Official Journal of the European Union

C 433

English edition

Information and Notices

Volume 62

23 December 2019

Contents

EN

III *Preparatory acts*

European Parliament

Tuesday 11 September 2018

EUROPEAN PARLIAMENT

2018-2019 SESSION

Sittings of 10 to 13 September 2018

The Minutes of this session have been published in OJ C 227, 5.7.2019.

TEXTS ADOPTED

Tuesday 11 September 2018

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0323

The impact of EU cohesion policy on Northern Ireland

European Parliament resolution of 11 September 2018 on the impact of EU cohesion policy on Northern Ireland (2017/2225(INI))

(2019/C 433/01)

The European Parliament,

— having regard to the impact of EU cohesion policy on Northern Ireland,

— having regard to the provisions of the 1998 Belfast Agreement (Good Friday Agreement),

— having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the report of the Committee on Regional Development and the opinion of the Committee on Budgetary Control (A8-0240/2018),

A. whereas EU cohesion policy in Northern Ireland operates through various instruments, including the European Regional Development Fund, the European Social Fund, the European Agricultural Fund for Rural Development, the European Maritime and Fisheries Fund, the PEACE Programme for Northern Ireland and the Border Region and the cross-border Interreg programme;

B. whereas it is clear that Northern Ireland is a region that has benefited greatly from the EU's cohesion policy; whereas the commitment to future funding in the Commission's draft multiannual financial framework (MFF) for 2021-2027 is very welcome;

C. whereas, in addition to the more general cohesion policy funds, Northern Ireland has benefited in particular from special cross-border and inter- and cross-community programmes, including the PEACE Programme;

D. whereas EU cohesion policy, particularly through the PEACE Programme, has decisively contributed to the peace process in Northern Ireland, supports the Good Friday Agreement and continues to support the reconciliation of the communities;

E. whereas following the creation of the first PEACE Programme in 1995, more than EUR 1.5 billion has been spent with the dual aim of promoting cohesion between communities involved in the conflict in Northern Ireland and the border counties of Ireland, as well as economic and social stability;

F. whereas the success of EU cohesion funding partly derives from the fact that it is seen as 'neutral money', i.e. not directly linked to the interests of either community;

1. Underlines the important and positive contribution of EU cohesion policy to Northern Ireland, particularly in terms of assisting the recovery of deprived urban and rural areas, of tackling climate change and of building cross-community and cross-border contacts in the context of the peace process; notes in particular that assistance to deprived urban and rural areas often takes the form of support for new economic development that promotes the knowledge economy, such as the Science Parks in Belfast and Derry/Londonderry;

2. Emphasises that more than EUR 1 billion in EU financial assistance will be spent on economic and social development in Northern Ireland and the neighbouring regions in the current financing period, of which EUR 230 million will be invested in the Northern Ireland PEACE Programme (with a total budget of almost EUR 270 million) and EUR 240 million in the Interreg V-A programme for Northern Ireland, Ireland and Scotland (with a total budget of EUR 280 million);

3. Considers that the special EU programmes for Northern Ireland, especially the PEACE Programme, are of key importance for sustaining the peace process, as they foster reconciliation and inter- and cross-community and cross-border contacts; notes that cross-community and cross-border social hubs and shared services are particularly important in this regard;

4. Welcomes the important steps forward that have been taken in Northern Ireland under the PEACE Programme, and acknowledges the work of all parties in this process;

5. Sees that inter- and cross-community trust-building measures, and measures for a peaceful coexistence, such as shared spaces and support networks, have played a key role in the peace process, as shared spaces allow the communities in Northern Ireland to come together as a single community for joint activities and develop mutual trust and respect, thereby helping to heal the divide;

6. Emphasises the importance of community-led local development and of the bottom-up approach, which encourages all communities to take ownership of projects, thus enhancing the peace process;

7. Notes the attachment of all stakeholders in Northern Ireland to the continuance of EU cohesion policy goals in the region; stresses, in this regard, the importance of coordinated multilevel governance and the partnership principle;

8. Is of the opinion, nevertheless, that more must be done to increase general awareness and visibility of the impact and necessity of EU funding in Northern Ireland, in particular by informing the general public about the impact of EU-funded projects for the peace process and the economic development of the region;

9. Welcomes the fact that management and control systems in the regions are functioning properly and that EU financial assistance is therefore being spent effectively; stresses, nevertheless, that in addition to compliance, the underlying objectives of the PEACE Programme must always be taken into account when assessing the performance of this programme;

10. Without prejudice to the ongoing EU-UK negotiations, believes that it is crucial, post-2020, for Northern Ireland to be able to participate in certain special EU programmes, such as the PEACE Programme and the Interreg V-A programme for Northern Ireland, Ireland and Scotland, as this would strongly benefit sustainable economic and social development, particularly in disadvantaged, rural and border areas, by reducing existing gaps; urges, furthermore, in the context of the post-2020 MFF, that all relevant financial instruments be used to enable the continuation of the objectives of cohesion policy;

11. Considers that, post-2020, without prejudice to the ongoing EU-UK negotiations, EU support for territorial cooperation, especially regarding cross-border and cross-community projects, should be continued in view of the achievements of the special EU cohesion programmes for Northern Ireland, namely the PEACE Programme and the Interreg programmes, which are particularly important for the stability of the region; fears that an end to these programmes would endanger cross-border and inter- and cross-community trust-building activities and, as a consequence, the peace process;

12. Emphasises that 85 % of funding for the PEACE and Interreg programmes comes from the EU; considers, therefore, that it is important that the EU should continue to reach out to the communities in Northern Ireland post-2020 by playing an active role in the administration of the available EU cohesion and inter- and cross-community funding in Northern Ireland, thereby helping them to overcome societal divisions; in this context, believes that funding should be maintained at an adequate level post-2020; stresses that this is important to allow the peace-building work to continue;

13. Calls on the Commission to promote the Northern Irish experience with cohesion funding, especially with the PEACE Programme, as an example of how the EU is addressing inter-community conflicts and community divisions; stresses, in this regard, that the Northern Irish reconciliation process is a positive example for other areas in the EU which have experienced conflict;

14. Stresses that good practices with cohesion funding and the PEACE Programme should be taken as the EU model and promoted in order to overcome mistrust among communities in conflict and to achieve lasting peace in other parts of Europe and even worldwide;

15. Considers that it is essential that the people of Northern Ireland, and in particular young people, should continue to have access to economic, social and cultural exchanges across Europe, particularly to the Erasmus+ programme;

16. Notes the Commission's intention to propose the continuation of the PEACE and Interreg programmes in its proposal for the MFF 2021-2027; notes, in addition, the UK position paper on the future of Cohesion Policy of April 2018, in which the UK states its willingness to explore a potential successor to PEACE IV, as well as Interreg V-A, for the post-2020 period with the Northern Ireland Executive, the Irish Government and the EU, in addition to its engagement to honour commitments to PEACE and Interreg under the current MFF;

17. Instructs its President to forward this resolution to the Council and the Commission, to the Northern Ireland Assembly and Executive, and to the governments and parliaments of the Member States and their regions.

Tuesday 11 September 2018

P8_TA(2018)0324

Specific measures for Greece

European Parliament resolution of 11 September 2018 on the implementation of specific measures for Greece under Regulation (EU) 2015/1839 (2018/2038(INI))

(2019/C 433/02)

The European Parliament,

— having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ([1]),

— having regard to the communication from the Commission of 15 July 2015 entitled 'A new start for jobs and growth in Greece' (COM(2015)0400),

— having regard to Regulation (EU) 2015/1839 of the European Parliament and of the Council of 14 October 2015 amending Regulation (EU) No 1303/2013 as regards specific measures for Greece ([2]),

— having regard to Regulation (EU) 2017/825 on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 (SRSP) ([3]),

— having regard to the Commission staff working document of 19 September 2016 on ex post evaluations of the ERDF and Cohesion Fund 2007-2013 (SWD(2016)0318),

— having regard to the report from the Hellenic Ministry of Economy and Development on the use of the amounts under Regulation (EU) 2015/1839 (programming period 2007-2013) ([4]),

— having regard to the Oral Question to the Commission on the Implementation of Regulation (EU) 2015/1839 on specific measures for Greece (O-000100/2017 – B8-0001/2018),

— having regard to Rule 52 of its Rules of Procedure, as well as to Article 1(1)(e) of and Annex 3 to the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the report of the Committee on Regional Development (A8-0244/2018),

A. whereas cohesion policy is an expression of solidarity and the main investment instrument of the EU, covering all regions and reducing disparities; whereas the importance of its added value and its flexibility during the economic and financial crisis have been confirmed on several occasions; whereas, with the existing budgetary resources, cohesion policy has contributed to maintaining much-needed public investment opportunities, helped to prevent the crisis from worsening and enabled Member States and regions to adopt tailor-made responses in view of increasing their resilience to unexpected events and external shocks;

B. whereas support between 2007 and 2015 from the ERDF and the Cohesion Fund (CF) in Greece amounted to EUR 15.8 billion, equivalent to some 19 % of total government capital expenditure;

([1]) OJ L 347, 20.12.2013, p. 320.
([2]) OJ L 270, 15.10.2015, p. 1.
([3]) OJ L 129, 19.5.2017, p. 1.
([4]) Athens, May 2017.

