposed by the Commission*

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*Amendment*

**5a.** *By ... [three years after the date of entry into force of this Directive] and every three years thereafter, the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council.*

**Amendment 41****Proposal for a directive****Annex 1**

Directive 2011/16/EU

Annex IV — Main benefit test — paragraph 1

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*Text proposed by the Commission*

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*Amendment*

The test will be satisfied where the main **benefit** of an arrangement or of a series of arrangements is to obtain a tax advantage if it can be established that the advantage is the outcome which one may expect to derive from such an arrangement, or series of arrangements, including through taking advantage of the specific way that the arrangement or series of arrangements are structured.

The test will be satisfied where **one of** the main **benefits** of an arrangement or of a series of arrangements is to obtain a tax advantage if it can be established that the advantage is the outcome which one may expect to derive from such an arrangement, or series of arrangements, including through taking advantage of the specific way that the arrangement or series of arrangements are structured.

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Thursday 1 March 2018

P8\_TA(2018)0053

## **Mobilisation of the European Globalisation Adjustment Fund: application EGF/2017/006 ES/Galicia apparel**

**European Parliament resolution of 1 March 2018 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from Spain — EGF/2017/006 ES/Galicia apparel) (COM(2017)0686 — C8-0011/2018 — 2018/2014(BUD))**

(2019/C 129/16)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2017)0686 — C8-0011/2018),
  - having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 <sup>(1)</sup> (EGF Regulation),
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(2)</sup>, and in particular Article 12 thereof,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(3)</sup> (IIA of 2 December 2013), and in particular point 13 thereof,
  - having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,
  - having regard to the letter of the Committee on Employment and Social Affairs,
  - having regard to the letter of the Committee on Regional Development,
  - having regard to the report of the Committee on Budgets (A8-0033/2018),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns or of the global financial and economic crisis, and to assist their reintegration into the labour market;
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible;
- C. whereas Spain submitted application EGF/2017/006 ES/Galicia apparel for a financial contribution from the EGF, following 303 redundancies in the economic sector classified under the NACE Revision 2 Division 14 (Manufacture of wearing apparel) in the NUTS level 2 region of Galicia (ES11) in Spain;
- D. whereas the application is based on the intervention criteria of Article 4(2) of the EGF Regulation derogating from the criteria of point (b) of Article 4(1) of that Regulation, which requires at least 500 workers being made redundant over a reference period of nine months in enterprises operating in the same economic sector defined at NACE Revision 2 Division level and located in one region or two contiguous regions defined at NUTS 2 level in a Member State;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> OJ C 373, 20.12.2013, p. 1.

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1. Agrees with the Commission that the conditions set out in Article 4(2) of the EGF Regulation are met and that Spain is entitled to a financial contribution of EUR 720 000 under that Regulation, which represents 60 % of the total cost of EUR 1 200 000;
2. Notes that the Spanish authorities submitted the application on 19 July 2017, and that, following the provision of additional information by Spain, the Commission finalised its assessment on 28 November 2017 and notified it to Parliament on 15 January 2018;
3. Notes that Spain argues that the redundancies are linked to major structural changes in world trade patterns due to globalisation, more particularly to the liberalisation of trade in textiles and clothing following the expiry of the World Trade Organisation Multifibre Arrangement at the end of 2004 which has led to radical changes in the structure of world trade;
4. Recalls that the redundancies that occurred in five enterprises are expected to put an enormous strain on the territory affected and that the impact of the layoffs is linked to the difficulties of redeployment, due to the scarcity of jobs, since the territory is away from the major industrial centres, to the low educational background of the dismissed workers, to their specific vocational skills developed in a sector now in decline, and to the high number of job seekers;
5. Emphasises that Ordes, the region affected by the redundancies, is highly dependent on the clothing industry and has seen a sharp decline in the number of clothing enterprises in recent years; regrets that the GDP per capita of the region has also been declining;
6. Considers that, taking into account the declining population, GDP per capita and industrial base of the region concerned, the application meets the criteria for EGF intervention despite involving fewer than 500 redundancies;
7. Is aware that the increase in imports into the Union has put a downward pressure on prices, which has had a negative effect on the financial position of enterprises in the Union textiles sector and has triggered a general trend in the textile and clothing industry to off-shore production in lower cost countries outside the Union; acknowledges that, in Galicia, this has resulted in a constant decrease in the number of clothing companies and, therefore, in an increase in redundancies;
8. Underlines that 83,5 % of the targeted beneficiaries are women and that the large majority of them are between 30 and 54 years old; acknowledges, in view of this, the importance of active labour market measures co-funded by the EGF for improving the chances of reintegrating this vulnerable group into the labour market;
9. Is concerned at the fact that such lay-offs may further compound the unemployment situation that the region in question has been facing since the onset of the economic and financial crisis;
10. Notes that Spain is planning six types of actions for the redundant workers covered by this application: (i) welcome sessions and preparatory workshops, (ii) occupational guidance, (iii) training, (iv) intensive job-search assistance, (v) tutoring after reintegration into work, (vi) incentives; considers the contribution to the expenses for carers of dependent persons to be of particular importance in view of the profile of the redundant workers;
11. Considers that the vocational training to be provided must broaden the spectrum of opportunities for the unemployed people, that the training activities should be related to a prospective study of employment trends, which should be included within the actions of this financing, and that it should expand the options of professional careers without any gender bias or limitation to non-qualified employment;
12. Considers that the approved programme should support, through advice and financial support, initiatives for the formation of cooperatives to be undertaken by the persons receiving the personalised services envisaged;