C. whereas the economic and financial crisis had led to persistently negative growth rates in Greece, which could not be addressed by the three international rescue packages, as well as to serious liquidity problems and a lack of public funds;

D. whereas Greece and the Greek islands have been – and continue to be – particularly hard-hit by the refugee and migration crisis and are under great pressure from the increased inflows of migrants and refugees, resulting in a huge blow to local economic activity, particularly in the area of tourism;

E. whereas between 2007 and 2013, Greece's GDP declined by 26 % in real terms and while the recession came to an end in 2014, growth over the following two years was less than 1 %; whereas the employment rate fell from 66 % to 53 % in 2013, implying that only over half of working-age people were in employment, while unemployment increased from 8.4 % to 27.5 % over the same period, strongly impacting the purchasing power of the Greek population and severely affecting several sectors, including health; whereas, according to the latest Eurostat data, the rate of unemployment stands at 20.8 %, with a high level of youth unemployment;

F. whereas the Commission and the co-legislators acknowledged in 2015 that Greece has been affected by the crisis in a unique manner, which could have had a severe impact on both the finalisation of the operations under the 2000-2006 and the 2007-2013 operational programmes and the start of the implementation of the 2014-2020 cohesion policy programmes;

G. whereas the adoption of Regulation (EU) 2015/1839 was intended to provide Greece with liquidity at a crucial moment before the implementation of programmes had come to a halt and necessary investment opportunities had been missed, as substantial amounts would have been recovered in the event of failure to complete projects from the 2000-2006 and the 2007-2013 periods;

H. whereas Regulation (EU) 2015/1839 set out an additional initial pre-financing for the 2014-2020 programming period, of two instalments of 3.5 % each of the amount of support from the cohesion policy funds and the European Maritime and Fisheries Fund (EMFF), as well as the application for the 2007-2013 programming period of a 100 % cofinancing rate to the eligible expenditure and the early release of the last 5 % of remaining EU payments, which should have been retained until the closure of the programmes;

I. whereas the Regulation was adopted with a view to responding as promptly as possible to a serious crisis situation and ensuring that Greece had sufficient funding to complete the projects under the 2007-2013 programming period and to start implementation under the current period;

J. whereas according to Article 152(6)(2), Greece had to submit, by the end of 2016, a report to the Commission on the implementation of the provisions related to the application of the 100 % cofinancing rate and to the ceiling for payments to programmes at the end of the programming period;

K. whereas the EU also paid for 95 % of the total investment cost under the 2007-2013 financing period in Greece (maximum of 85 % otherwise applicable), through the so-called 'top-up' measure Regulation (EU) No 1311/2011;

L. whereas a ring-fenced account was put in place in October 2015, to which all funds allocated to the financing of EU-financed projects were transferred in order to ensure that they were used solely for payments to beneficiaries and operations under the operational programmes;

M. whereas Greece has also received support since 2011 through the Commission's Task Force for Greece, providing technical assistance for the country's reform process, and since 2015 through the Structural Reform Support Service providing assistance for the preparation, design, implementation and evaluation of growth-enhancing reforms; whereas Regulation (EU) 2017/825 on the establishment of the Structural Reform Support Programme (SRSP) for the period 2017 to 2020 entered into force on 20 May 2017 and marked an important moment for the commitments of the Structural Reform Support Service with the interested Member States, including Greece;

Tuesday 11 September 2018

1. Reiterates the important role cohesion policy plays in delivering the EU objectives of smart, sustainable and inclusive growth, combating unemployment, reducing inequalities and strengthening the competitiveness of all EU regions, in expressing European solidarity and in complementing other policies; recalls, moreover, that the European Structural and Investment Funds (ESIFs) are the biggest source of direct investment in Greece;

2. Takes note of the report on the use of the amounts under Regulation (EU) 2015/1839 related to the 2007-2013 programming period which was due at the end of 2016; notes that the report was submitted by the Greek authorities in May 2017 and made available to Parliament in December 2017, after several requests; appreciates that the Commission has provided Parliament with a provisional assessment of the list of 181 priority projects, amounting to EUR 11.5 billion and equivalent to about 55 % of the total ERDF, CF and ESF allocations to Greece for 2007-2013, of which 118 had already been successfully implemented by the end of the programming period and 24 considered as being phased out;

3. Stresses that according to the data provided in the above report, following the adoption of the Regulation as regards specific measures for Greece, the direct impact on liquidity in 2015 was of EUR 1 001 709 731,50 and the 2016 inputs amounted to EUR 467 674 209,45; notes, moreover, that together with the increase of the initial pre-financing for the 2014-2020 programming period, Greece received approximately EUR 2 billion in 2015-2016;

4. Appreciates that the amounts paid were directed to a wide range of projects: transport and other infrastructures (environment, tourism, culture, urban and rural regeneration, social infrastructures), information society projects, and actions to develop human resources; welcomes, in addition, the fact that 63 % of total payments to state aid projects concerned aid for enterprises and business projects, contributing directly to competitiveness and the reduction of entrepreneurial risk, while 37 % concerned state aid actions for infrastructure projects, supplementing the arrangements in the field of market conditions and business improvement;

5. Appreciates that the report submitted by the Greek authorities acknowledges that the liquidity increase represented at the same time an enhancement of financial revenue, by approximately EUR 1.5 billion, and of the public investment programme for 2015-2016;

6. Welcomes the effects of the measures as regards the enhancement of economic activity, the normalisation and consolidation of the turnover and working capital of a significant number of businesses, the creation and preservation of jobs, and the completion of important production infrastructures, reflected also in a significant impact on tax revenue in the budget;

7. Understands that the funds paid by the EU as a result of the implementation of the Regulation were used in 2015 for the completion of the projects under the Operational Programmes until the end of the eligibility period, and that in 2016, the remaining amount which was paid alongside national resources also contributed to the completion of other projects;

8. Appreciates that the Greek authorities undertook to reorganise the project classification and identify major projects to be selected for completion; underlines that this helped significantly to overcome institutional and administrative obstacles and to establish priority actions to be implemented without further delay, thus also preventing financial corrections; welcomes the fact that the funds paid by the EU under Regulation (EU) 2015/1839 significantly reduced the number of projects declared as incomplete; notes that, compared to the 2000-2006 programming period, in which some 900 projects were not completed, 79 projects had still not been completed at the time of submission of the final claims for the 2007-2013 programming period, but that these are expected to be completed with the use of national funds;

9. Underlines that the absorption of structural funds has notably improved and, as at the end of March 2016, the payments rate in Greece for the 2007-2013 programming period was over 97 % ([5]) and that according to the state of execution of total payments and 'reste à liquider' (RAL) for the programmes for 2007-2013 of 31 March 2018, Greece has no RAL under Heading 1b ([6]); welcomes the fact that Greece was the first Member State to have fully taken up the available resources and to reach a 100 % absorption rate compared to the EU average of 96 %;

([5]) Commission Staff Working Document on ex post evaluations of the ERDF and Cohesion Fund 2007-2013.

([6]) State of execution of total payments and the level of the 'reste à liquider'(RAL) for Heading lb (programmes 2007-2013) - Designation of national authorities and state of execution of interim payments of 2014-2020 ESIF Operational Programmes (Status as of 31 March 2018).

10. Acknowledges, however, that absorption rates provide only indicative information and that an emphasis on the absorption of funds should not be at the expense of effectiveness, added value and quality of investments; notes that the specific measures are of a macroeconomic nature and that their effects are difficult to trace to individual projects;

11. Recalls that the ESI Funds have a significant impact on GDP and other indicators in several Members States, as well as on social, economic and territorial cohesion in general, and that investment supported by cohesion and rural development policies in Greece is estimated to have increased GDP in 2015, at the end of the previous programming period, by over 2 % above the level it would have been in the absence of the funding provided; recalls that the use of EU structural funds must always focus on delivering its Treaty-based objectives and on achieving real EU added value, target EU priorities and go beyond mere GDP growth;

12. Takes note of the mainly quantitative analysis of the report submitted by the Greek authorities on the use of the amounts under Regulation (EU) 2015/1839 related to the 2007-2013 programming period, complying with the legal requirements; acknowledges that the effect of the specific measures cannot be separated from the overall impact of the ESI Funds in Greece but considers that a qualitative assessment, although difficult to carry out, would help to complement the analysis and understand the results achieved; encourages the Commission to provide more information in terms of increased competitiveness and productivity and sustainability in social and ecological aspects;

13. Appreciates the fact that, according to the final data communicated to the Commission on 31 December 2016, the amount of payment requests by the Greek authorities was EUR 1.6 billion and that Greece showed, as at 31 March 2018, a 28 % implementation rate for the 2014-2020 programming period ([7]), being among the best performing Member States, in general, despite some differences to be noted concerning the level of breakdown or the absorption rate by fund; endorses, furthermore, the adoption of Regulation (EU) 2015/1839 as an important measure, appropriate to provide tailor-made support at a crucial moment for Greece; welcomes the fact that, as required, the additional pre-financing was entirely covered by intermediate requests for payment by the ERDF and the CF, while noting that it was not fully covered by the European Social Fund (around 4 %) or the European Maritime and Fisheries Fund;

14. Recalls the importance of relevant structural reforms; acknowledges the efforts made and invites Greece to continue making full use of the possibilities for assistance under the SRSP, in order to create a sound business environment for the efficient and effective use of ESI funds and for maximising their socioeconomic impact;

15. Acknowledges that by supporting public investment and deploying EU investments flexibly, through the reprogramming of funds or by raising the cofinancing rate, regional policy mitigated the impact of the financial crisis and of sustained fiscal consolidation in several Member States; stresses, in this context, the importance of ensuring the appropriate funding thereof for the next Multiannual Financial Framework; reiterates nevertheless that cohesion policy should be seen as the main public investment tool and as a catalyst to attract additional public and private funding, and that similar measures resulting in a reduction in the national cofinancing quotas required for receiving funding for operational programmes financed by the Structural Funds, for Greece or another Member State, should be envisaged on an exceptional basis only and, prior to their adoption and implementation, examined from the perspective of their effectiveness, and duly justified;

16. Notes that some regions face difficulties in cofinancing projects under the ESI Funds; calls, therefore, on the Commission to consider, as a matter of urgency, in the context of the European Semester and the Stability and Growth Pact, the impact on the calculation of government deficits of regional investments cofinanced through the ESI Funds, especially of those in the less developed regions;

17. Reminds the Greek authorities of the importance of ensuring proper communication and visibility of investments under the ESI Funds;

18. Welcomes the preliminary assessment that the 2007-2013 programming period is expected to be closed with no loss of funds for Greece; asks the Commission to inform Parliament on the results of the closure process, which is expected to be concluded in the first half of 2018, as well as to provide an update on the projects to be completed with national funds and those which were still uncompleted as at 31 March 2018;

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

([7]) State of execution of total payments and the level of the 'reste à liquider' (RAL) for Heading lb (programmes 2007-2013) - Designation of national authorities and state of execution of interim payments of 2014-2020 ESIF Operational Programmes (Status as of 31 March 2018).

Tuesday 11 September 2018

P8_TA(2018)0325

Pathways for the reintegration of workers recovering from injury and illness into quality employment

European Parliament resolution of 11 September 2018 on pathways for the reintegration of workers recovering from injury and illness into quality employment (2017/2277(INI))

(2019/C 433/03)

The European Parliament,

— having regard to the Universal Declaration of Human Rights,

— having regard to the European Charter of Fundamental Rights,

— having regard to the Interinstitutional Proclamation on the European Pillar of Social Rights,

— having regard to the European Social Charter of 3 May 1996,

— having regard to its resolution of 15 September 2016 on the application of the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive') ([1]),

— having regard to the European Chronic Disease Alliance's joint statement of November 2017 on "Improving the employment of people with chronic diseases in Europe",

— having regard to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) and its entry into force in the EU on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009,

— having regard to its resolution of 25 November 2015 on the EU Strategic Framework on Health and Safety at Work 2014-2020 ([2]),

— having regard to the 2014 joint report by the European Agency for Safety and Health at Work (EU-OSHA) and the European Foundation for the Improvement of Living and Working Conditions (Eurofound) on "Psychosocial risks in Europe – Prevalence and strategies for prevention",

— having regard to its resolution of 30 November 2017 on implementation of the European Disability Strategy ([3]),

— having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee ([4]),

— having regard to the Declaration of Philadelphia of 10 May 1944 on the goals and objectives of the International Labour Organisation (ILO),

— having regard to its resolution of 23 May 2007 on promoting decent work for all ([5]),

([1]) OJ C 204, 13.6.2018, p. 179.
([2]) OJ C 366, 27.10.2017, p. 117.
([3]) Texts adopted, P8_TA(2017)0474.
([4]) OJ C 101, 16.3.2018, p. 138.
([5]) OJ C 102 E, 24.4.2008, p. 321.

Tuesday 11 September 2018

— having regard to the Commission communication of 2 July 2008 entitled a 'Renewed social agenda: Opportunities, access and solidarity in 21st century Europe' (COM(2008)0412),

— having regard to the Commission report of 24 February 2011 on the implementation of the European social partners' Framework Agreement on Work-related Stress (SEC(2011)0241),

— having regard to the Commission communication of 21 February 2007 entitled 'Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work' (COM(2007)0062),

— having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ([6]),

— having regard to the Anti-Discrimination Directive 2000/78/EC and case law of the Court of Justice of the European Union (CJEU), such as, Joined Cases C-335/11 and C-337/11 of 11 April 2013 (*HK Denmark*), which together establish the prohibition for employers to discriminate when long-term ill health can be assimilated to handicap, as well as the obligation for employers to make reasonable adaptations to working conditions,

— having regard to the EU Joint Action on Mental Health and Well-being launched in 2013,

— having regard to the EU-OSHA's campaign entitled 'Healthy Workplaces Manage Stress',

— having regard to its recent pilot project on health and safety of older workers, carried out by the EU-OSHA,

— having regard to the EU-OSHA 2016 report entitled 'Rehabilitation and return to work: Analysis report on EU and Member States policies, strategies and programmes',

— having regard to the Eurofound 2014 report on 'Employment opportunities for people with chronic diseases',

— having regard to Business Europe's 2012 paper on 'Employers' practices for Active Ageing',

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

— having regard to the report of the Committee on Employment and Social Affairs (A8-0208/2018),

A. whereas work-related stress is a growing problem and the second most frequently reported work-related health problem in Europe; whereas 25 % ([7]) of workers report that they experience work-related stress; whereas work-related stress can undermine the individual's right to healthy working conditions; whereas work-related stress further contributes to absenteeism and low job satisfaction, negatively impacts productivity and accounts for almost half the number of working days lost each year;

B. whereas the ageing of the European workforce presents new challenges as regards the working environment and the changed organisation of work; whereas ageing is accompanied by a higher risk of developing chronic mental and physical health problems, including disabilities and illnesses, which make prevention, reintegration and rehabilitation important policies to keep workplaces as well as pension and social security systems sustainable; whereas chronic diseases do not concern only the older population;

([6]) OJ L 303, 2.12.2000, p. 16.
([7]) https://osha.europa.eu/en/tools-and-publications/publications/reports/psychosocial-risks-eu-prevalence-strategies-prevention/view

C. whereas long-term work absence has a detrimental impact on mental and physical health, as well as high social and economic costs, and can prevent return to work; whereas health and wellbeing play a central role in building sustainable economies; whereas it is important to consider the serious financial impact of diseases or disabilities on families if those affected cannot go back to work;

D. whereas while a distinction exists between disability, injury, illness and conditions associated with age, these also often overlap and require a comprehensive yet case-by-case approach on an individual basis;

E. whereas ageing is one of the main social challenges facing the EU; whereas there is therefore a need for policies to foster active ageing to enable people to stay active and in employment until retirement age, or beyond if they so wish; whereas the older generation and its experience are indispensable for the labour market; whereas older people willing to stay in work often look for flexible or individualised working arrangements; whereas illness, disability and exclusion from work has serious financial consequences;

F. whereas smoking, alcohol and drug abuse are among the most significant health-risk factors for the working-age population in the EU, associated as they are with both injuries and various non-communicable diseases ([8]); whereas 20-25 % of all workplace accidents involve people under the influence of alcohol ([9]), and whereas it is estimated that between 5 % and 20 % of the working population in Europe have serious problems related to their use of alcohol ([10]); whereas the reintegration of workers who have suffered from substance-abuse problems into quality employment presents specific challenges for employers;

G. whereas people with disabilities or chronic diseases, or that are recovering from injury or illness, are in a vulnerable situation and should benefit from individualised support when returning to their place of work or the labour market; whereas some people with chronic conditions do not wish to, or cannot, return to work;

H. whereas the field of occupational rehabilitation and return to work could provide valuable volunteering opportunities, for example by engaging volunteer work after retirement; whereas volunteering should be supported at any age;

I. whereas employers first need to promote a health and safety culture in the workplace; whereas volunteering to take part in occupational safety and health (OSH) activities such as working groups could also contribute to the changing of culture;

J. whereas work plays an important role in facilitating the recovery and rehabilitation process, given the key positive psychosocial benefits work brings to the employee; whereas good OSH practices are crucial for a productive and motivated workforce, which helps companies remain competitive and innovative, ensures workers' wellbeing and helps maintain valuable skills and work experience, reduce staff turnover and prevent exclusion, accident and injury; whereas, therefore, the Commission is encouraged to consider whole-cost accounting in the field of active and social inclusion; whereas the adoption of appropriate and individually tailored approaches towards the reintegration of people recovering from injury or illness into quality employment is an important factor in preventing additional absenteeism or sickness presenteeism;

K. whereas the definition of people with reduced working capacity can vary across Member States;

([8]) Institute for Health Metrics and Evaluation (2016) GBD Compare Data Visualization. http://vizhub.healthdata.org/gbd-compare

([9]) Science Group of the European Alcohol and Health Forum (2011) Alcohol, Work and Productivity. https://ec.europa.eu/health//sites/health/files/alcohol/docs/science_02_en.pdf

([10]) Eurofound (2012), 'Use of alcohol and drugs at the workplace'. https://www.eurofound.europa.eu/sites/default/files/ef_-files/docs/ewco/tn1111013s/tn1111013s.pdf

L. whereas SMEs and micro-enterprises have particular needs in this regard as they have fewer of the resources needed to comply with the obligations attendant to sickness and accident prevention and, therefore, often require support in order to attain their OSH objectives; whereas, on the other hand, good OSH practices are crucial for SMEs and micro-enterprises, particularly for the sustainability of their business; whereas various EU-financed programmes offer possibilities for valuable exchange of innovations and best practices in the field of sustainable OSH;

M. whereas negative psychosocial factors in the workplace are linked not only to health outcomes, but also to increased absenteeism and low job satisfaction; whereas individually-tailored OSH measures can enable an individual with changed work capacity to remain in employment and benefit the whole workforce; whereas while absence from work is sometimes medically necessary, there are also further negative psycho-social effects for people who spend longer time away from work and who are, as a consequence, less likely ever to return to work; whereas early coordinated care, with the employee's wellbeing as the prime focus, is crucial to improving return-to-work outcomes and preventing long-term negative consequences for the individual;

N. whereas the availability and comparability of data on occupational diseases at EU-level is often insufficient; whereas, according to Eurofound, roughly 28 % of Europeans report having a chronic physical or mental health problem, illness or disability ([11]); whereas one in four people of working age are estimated to live with longstanding health problems ([12]); whereas disability and ill-health can simultaneously be the causes and consequences of poverty; whereas an OECD study has found that the incomes of people with disabilities are, on average, 12 % lower than those of the rest of the population ([13]); whereas in some countries this income gap is as large as 30 %; whereas a study in 2013 demonstrated that 21,8 % of cancer patients aged 18-57 years old became unemployed right after being diagnosed, with 91,6 % of this group becoming unemployed 15 months after diagnosis ([14]); whereas a 2011 Eurostat study ([15]) found that among employed people who are limited in their work capabilities because of a longstanding health problem and/or a basic activity difficulty, only 5,2 % report using special working arrangements; whereas, according to the same Eurostat study, 24,2 % of those who are unemployed specify that special working arrangements would be needed to facilitate a return to work;

O. whereas digitalisation is likely to result in major transformations in how work is organised and could help in improving the opportunities for workers with, for example, reduced physical abilities; whereas older generations are likely to face a unique set of challenges in this regard; whereas they should also benefit from these changes;