**Thursday 1 March 2018**

13. Points out that the coordinated package of personalised services benefiting from the EGF should be targeted, in terms of its design, to initiatives conducive to employment, to the upskilling of workers and to making the most of their employment histories as to reach out to the business community, including cooperatives, and should be coordinated with existing Union programmes, including the European Social Fund;
  14. Acknowledges that the coordinated package of personalised services has been drawn up in consultation with the social partners;
  15. Regrets that this application does not include any measures for young people who are not in education, employment or training (NEETs) given the tendency for young people to move away from the region in search of greater economic opportunities;
  16. Notes that the income support measures will constitute 18,21 % of the overall package of personalised measures, well below the maximum of 35 % set out in the EGF Regulation; and that those actions are conditional on the active participation of the targeted beneficiaries in job-search or training activities;
  17. Recalls that in accordance with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy; welcomes Spain's declaration that the coordinated package shows great potential to facilitate such a shift.
  18. Stresses that the Spanish authorities have confirmed that the eligible actions do not receive assistance from other Union funds or financial instruments;
  19. Welcomes Spain's confirmation that a financial contribution from the EGF will not replace actions the enterprises concerned are required to take by virtue of national law or pursuant to collective agreements, or measures for restructuring companies or sectors;
  20. Calls on the Commission to urge national authorities to provide more details, in future proposals, on the sectors which have growth prospects and are therefore likely to hire people, as well as to gather substantiated data on the impact of the EGF funding, including on the quality of jobs and the reintegration rate achieved through the EGF;
  21. Recalls its appeal to the Commission to assure public access to all the documents related to EGF cases;
  22. Approves the decision annexed to this resolution;
  23. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  24. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.
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Thursday 1 March 2018

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the mobilisation of the European Globalisation Adjustment Fund following an application from Spain — EGF/  
2017/006 ES/Galicia apparel**

*(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2018/515.)*

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Thursday 1 March 2018

P8\_TA(2018)0054

## **Mobilisation of the European Globalisation Adjustment Fund: application EGF/2017/007 SE/ Ericsson**

**European Parliament resolution of 1 March 2018 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from Sweden — EGF/2017/007 SE/Ericsson) (COM(2017)0782 — C8-0010/2018 — 2018/2012(BUD))**

(2019/C 129/17)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2017)0782 — C8-0010/2018),
  - having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006<sup>(1)</sup> (EGF Regulation),
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020<sup>(2)</sup>, and in particular Article 12 thereof,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>(3)</sup> (IIA of 2 December 2013), and in particular point 13 thereof,
  - having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,
  - having regard to the letter of the Committee on Employment and Social Affairs,
  - having regard to the letter of the Committee on Regional Development,
  - having regard to the report of the Committee on Budgets (A8-0032/2018),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns or of the global financial and economic crisis, and to assist their reintegration into the labour market;
- B. whereas, in order to facilitate the redeployment and reinsertion of workers made redundant, the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible;
- C. whereas Sweden submitted application EGF/2017/007 SE/Ericsson for a financial contribution from the EGF, following 2 388 redundancies, in the economic sector classified under the NACE Revision 2 Division 26 (Manufacture of computer, electronic and optical products) in the NUTS level 2 regions of Stockholm (SE11), Västsverige (SE23), and Östra Mellansverige (SE12), as well as in the area of Sydsverige (SE22);

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> OJ C 373, 20.12.2013, p. 1.