P. whereas the right to working conditions that respect the health, safety and dignity of every worker is enshrined in the Charter of Fundamental Rights of the European Union, and good working conditions have positive value in itself; whereas everyone has the right to a standard of living adequate for their health and well-being and the right to work and to just and favourable working conditions, in accordance with the Universal Declaration of Human Rights; whereas the improved health and reintegration of workers increase the overall wellbeing of society and have economic benefits to Member States, employees and employers, including older workers and individuals who have medical conditions, and help retain skills that would otherwise be lost; whereas employers, workers, families and communities benefit when work disability is transformed into work ability;

Prevention and early intervention

1. Considers it essential to improve the management of sickness absence in the Member States, as well as to make workplaces more adaptable to chronic conditions and disabilities, by tackling discrimination through better enforcement of Directive 2000/78/EC on equal treatment in employment and occupation; recognises that, for an improvement to take place, functioning legislation with effective overview must be in place in the Member States to ensure that employers make workplaces more inclusive for those suffering from chronic conditions and disabilities, including by, for example, modifying tasks, equipment and skills development; urges the Member States to support reasonable adaptations of workplaces to ensure a timely return to work;

([11]) Eurofound's Third European Quality of Life Survey 2001–2012, https://www.eurofound.europa.eu/surveys/european-quality-of-life-surveys/european-quality-of-life-survey-2012
([12]) p. 7 in https://ec.europa.eu/health//sites/health/files/social_determinants/docs/final_sum_ecorys_web.pdf
([13]) p. 7, main findings https://www.oecd.org/els/emp/42699911.pdf
([14]) p. 5 https://ec.europa.eu/health/sites/health/files/policies/docs/2017_chronic_framingdoc_en.pdf
([15]) Eurostat, 2011 LFS ad hoc module, mentioned in: https://ec.europa.eu/health/sites/health/files/policies/docs/2017_chronic_framingdoc_en.pdf

2. Calls on the Commission to promote integration and rehabilitation measures and to support efforts by Member States to raise awareness and identify and share good practices on accommodations and adjustments in the workplace; calls on all relevant return-to-work stakeholders to help facilitate the information exchange about potential non-medical barriers to return to work, and to coordinate actions to identify and address these;

3. Urges Eurofound to examine and analyse further the employment opportunities and degree of employability of people with chronic diseases; calls for the use of evidence-based policy to become standard practice and to form the basis of return-to-work approaches; calls on policy makers to take the lead in ensuring that employers and employees have access to information and medical care and that these best practices are promoted at European level;

4. Takes the view that the forthcoming EU Strategic Framework on Health and Safety at Work post 2020 should further prioritise investments, through EU funds, aimed at prolonging and promoting healthier lives and working lives, and individualised working arrangements, and at supporting recruitment and well-adapted return to work, where desired and where medical conditions allow; considers that an integral part of this strategy is investment in primary and secondary preventative mechanisms through, for example, the provision of e-health technologies; calls on the Commission and the Member States to prioritise the prevention of risks and illnesses at the workplace;

5. Encourages the Member States to engage fully in the forthcoming 2020-2022 EU-wide campaign on the prevention of work-related musculoskeletal disorders (MSDs), to find innovative non-legislative solutions and to exchange information and good practices with social partners; calls for the active involvement of the Member States in the dissemination of information provided by the EU-OSHA; reiterates its call on the Commission to submit, without delay, a legal act on MSDs; calls on the Member States to conduct studies – broken down by gender, age and area of economic activity – into the incidence of MSDs, with a view to preventing and combating the emergence of such disorders and to developing a comprehensive EU chronic-disease strategy for prevention and early intervention;

6. Calls on the Member States, and on employers, to take a proactive role in integrating the information provided by the EU-OSHA into their workplace policies and programmes; welcomes the recent launch of a section on the EU-OSHA website dedicated to work-related diseases, rehabilitation and return to work, with the aim of providing information about prevention policies and practices;

7. Takes the view that systematic psychosocial risk prevention is a crucial feature of modern workplaces; notes with concern the rise in reported cases of mental health and psychosocial problems over recent years, and the fact that work-related stress is a growing problem for employees and employers; calls on the Member States, and on the social partners, to provide support to businesses in implementing a coherent set of workplace policies and programmes to enhance prevention of these problems, tackle mental health stigma and support individuals facing existing conditions, by enabling access to psychological support; highlights, with a view to further motivating employers to take action, the benefits – including the proven return on investment – of psychosocial risk prevention and health promotion; notes that legislation and recognition of psychosocial risks and mental health problems, such as chronic stress and burnout, vary among Member States;

8. Stresses the importance of updating and providing common health indicators and definitions of work-related diseases, including stress at work, and EU-wide statistical data with a view to setting targets to reduce the incidence of occupational diseases;

9. Calls on the Commission and the Member States to develop and implement a programme for systematically monitoring, managing and supporting workers affected by psychosocial risks, including stress, depression and burnout, in order to, *inter alia*, draw up effective recommendations and guidelines for combating these risks; emphasises that chronic stress at work is recognised as a major obstacle to productivity and to the quality of life; notes that psychosocial risks and work-related stress are often structural problems linked to work organisation, and that preventing and managing these risks is possible; stresses the need to carry out studies, improve prevention and share best practices and tools for reintegrating affected persons in the labour market;

10. Calls for the de-stigmatisation of mental health problems and learning disabilities; encourages initiatives to raise awareness and support change in this regard through the development of psychosocial risk prevention policies and actions at company level; commends, in this context, the actions of social partners in the Member States contributing to a positive change; recalls the importance of properly training OSH service providers and labour inspectors in psychosocial risk management practices; calls for closer cooperation among, and revitalisation of, EU initiatives tackling psychosocial risks at work and for prioritising the issue in the upcoming EU OSH strategic framework;

11. Recognises that the reintegration of workers who have suffered from substance abuse problems presents specific challenges for employers; notes, in this regard, the example of the Alna model, run by the Swedish social partners ([16]), to support workplaces in taking proactive and early intervention measures, and in assisting in the rehabilitation process of employees who have had problems connected to substance abuse;

12. Welcomes the Healthy Workplaces Manage Stress campaign; emphasises that initiatives for tackling work-related stress must include the gender dimension, taking into account the specific working conditions of women;

13. Stresses the importance of investing more in risk-prevention policies and supporting a culture of prevention; points out that the quality of preventive services is key to supporting companies; calls on the Member States to implement effective policies on healthy diets, on alcohol and tobacco consumption and on air quality, and to promote such policies at the workplace; calls on the Member States, furthermore, to develop integrated health services with social, psychological, work services and occupational medicine; encourages Member States to provide workers with adequate access to healthcare to ensure early detection of the onset of physical and mental illness and facilitate the reintegration process; recalls that early investment and preventive action can reduce the long-term psychosocial impact on the individual, as well as the overall cost for society in the long term;

14. Requests that reintegration policies should be

— consistent with a lifecycle approach to education, life-long learning, social and employment policies,

— tailor made, targeted and needs-oriented, without placing demands on the participant unlikely to be met owing to his or her condition,

— participative and based on an integrated approach, and

— respectful of the pre-conditions necessary for allowing participation without creating conditions endangering a minimum-living income;

15. Considers that the Member States should provide targeted additional benefits for people with disabilities or chronic diseases covering extra costs in connection with, among other things personal support and assistance, the use of specific facilities and medical and social care, and establishing, i.a., affordable price levels for medicines for less advantaged social groups; stresses the need to ensure decent invalidity and retirement pension levels;

Return to work

16. Recognises that work is an important source of positive psychosocial wellbeing for individuals, and that the integration of long-term unemployed individuals into employment through individually tailored measures is a key factor in fighting poverty and social exclusion and has also other preventative psychosocial benefits; stresses that integrating persons returning to work after injury or illness, both physical and mental, has multiple positive effects: it benefits the wellbeing the individuals concerned, reduces costs for national social security systems and individual enterprises, supports the economy more widely, such as by making pension and social security systems more sustainable for future generations; notes the difficulties workers face in dealing with compensation systems that could present them with unnecessary delays in obtaining treatment, and that in some cases could be alienating; calls urgently for a customer-centric approach to all the administrative procedures associated with the reintegration of workers; calls on the Member States to take action, in cooperation with the Commission and relevant EU agencies, to counter the negative effects of long-term work absence, such as isolation, psychosocial difficulties, socioeconomic consequences and decreased employability;

([16]) http://www.alna.se/in-english

17. Takes the view that the Member States and employers should take a positive and work-oriented approach to workers with disabilities, older workers and those who have suffered a mental or physical illness or injury, including people diagnosed with terminal illness, focusing on early evaluation of the individual's remaining capacity and readiness to work, and organising psychological, social and employment counselling at an early stage and the adaptation of the workplace, taking into account the person's occupational profile and socio-economic situation as well as the situation of the undertaking; encourages the Member States to improve provisions in their social security systems favouring return to work, provided that it is desired by the employee and that medical conditions allow;

18. Notes the positive role that social enterprises, specifically Work Integration Social Enterprises (WISEs), have played in reintegrating long-term unemployed people back into the workforce; calls on the Member States to provide necessary recognition and technical support to these enterprises;

19. Encourages, in this regard, references to the UN CRDP and its Optional Protocol (A/RES/61/106), and the use of the World Health Organisation's (WHO) International Classification of Functioning, Disability and Health (ICF) across all relevant measures and policies; shares the view that disability is a health experience that occurs in a socio-economic context;

20. Calls on the Commission and the Member States to develop and provide guidelines on best practices and coaching, support and advice to employers on how to develop and implement reintegration plans while ensuring a continued dialogue between the social partners, ensuring that employees are made aware of their rights from the beginning of the return-to-work process; further encourages the exchange of good practice within and between Member States, professional communities, social partners, NGOs and policy-makers about the reintegration of workers recovering from illness or injury;

21. Calls on the Member States to cooperate with social partners to provide external support to ensure guidance and technical support for SMEs and micro-enterprises with limited experience in occupational rehabilitation and return-to-work measures; acknowledges the importance of taking into account the situation and specific needs of, and the challenges with compliance facing, not only SMEs and micro- enterprises, but also certain public service sectors, in the context of the implementation of measures at company level; stresses that awareness raising, the exchange of good practices, consultation and online platforms are of utmost importance in helping SMEs and micro-enterprises in this process; calls on the Commission and the Member States to continue developing practical tools and guidelines that can help support SMEs and micro-enterprises with limited experience in occupational rehabilitation and return-to-work measures; recognises the importance of investing in management training;

22. Notes the risk that more imaginative approaches aimed at reintegrating those furthest from the labour market may be deprived of funding in favour of a more narrow approach based on easily quantifiable outcomes; calls, therefore, on the Commission to improve the funding for bottom-up approaches under the Structural Funds, in particular the ESF;

23. Takes note of the success of the case-management approach of reintegration programmes and stresses the need for individually designed and integrated support from social workers or designated counsellors; believes that it is essential for companies to keep in close contact with workers, or with their representatives, during absences due to illness or injury;

24. Believes that return-to-work and reintegration policies should form part of a broader holistic approach to healthy working lives, aimed at ensuring a physically and mentally safe and healthy working environment throughout people's working life and active and healthy ageing for all workers; stresses the key importance of communication, the help of specialists in management of occupational rehabilitation (work assistants) and an integrated approach involving all parties concerned in the successful physical and occupational rehabilitation of workers; believes that the workplace should be the central point of focus of return-to-work systems; lauds the success of the non-bureaucratic and practical approach of the Austrian fit2work ([17]) programme, with its emphasis on easy communication accessible to all workers (such as the use of simplified language);

([17]) "EU-OSHA Case Study on Austria — Fit2Work programme"https://osha.europa.eu/en/tools-and-publications/publications/austria-fit2work/view

25. Stresses the importance of keeping people with reduced working capacity in employment, including through ensuring that SMEs and micro-enterprises have the resources they need to do this effectively; strongly encourages the reintegration of workers recovering from illness and injury into quality employment, if the employee so desires and if medical conditions allow it, through re-training and up-skilling into the open labour market; stresses the importance of focusing policy provisions on the capacity to work of the individuals, and of showing the employer the benefits of retaining the experience and knowledge of a worker who risks being lost to permanent sick leave; recognises, however, the importance of having a strong safety net in place, via the national social security system, for individuals unable to return to employment;

26. Calls on the Commission and the Member States to introduce active labour market policies and policy incentives for employers in order to support the employment of persons with disabilities and chronic illnesses, including by making suitable adaptations to, and breaking down barriers in, the workplace to facilitate their reintegration; recalls that it is essential to inform companies and the persons concerned about existing incentives and rights;

27. Recognises, in this regard, that flexible, individually tailored and adaptive working arrangements – such as telework, flexitime, adapted equipment and reduced working hours or workload – play an important role in returning to work; stresses the importance of encouraging early and/or gradual return to work (if medical conditions allow), which could be accompanied by partial sickness benefits to ensure that the individuals concerned do not suffer loss of income from returning to work, while maintaining financial incentives for businesses; stresses that such arrangements, including geographical, temporal and functional flexibility, must be feasible for both workers and employers, facilitating the organisation of work management and taking into account variations in production cycles;

28. Commends national programmes and initiatives that have helped facilitate the reintegration into quality employment of people with chronic diseases, such as the German "Job4000" ([18]) programme, which uses an integrated approach to improve the stable professional integration of persons with severe disability who face particular difficulties in finding a job, and the establishment of reintegration agencies to help people with chronic diseases find a job that is suited to their situations and abilities ([19]);

29. Notes the important psychological benefits and increased productivity associated with high levels of autonomy in the workplace; considers that a degree of workplace autonomy can be essential in easing the process of reintegration of sick and injured workers with disparate conditions and needs;

30. Recognises the value of returning to work in the care process, as work, for many individuals, allows for financial independence and is life-enhancing, which can sometimes be a crucial factor in the recovery process;

31. Calls on the Member States not to withdraw welfare benefits immediately when people with chronic diseases gain employment, thereby helping them avoid the "benefit trap";

Changing attitudes towards the reintegration of workers

32. Calls on the Commission and the Member States, in cooperation with the social partners, to ensure – in their communications, guidelines and policies – that employers see the reintegration process as an opportunity to benefit from workers'skills, competences and experience; takes the view that employers and workers' representatives are important actors in the return-to-work process from the start, and are part of the decision-making process;

([18]) Source: Pathways project deliverable 5.2 "Scoping Paper on the Available Evidence on the Effectiveness of Existing Integration and Re-Integration into Work Strategies for Persons with Chronic Conditions".

([19]) Source: Return to work coaching services for people with a chronic disease by certified "experts by experience": the Netherlands. Case Study. EU-OSHA.

33. Recalls Articles 26 and 27 of the UN CRPD that bind the State parties to organise, strengthen and extend rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, and to promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in returning to employment;

34. Stresses that raising awareness about occupational rehabilitation and return-to-work policies and programmes, and improved company culture, are critical success factors in the return-to-work process and in fighting negative attitudes and tackling prejudices and discrimination; takes the view that teams of experts, such as psychologists and coaches trained in occupational rehabilitation, could effectively be shared among various companies, thereby allowing for smaller companies to benefit from their expertise as well; takes the view that there is also space in this process for support and complementary engagement on the part of NGOs and volunteers;

35. Commends those enterprises that have taken initiatives to support people with health problems, disabilities or changed working capacity by providing, e.g., comprehensive preventative programmes, modification of tasks and training and re-training, or by preparing other employees for the changed abilities of returning workers, thereby helping their reintegration; strongly encourages more enterprises to get involved in this effort and put forward such initiatives; considers it essential that measures facilitating the reintegration of workers within companies is integral to the company culture;

36. Calls for better understanding of the challenges and discrimination leading to fewer opportunities for people with health problems or disabilities, specifically challenges such as lack of understanding, prejudice, perceptions about low productivity and social stigma;

37. Takes the view that education and changes in company culture, as well as EU-wide campaigns such as "Vision Zero", play an important role in shifting popular opinion; calls for increased awareness of the demographic challenges facing European labour markets; considers it unacceptable that older persons are often exposed to ageism; underlines the importance of campaigns fighting discrimination based on workers' age, promoting prevention and health and safety at work measures; calls on the Member States and the Union to take into account the findings of Parliament's pilot project on the health and safety of older workers;

38. Takes the view that national policy frameworks have a decisive impact on creating an environment supportive of age management and active and healthy ageing; considers that this could be supported effectively through EU actions such as policies, guidance, exchanges of knowledge and the use of various financial instruments such as the ESF and the ESIF; calls on the Member States to promote rehabilitation and reintegration measures for older workers, when possible and when desired by the individuals concerned, for instance by implementing the results of the EU pilot project on the health and safety of older workers;

39. Recognises that people who have been diagnosed with a terminal illness retain the fundamental right to work; further recognises that these individuals face a unique set of challenges relating to their employment, distinct from the challenges facing other patient groups, as there is often little time for them to adapt to their changing conditions and for workplace adjustments to be made; commends initiatives such as the Dying to Work campaign for raising awareness about this specific set of problems; encourages employers to maintain as much dialogue as possible with employees who have received a terminal diagnosis, to ensure that all necessary and possible adaptations can be made to allow the employee to carry on working if he or she so wishes; is of the opinion that, for many patient, remaining in the workplace is a personal, psychological or economic imperative and central to his or her dignity and quality of life; urges the Member States to support the reasonable adaptation of workplaces to the unique set of challenges facing this group of people; calls on the Commission to tackle the lack of data on the employment status of people with cancer and to support the collection of better data, comparable across Member States, in order to improve support services for them;

40. Stresses, in this regard, the importance of developing and updating workers'skills that match company and market needs, with special emphasis on digital skills, by providing workers with relevant training and access to lifelong learning; highlights the increasing digitalisation of the labour market; points out that the improvement of digital skills can be an integral part of the preparation for returning to work, particularly for the older population;

41. Notes that both formal and informal carers have a key role to play in occupational rehabilitation; recognises that 80 % of the care provided in Europe is given by unpaid caregivers ([20]) and that the act of caregiving significantly reduces the long-term employment prospects of this group of people; further recognises that, given the fact that the majority of caregivers are women, there is a clear gender dimension to the question of the employment situation of care-givers; calls on the Union and the Member States, and on employers, to give special consideration to the employment implications for caregivers;

o

o o

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

([20]) http://www.ecpc.org/WhitePaperOnCancerCarers.pdf

Tuesday 11 September 2018

P8_TA(2018)0326

Relationships between the EU and third countries concerning financial services regulation and supervision

European Parliament resolution of 11 September 2018 on relationships between the EU and third countries concerning financial services regulation and supervision (2017/2253(INI))

(2019/C 433/04)

The European Parliament,

— having regard to the report of 25 February 2009 by the High-Level Group on Financial Supervision in the EU, chaired by Jacques de Larosière,

— having regard to its resolution of 11 March 2014 with recommendations to the Commission on the European System of Financial Supervision (ESFS) Review ([1]),

— having regard to the Commission staff working document of 15 May 2014 entitled 'Economic Review of the Financial Regulation Agenda' (SWD(2014)0158),

— having regard to the Commission report of 8 August 2014 on the operation of the European Supervisory Authorities (ESAs) and the European System of Financial Supervision (ESFS) (COM(2014)0509),

— having regard to its resolution of 12 April 2016 on the EU role in the framework of international financial, monetary and regulatory institutions and bodies ([2]),

— having regard to the Commission communication of 23 November 2016 entitled 'Call for Evidence – EU regulatory framework for financial services' (COM(2016)0855),

— 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' ([3]),

— having regard to the Commission staff working document of 27 February 2017 entitled 'EU equivalence decisions in financial services policy: an assessment' (SWD(2017)0102),

— having regard to its resolution of 14 March 2018 on the framework of the future EU-UK relationship ([4]),

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

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0263/2018),

A. whereas since the financial crisis, more than 40 new pieces of EU financial legislation have been adopted, of which 15 include 'third-country provisions' that give the Commission, on behalf of the EU, discretion to unilaterally decide whether regulatory rules in foreign jurisdictions can be considered equivalent;

([1]) Texts adopted, P7_TA(2014)0202.
([2]) Texts adopted, P8_TA(2016)0108.
([3]) Texts adopted, P8_TA(2016)0006.
([4]) Texts adopted, P8_TA(2018)0069.