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- D. whereas the application is based on the intervention criteria of point (a) of Article 4(1) of the EGF Regulation, which requires at least 500 workers being made redundant over a reference period of four months in an enterprise in a Member State, including workers made redundant by suppliers and downstream producers and self-employed persons whose activity has ceased;
- E. whereas there have been several applications submitted from the same or related sectors and involving big companies in the recent years;
1. Agrees with the Commission that the conditions set out in Article 13(1) of the EGF Regulation are met and that Sweden is entitled to a financial contribution of EUR 2 130 400 under that Regulation, which represents 60 % of the total cost of EUR 3 550 667;
  2. Notes that the Swedish authorities submitted the application on 9 August 2017, and that, following additional information provided by Sweden, the Commission finalised its assessment on 18 December 2017 and notified it to Parliament on 15 January 2018;
  3. Recalls that this is a second application from Sweden for a financial contribution from the EGF in relation to redundancies in Ericsson, following a previous application in March 2016 and a positive decision thereon <sup>(1)</sup>;
  4. Regrets the low take-up of the previous 2016 EGF case involving redundancies at Ericsson but is pleased that lessons have been learnt from it; notes with approval that former employees targeted by the current application will be able to take up education and training without their redundancy payments being adversely affected;
  5. Notes that Sweden argues that the redundancies are linked to major structural changes in world trade patterns due to globalisation and more particularly to the negative growth in the hardware-centric business line of the telecom industry for Ericsson in Sweden due to global competition; points out that Ericsson has gradually been cutting staff in Sweden, but in the meantime has been growing worldwide;
  6. Is aware that there is a high demand for people with IT skills across the different regions, while there is a skills mismatch between those dismissed by Ericsson and labour market requirements; acknowledges that many people with the same skills are being made redundant at the same time, in the same geographical areas; considers that blue collar and older workers are in particular need of assistance; notes that the EGF could also facilitate the cross border movement of workers from shrinking sectors located in some Member States to expanding sectors in other Member States;
  7. Recalls the diversity of employees, both blue-collar and white-collar, affected by the redundancies; is concerned that some workers face a labour market with rather low demand in traditional manufacturing industries; acknowledges that opportunities for these workers in public or private sector service industries would require major retraining efforts;
  8. Notes that the application relates to 2 388 workers made redundant by Ericsson, of whom 900 will be targeted by the proposed measures; points to the fact that more than 30 % of that group are between 55 and 64 years of age with skills specific to the telecoms hardware industry, which are outdated for the current job market, and that they are therefore in a disadvantaged position to return to work and at risk of long-term unemployment; welcomes, therefore, the 'Measures for Disadvantaged Groups' focus of the project;
  9. Welcomes the decision to provide specialised help to redundant workers above the age of 50 who are in danger of becoming long-term unemployed, and those with learning or physical disabilities, in view of the increased challenges they are likely to face in finding alternative work;
  10. Notes that the cost of allowances and incentives for dismissed workers almost reaches the limit of 35 % of the total cost of the coordinated package of personalised services listed under the point (b) of Article 7(1) of the EGF Regulation and that those actions are conditional on the active participation of the targeted beneficiaries in job-search or training activities;

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<sup>(1)</sup> Decision (EU) 2016/1858 of the European Parliament and of the Council of 11 October 2016 on the mobilisation of the European Globalisation Adjustment Fund (following an application from Sweden — EGF/2016/002 SE/Ericsson) (OJ L 284, 20.10.2016, p. 25).

**Thursday 1 March 2018**

11. Notes that Sweden is planning five types of actions for the redundant workers covered by this application: (i) counselling and career planning, (ii) measures for disadvantaged groups, (iii) entrepreneurship support, (iv) education and training, (v) job search and mobility allowances; notes also that the proposed actions would help redundant workers to adapt their skills and facilitate their transition to new jobs or help them set up their own enterprises; stresses that the measures described constitute active labour market measures within the eligible actions set out in Article 7(1) of the EGF Regulation and do not substitute social protection measures; welcomes Sweden's decision to start providing personalised services to the targeted beneficiaries in February 2017, in advance of the EGF application;
  12. Acknowledges that the coordinated package of personalised services has been drawn up in consultation with the targeted beneficiaries and their representatives as well as local public actors; calls for more consultations with entrepreneurs in order to match the development of new skills and education to their needs;
  13. Recalls that, in accordance with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy; welcomes the obligation for the Swedish Public Employment Service to include environmental demands in its calls for tender and in its own practice;
  14. Stresses that the Swedish authorities have confirmed that the eligible actions do not receive assistance from other Union funds or financial instruments;
  15. Reiterates that assistance from the EGF must not replace actions which are the responsibility of companies, by virtue of national law or collective agreements, or measures for restructuring companies or sectors;
  16. Calls on the Commission to urge national authorities to provide more details, in future proposals, on the sectors which have growth prospects and are therefore likely to hire people, as well as to gather substantiated data on the impact of the EGF funding, including on the quality, duration and sustainability of new jobs, on the number and percentage of self-employed persons and start-ups, and the reintegration rate achieved through the EGF;
  17. Recalls its appeal to the Commission to assure public access to all the documents related to EGF cases;
  18. Approves the decision annexed to this resolution;
  19. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  20. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.
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Thursday 1 March 2018

ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the mobilisation of the European Globalisation Adjustment Fund following an application from Sweden —  
EGF/2017/007 SE/Ericsson**

*(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2018/514.)*

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ISSN 1977-091X (electronic edition)  
ISSN 1725-2423 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**