B. whereas equivalence and passporting rights are distinctly different concepts, providing different rights to and obligations for regulators, supervisors, financial institutions and market participants; whereas equivalence decisions do not confer 'passporting rights' to financial institutions established in third countries as this concept is inextricably linked to the internal market with its common regulatory, supervisory, enforcement and judicial framework;

C. whereas no trade agreement concluded by the EU has ever incorporated cross-border mutual access provisions on financial services;

D. whereas there is no single framework underpinning equivalence decisions; whereas each legislative act sets out a targeted equivalence regime tailored to its policy objectives; whereas current equivalence provisions offer different approaches that allow for a range of possible benefits depending on the financial service provider and the market in which it operates;

E. whereas equivalence is, among other things, a tool to promote international regulatory convergence, which may lead to more competition in the EU internal market on a level playing field, while preventing regulatory arbitrage, protecting consumers and investors, preserving the EU's financial stability and maintaining consistency within the internal market; whereas equivalence is also a tool to ensure fair and equal regulatory and supervisory treatment between EU financial institutions and third-country financial institutions;

F. whereas equivalence decisions are based on the EU single rulebook and are taken on the basis of a technical assessment; whereas they should nonetheless be subject to a greater degree of scrutiny by Parliament;

G. whereas the Commission describes equivalence as 'a key instrument to effectively manage cross-border activity of market players in a sound and secure prudential environment with third-country jurisdictions that adhere to, implement and enforce rigorously the same high standards of prudential rules as the EU';

H. whereas the forthcoming withdrawal of the UK from the EU will potentially have a significant impact on the regulation and supervision of financial services, given the close relationship that currently exists between Member States in this area; whereas the negotiations for the withdrawal of the UK from the EU are still ongoing;

I. whereas in the event that the Withdrawal Agreement, including the transition period, is agreed and ratified, financial institutions will have a longer period to adapt to Brexit; whereas, in the absence of a transition period, the Commission and the ESAs must be prepared to protect financial stability, the integrity of the internal market and the autonomy of decision-making in the EU;

J. whereas it is necessary for the purposes of the Union's financial stability to fully consider the interconnectedness between third-country markets and the EU's single market;

K. whereas in its resolution of 19 January 2016 on 'Stocktaking and challenges of the EU Financial Services Regulation', Parliament called on the Commission to 'propose a consistent, coherent, transparent and practical framework for procedures and decisions on third-country equivalence, taking into account an outcome-based analysis and international standards or agreements';

Relationships with third countries since the crisis

1. Notes that since the financial crisis, the EU has further developed its financial regulation through wide-ranging reforms and implementing international standards; welcomes the increased regulatory and supervisory cooperation between the EU and third countries; recognises that this has contributed to improving global consistency in financial regulation and has contributed to making the EU more resilient to global financial shocks;

2. Considers that the EU should promote global financial regulatory reforms aimed at reducing systemic risk and enhancing financial stability, and should work towards an open, integrated, efficient and resilient financial system that supports sustainable and inclusive economic growth, job creation and investment; stresses that any framework of international regulatory and supervisory cooperation should safeguard financial stability in the Union and respect its regulatory and supervisory regime and standards and their application;

3. Notes with concern that international cooperation is increasingly difficult to achieve owing to different national interests and the inherent incentive to shift risks to other jurisdictions;

EU equivalence procedures

4. Notes that several EU legislative acts contain specific provisions for regulatory cooperation with third countries, related to supervisory cooperation and prudential measures;

5. Stresses that the granting of equivalence is a unilateral decision taken by the EU, on the basis of EU standards; considers that in some specific cases international cooperation may be advanced also by cooperation arrangements between the EU and third countries;

6. Emphasises that the EU should encourage other jurisdictions to grant access to their financial markets to EU market participants;

7. Stresses that through the EU's relationship with third countries on financial services regulation and supervision, the EU should enhance tax cooperation with third countries, in accordance with international and EU standards; believes that equivalence decisions should be made dependent on satisfactory third-country rules on fighting tax evasion, tax fraud, tax avoidance and money laundering;

8. Recognises that the EU's equivalence regime is an integral part of a number of its regulatory and supervisory legislative acts for financial services and can offer several benefits, such as: increased competition, increased capital flows into the EU, more instruments and investment choices for EU firms and investors, stronger investor and consumer protection, and financial stability;

9. Reiterates that, in most cases, equivalence decisions do not grant financial institutions established in third countries the right to provide financial services throughout the EU; points out that they may in some cases give third-country institutions limited access to the single market for certain products or services;

10. Underlines in contrast that the 'EU passport' gives undertakings the right to provide financial services throughout the EEA, under the license granted by their home country and under home country supervision, and that as such it is not available to financial institutions established in non-EEA countries as it relies on a set of prudential requirements harmonised under EU law and on mutual recognition of licenses;

11. Emphasises that the EU's equivalence regime aims to promote international regulatory convergence and enhance supervisory cooperation on the basis of EU and international standards and to ensure equal treatment between EU and third-country financial institutions while preserving the EU's financial stability and protecting investors and consumers;

12. Considers that, as things stand, the EU's process for granting equivalence would benefit from more transparency towards the European Parliament; believes that a structured, horizontal and practical framework along with guidelines regarding the recognition of third-country supervisory frameworks and a level of granularity of the assessment of such frameworks would improve transparency;

13. Believes that equivalence decisions should be objective, proportionate, and risk-sensitive, while upholding the high standards of EU regulation; furthermore, considers that equivalence decisions should be taken in the best interests of the Union, its Member States and its citizens, having regard to the financial stability of the Union or of one or more of its Member States, market integrity, investor and consumer protection and the functioning of the internal market;

Tuesday 11 September 2018

14. Considers that assessments for equivalence are technical in nature, but notes that equivalence decisions have a clear political dimension, possibly balancing different policy objectives; insists that the process for granting equivalence to a third country in the area of financial services should be subject to appropriate scrutiny by Parliament and the Council and that, for purposes of greater transparency, such decisions should be taken by means of delegated acts, and where necessary facilitated by an early non-objection procedure;

15. Notes that the Commission's decision of 21 December 2017 to grant equivalence to Swiss share trading venues as part of the MiFID/MiFIR equivalence procedure – limited to a 12-month period with the possibility of an extension provided sufficient progress is made on a common institutional framework – had a clear political dimension;

16. Notes that the Commission has the right to withdraw equivalence decisions, particularly in cases of third-country material regulatory divergence, and believes that Parliament should be consulted in an appropriate manner, in principle before such a withdrawal decision is taken; calls for the introduction of transparent procedures governing the adoption, withdrawal or suspension of equivalence decisions;

17. Considers that a consistent framework for ongoing supervision of an equivalent third-country regime should be developed; considers that the European Supervisory Authorities (ESAs) should be equipped with the power to advise the Commission and review regulatory and supervisory developments in third countries, given that such developments may have an effect on the Union through interconnectedness of the financial system; demands that Parliament should be kept informed of ongoing regulatory and supervisory reviews of third countries; notes in this regard the legislative package on the review of the European system of financial supervision, which foresees increased monitoring following an equivalence decision, including regulatory issues, supervision and enforcement and the situation in the market of the third country;

18. Considers that through the EU's future equivalence framework, third countries must keep the ESAs informed of any national regulatory developments and that the equivalence decision should require good regulatory and supervisory cooperation and exchange of information; considers that, likewise, third countries should maintain close dialogue with the EU;

19. Calls on the Commission to review and provide a clear framework for a transparent, coherent and consistent application of equivalence procedures which introduces an improved process for the determination, review, suspension or withdrawal of equivalence; calls on the Commission to assess the benefits of introducing an application process for granting equivalence for third countries;

20. Calls for equivalence decisions to be subject to ongoing monitoring by the relevant ESA and for the outcome of such monitoring to be made public; highlights that such monitoring should address the relevant legislation, enforcement practices and supervisory practices, as well as major legislative amendments and market developments, in the third country concerned; calls furthermore for the ESAs to make ad hoc assessments of developments in third countries based on reasoned requests from Parliament, the Council and the Commission;

21. Calls on the Commission to consider the current equivalence regime and to assess whether it contributes to achieving a level playing field between EU and third-country financial institutions, while preserving the financial stability of the Union or of one or more of its Member States, market integrity, investor and consumer protection and the functioning of the internal market; considers that this review, together with proposals for improvement where applicable, should be made public;

22. Calls on the Commission to annually report to the European Parliament all decisions on equivalence, including equivalence granted, suspended and withdrawn, and to explain the rationale for those decisions;

23. Recalls the importance of the ESAs in the analysis and monitoring of third-country supervisory and regulatory frameworks, and calls, in this respect, for the relevant ESAs to have the capacity and powers to collect, collate and analyse data; recalls the role of the National Competent Authorities (NCAs) in the authorisation process for financial institutions that wish to delegate part of their portfolio management or risk management to service providers in third countries where the regulatory regime is comparable to that of the EU, as well as the importance of supervisory convergence; notes the ongoing review of the ESAs, in particular the proposals on the supervision of delegation, outsourcing or risk transfer arrangements by financial institutions; considers that the ESAs and the NCAs should cooperate closely in order to share best practices and ensure uniform implementation of regulatory cooperation and activities with third countries;

EU's role in global standard-setting for financial regulation

24. Underlines the importance of the EU's active role in global standard-setting as a means of working towards international consistency in financial regulation, aiming to maximise financial stability, reducing systemic risk, protecting consumers and investors, preventing regulatory loopholes between jurisdictions and developing an efficient international financial system;

25. Calls for active involvement of the Union and the Member States participating in global standard-setting bodies in financial services; recalls the requests made to the Commission in its report on the EU role in the framework of international financial, monetary and regulatory institutions and bodies;

26. Calls to that end, moreover, for the Joint EU-US Financial Regulatory Forum to be upgraded to include more regular meetings with the aim of a more frequent and consistent coordination;

27. Points out that improving relations with third countries in the field of financial services and strengthening EU capital markets must not be regarded as mutually exclusive; stresses, therefore, the need for progress on the Capital Markets Union project;

o

o o

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

Tuesday 11 September 2018

P8_TA(2018)0327

Boosting growth and cohesion in EU border regions

European Parliament resolution of 11 September 2018 on boosting growth and cohesion in EU border regions (2018/2054(INI))

(2019/C 433/05)

The European Parliament,

— having regard to Article 3 of the Treaty on European Union (TEU) and Articles 4, 162, 174 to 178 and 349 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ([1]),

— having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal ([2]),

— having regard to Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) ([3]),

— having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ([4]),

— having regard to the Commission communication of 20 September 2017 entitled 'Boosting growth and cohesion in EU border regions' (COM(2017)0534),

— having regard to the Commission staff working document of 20 September 2017 accompanying the Commission communication entitled 'Boosting growth and cohesion in EU border regions' (SWD(2017)0307),

— having regard to its resolution of 13 March 2018 on lagging regions in the EU ([5]),

— having regard to its resolution of 17 April 2018 on strengthening economic, social and territorial cohesion in the EU: the 7th report of the European Commission ([6]),

— having regard to its resolution of 13 June 2017 on building blocks for a post-2020 EU cohesion policy ([7]),

— having regard to its resolution of 13 June 2017 on increasing engagement of partners and visibility in the performance of European Structural and Investment Funds ([8]),

([1]) OJ L 347, 20.12.2013, p. 320.
([2]) OJ L 347, 20.12.2013, p. 259.
([3]) OJ L 210, 31.7.2006, p. 19.
([4]) OJ L 88, 4.4.2011, p. 45.
([5]) Texts adopted, P8_TA(2018)0067.
([6]) Texts adopted, P8_TA(2018)0105.
([7]) Texts adopted, P8_TA(2017)0254.
([8]) Texts adopted, P8_TA(2017)0245.

— having regard to its resolution of 18 May 2017 on the right funding mix for Europe's regions: balancing financial instruments and grants in EU cohesion policy ([9]),

— having regard to its resolution of 16 February 2017 on investing in jobs and growth – maximising the contribution of European Structural and Investment Funds: an evaluation of the report under Article 16(3) of the CPR ([10]),

— having regard to the opinion of the Committee of the Regions of 8 February 2017 on Missing transport links in border regions ([11]),

— having regard to its resolution of 13 September 2016 on Cohesion Policy and Research and Innovation Strategies for Smart Specialisation (RIS3) ([12]),

— having regard to its resolution of 13 September 2016 on European Territorial Cooperation – best practices and innovative measures ([13]),

— having regard to its resolution of 10 May 2016 on new territorial development tools in cohesion policy 2014-2020: Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD) ([14]),

— having regard to the conclusions and recommendations of the High Level Group monitoring simplification for beneficiaries of ESI Funds,

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

— having regard to the report of the Committee on Regional Development and the opinion of the Committee on Culture and Education (A8-0266/2018),

A. whereas the EU and its immediate neighbours in the European Free Trade Association (EFTA) count 40 internal land borders and EU internal border regions, and these regions cover 40 % of the Union's territory, account for 30 % of the EU's population and produce almost one third of EU GDP;

B. whereas border regions, especially those with lower population density, tend to face worse conditions for social and economic development and generally perform less well economically than other regions within the Member States, and their full economic potential is untapped;

C. whereas physical and/or geographical barriers also contribute to restricting economic, social and territorial cohesion between border regions, both within and outside the EU, particularly in the case of mountain regions;

D. whereas, in spite of the efforts already undertaken, obstacles – consisting of mainly administrative, linguistic and legal barriers – still persist and hamper growth, economic and social development and cohesion between and within the border regions;

E. whereas it was estimated by the Commission in 2017 that the removal of only 20 % of the existing obstacles in the border regions would bring about an increase in their GDP of 2 %, or around EUR 91 billion, which would translate into approximately one million new jobs; whereas territorial cooperation, including cross-border cooperation, has been widely acknowledged to bring genuine and visible added value, in particular to citizens of the EU living along internal borders;

F. whereas the total number of cross-border workers and students active in another EU country is approximately 2 million, of which 1.3 million are workers, representing 0.6 % of all employees across the EU-28;

([9]) Texts adopted, P8_TA(2017)0222.
([10]) Texts adopted, P8_TA(2017)0053.
([11]) OJ C 207, 30.6.2017, p. 19.
([12]) Texts adopted, P8_TA(2016)0320.
([13]) Texts adopted, P8_TA(2016)0321.
([14]) Texts adopted, P8_TA(2016)0211.

G. whereas in the current multiannual financial framework (MFF), 95 % of Trans-European Transport Networks (TEN-T) and Connecting Europe Facility (CEF) funds go to the core corridors of the TEN-T, while small projects on the comprehensive network and interventions linking up with the TEN-T network, although essential to solving specific problems and to the development of cross-border connections and economies, are often not eligible for co-financing or for national financing;

H. whereas the Commission also intends to present its stance on the internal maritime border regions;

I. whereas multiple challenges faced by the external border regions of the EU, including the outermost regions, rural areas, areas affected by industrial transition and regions in the Union which suffer from remoteness, insularity or other severe and permanent natural or demographic handicaps as per Article 174 of the Treaty on the Functioning of the European Union (TFEU), would also merit a stance being adopted by the Commission;

1. Welcomes the Commission communication entitled 'Boosting growth and cohesion in EU border regions' which, as the result of two years of research and dialogue, provides a valuable insight into the challenges and obstacles faced by the internal EU border regions; underlines, in this context, the importance of using and publicising good practices and success stories, as this Commission communication does, and urges a follow-up with similar analysis regarding external EU border regions;

Targeting the persistent obstacles

2. Points out that access to public services, in line with their development, is crucial for the 150 million-strong population of internal cross-border areas, and is frequently hampered by numerous legal and administrative, including linguistic, barriers; calls, therefore, on the Commission and the Member States to maximise their efforts and step up cooperation to remove these barriers and to promote and establish the use of e-government, especially when related to health services, transport, construction of vital physical infrastructure, education, culture, sport, communications, labour mobility, the environment, as well as regulation, cross-border commerce and business development;

3. Underlines that the problems and challenges faced by the border regions are common to some extent, but also vary from region to region, or between Member States, and depend on the particular legal, administrative, economic and geographic specificities of a given region, which makes an individual approach to each of these regions a necessity; acknowledges the shared development potential of cross-border regions in general; encourages tailor-made, integrated and place-based approaches, such as Community-Led Local Development (CLLD);

4. Underlines that the differing legal and institutional frameworks of the Member States can lead to legal uncertainty in the border regions, which results in an increase in the time needed and the cost of implementing projects, and constitutes an additional obstacle for citizens, institutions and enterprises in the border regions, frequently hindering good initiatives; stresses, therefore, that greater complementarity, better coordination and communication, interoperability and willingness to tackle barriers between the Member States, or at least at border region level, are desirable;

5. Recognises the special situation of cross-border workers, who are most seriously affected by the challenges present in the border regions, including, in particular, the recognition of diplomas and other qualifications obtained after retraining, healthcare, transport and access to information on job vacancies, social security and taxation systems; calls, in this context, on the Member States to step up their efforts to overcome these obstacles and allow for greater powers, funds and sufficient flexibility for regional and local authorities in border regions to better coordinate neighbouring national legal and administrative systems in order to improve the quality of life of cross-border workers; underlines in this context the importance of the dissemination and use of best practices all over the EU; stresses that these problems are even more complex for cross-border workers to and from non-EU countries;

6. Points to the challenges related to business activities carried out in the border regions, in particular when related to the adoption and implementation of labour and commercial law, taxation, public procurement or social security systems; calls on the Member States and the regions to better align or harmonise the relevant legal provisions with the challenges posed by cross-border areas, and promote complementarity and achieve convergence in regulatory frameworks, in order to allow for more legal coherence and flexibility in the implementation of national legislation, as well as to improve the dissemination of information on cross-border issues, e.g. by creating one-stop-shops to enable workers and companies to honour their obligations and to realise their rights to the full extent, as demanded by the legislative system of the Member State where they provide their services; calls for the better use of existing solutions and the guaranteeing of funding for existing cooperation structures;

7. Expresses disappointment that the Commission's communication did not include a specific assessment of small and medium-sized enterprises (SMEs), including extra support which can be provided to them; believes that SMEs face particular challenges when it comes to cross-border interaction which includes, but is not limited to, those related to language, administrative capacity, cultural differences and legal divergence; stresses that meeting this challenge is particularly important as SMEs employ 67 % of workers in the EU's non-financial business sectors and generate 57 % of value added ([15]);

8. Points out that in cross-border regions, especially those with lower population density, transport, particularly with regard to cross-border public transport services, is still insufficiently developed and coordinated, partly because of missing or disused links, which hampers cross-border mobility and prospects for economic development; stresses, furthermore, that cross-border transport infrastructure is also particularly adversely affected by complex regulatory and administrative arrangements; underlines the existing potential for developing sustainable transportation, primarily based on public transport, and in this regard awaits the forthcoming Commission study on missing railway links along internal EU borders; underlines that any such study or future recommendations should be inter alia based on information and experience from local, regional and national authorities and take account of any proposals for cross-border cooperation and, where this is already in place, for better cross-border connections and calls on cross-border regional authorities to propose ways of bridging existing gaps in transport networks; recalls that some existing railway infrastructure is falling into disuse due to a lack of support; emphasises the benefits that further development of waterways can deliver for local and regional economies; calls for a CEF axis, with an adequate budget, to be dedicated to filling the missing links in sustainable transport infrastructure in border regions; stresses the need to tackle transport bottlenecks, which hamper economic activities such as transport, tourism and citizens' travel;

9. Takes note that the attractiveness of cross-border areas for living and investment depends heavily on quality of life, the availability of public and commercial services for citizens and businesses and the quality of transportation –conditions which can be met and maintained only through close co-operation between national, regional and local authorities as well as businesses on both sides of the border;

10. Regrets the fact that different and complex procedures of prior authorisation for healthcare services and the methods of payment and reimbursement used, administrative burdens for patients in dealing with cross-border consultations with specialists, incompatibilities in the use of technology and in the sharing of patients' data as well as a lack of unified accessible information not only limit accessibility from both sides of the border and therefore hamper the full use of healthcare facilities, but also impede emergency and rescue services in carrying out their cross-border interventions;

11. Emphasises the role EU border regions can play concerning the environment and its preservation, as environmental pollution and natural disasters are often cross-border issues; supports, in this context, cross-border projects on environmental protection for EU external border regions, as these regions often face environmental challenges caused by different environmental standards and legal regulation in the EU's neighbouring countries; calls also for better cooperation and coordination on internal water management to prevent natural disasters such as floods;

12. Calls on the Commission urgently to address the problems arising from the existence of physical and geographical barriers between border regions;

Enhancing cooperation and trust

13. Considers that mutual trust, political will and a flexible approach among multi-level stakeholders, from local to national level, including civil society, are vital to overcoming the abovementioned persistent obstacles; believes that the value of cohesion policy for border regions is based on the goal of boosting jobs and growth and that this action must be initiated at Union, Member State, regional and local level; calls, therefore, for better coordination and dialogue, more effective exchange of information and the further exchange of best practices among authorities, particularly at local and regional level; urges the Commission and the Member States to enhance such cooperation and provide funding for cooperation structures in order to ensure adequate functional and financial autonomy of respective local and regional authorities;

([15]) Annual Report on European SMEs 2016/2017, p.6.

14. Underlines the importance of education and culture, and, in particular, the opportunities to step up efforts to promote multilingualism and intercultural dialogue in border regions; emphasises the potential of schools and local mass media in these endeavours and encourages Member States, regions and municipalities along internal borders to introduce the teaching of neighbouring countries' languages into their curricula from preschool; stresses, moreover, the importance of promoting a multilingual approach at all administrative levels;

15. Urges the Member States to facilitate and encourage the mutual recognition and better understanding of certificates, diplomas and vocational and professional qualifications between neighbouring regions; encourages, therefore the inclusion of specific skills in the curriculum with the objective of increasing cross-border employment opportunities, including validation and recognition of skills;

16. Encourages various measures aimed at combating all forms of discrimination in border regions and at breaking down barriers for vulnerable people in finding employment and becoming integrated into society; supports, in this regard, the promotion and development of social enterprises in border regions as a source of job creation, in particular for vulnerable groups such as young unemployed people and people with disabilities;

17. Welcomes the eGovernment Action Plan 2016-2020 ([16]) as a tool to achieve an efficient and inclusive public administration, and recognises the particular value of this plan for simplification measures in the border regions; notes that interoperability of existing e-government systems is needed at the national, regional and local administrative levels; is concerned, however, by the patchy implementation of the plan in some Member States; is also concerned about the often inadequate interoperability of authorities' electronic systems and the low level of online services available for foreign entrepreneurs to start doing business in another country; calls, therefore, for Member States to take measures to facilitate access, including linguistic tools, to their digital services for potential users from neighbouring areas, calls on the authorities in cross-border regions to set up electronic portals for the development of cross-border business initiatives; urges Member State, regional and local authorities to step up their efforts on e-government projects that will positively impact the life and work of border citizens;

18. Notes that some internal and external border regions face serious migration challenges that often go beyond the capacity of the border regions and encourages the appropriate use of Interreg programmes, as well as the exchange of good practices between local and regional authorities in the border areas, in the framework of the integration of refugees under international protection; underlines the need for support and coordination at European level, as well as the need for national governments to support local and regional authorities in addressing these challenges;

19. Urges the Commission to present its insights on coping with challenges that the internal maritime as well as external border regions are facing; calls for additional support for cross-border projects between EU external border regions and the border regions of neighbouring countries, in particular regions of those third countries that are involved in the EU integration process; reiterates, in this context, that the features of and the challenges faced by all border regions are common to some extent, while requiring a differentiated, tailor-made approach; stresses the need to give special attention and adequate support to the outermost regions along the external borders of the EU;

20. Stresses that future cohesion policy should take adequate consideration of and provide support to the EU regions most impacted by the consequences of the UK's exit from the European Union, in particular those that will, as a result, find themselves situated on EU (sea or land) borders;

21. Calls on the Member States to improve the complementarity of their health services in border regions and ensure genuine cooperation in the cross-border provision of emergency services such as healthcare, policing and fire service interventions, in order to ensure that patients' rights are respected, as provided for in the Cross-Border Healthcare Directive, as well as increasing the availability and quality of services; calls on the Member States, regions and municipalities to conclude bilateral or multilateral framework agreements on cross-border healthcare cooperation and, in this context, draws attention to so-called ZOAST areas (Zones Organisées d'Accès aux Soins Transfrontaliers) where residents of border territories can receive healthcare on both sides of the border in designated healthcare institutions without any administrative or financial barriers and which have become benchmarks for cross-border healthcare cooperation across Europe;

([16]) Commission communication of 19 April 2016 entitled 'EU eGovernment Action Plan 2016-2020 – Accelerating the digital transformation of government' (COM(2016)0179).

22. Calls on the Commission to explore the possibilities of enhancing cooperation and overcoming barriers to regional development at the external borders with neighbouring regions, in particular, with regions of those countries preparing for EU accession;

23. Emphasises the importance of small-scale and cross-border projects in bringing people together and in that way generating new potential for local development;

24. Underlines the importance of learning from and further using the potential of success stories from some border regions;

25. Underlines the importance of sport as a tool for facilitating the integration of communities living in border regions and calls on the Member States and the European Commission to allocate appropriate economic resources to territorial cooperation programmes to finance local sport infrastructure;

Exploiting EU tools for better coherence

26. Underlines the very important and positive role of European Territorial Cooperation (ETC) programmes, and in particular cross-border cooperation programmes, in the economic and social development and cohesion of border regions including maritime and external border regions; welcomes the fact that in the Commission's MFF proposal for 2021-2027, ETC is preserved as an important objective, with a more distinct role within cohesion policy post-2020, calls for a significantly increased budget, particularly for the cross-border component; underlines the perceptible European added value of ETC and calls on the Council to adopt the appropriations proposed in this regard; underlines at the same time the need to simplify the programmes, ensure better coherence of ETC with the overall goals of the EU and give the programmes the flexibility to better address local and regional challenges, reducing the administrative burdens for beneficiaries and facilitating more investment in sustainable infrastructure projects through cross-border cooperation programmes; calls on authorities in cross-border regions to make more intensive use of the support provided through these programmes;

27. Calls on the Commission to regularly deliver a report to the European Parliament on a list of obstacles that have been removed in the field of cross-border cooperation; encourages the Commission to enhance the use of existing innovative tools which contribute to the ongoing modernisation and deepening of cross-border cooperation, such as Border Focal Point, reinforced SOLVIT, as well as the Single Digital Gateway, aimed at organising expertise and advice on cross-border regional aspects, and to further develop new ones; calls on the Commission and Member States to make public administrations digital by default insofar as possible, to ensure end-to-end digital public services for citizens and businesses in border regions;

28. Underlines the importance of the Commission collecting information on cross-border interaction for a better and more informed decision-making process in cooperation with the Member States, regions and municipalities, and of supporting and financing pilot projects, programmes, studies, analysis and territorial research;

29. Calls for better use to be made of the potential of the EU macro-regional strategies in addressing challenges related to the border regions;

30. Believes that cohesion policy should be more geared towards investment in people as border regions' economies can be boosted by an effective mix of investments in innovation, human capital, good governance and institutional capacity;

31. Regrets that the potential of the European Grouping of Territorial Cooperation is not being fully exploited, which could be due partly to regional and local authorities' reservations, and partly to their fear of a transfer of competences and an ongoing lack of awareness of their respective competences; calls for any other possible causes of this situation to be swiftly identified and addressed; calls on the Commission to propose measures to overcome the obstacles to the effective application of this instrument; recalls that the primary role of the Commission in ETC programmes should be to facilitate cooperation between Member States;

32. Urges consideration to be given to the experiences of the numerous Euroregions that exist and are operating across internal and external border regions of the EU in order to further the opportunities for economic and social development and the quality of life of citizens living in border regions; calls for assessment of the work of Euroregions in the area of regional cooperation and their relationship to the initiatives and work of EU border regions, in order to coordinate and optimise the results of their work in this area;

33. Underlines that the Territorial Impact Assessment contributes to a better understanding of the spatial impact of policies; calls on the Commission to consider giving Territorial Impact Assessment a stronger role when EU legislative initiatives are proposed;

34. Strongly believes that a European cross-border convention (ECBC), which would allow, in the case of a territorially circumscribed cross-border infrastructure or service (e.g. a hospital or tramline), the application of the national normative framework and/or the standards of just one of the two or several countries concerned, would further reduce cross-border obstacles; welcomes in this context the recently published proposal for a regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context (COM(2018)0373);

35. Awaits the prospective proposal for a regulation from the Commission on a cross-border cooperation management tool, in order to assess its usefulness for the regions in question;

o

o o

36. Instructs its President to forward this resolution to the Commission, Council, national and regional parliaments of the Member States, the CoR and the EESC.

Tuesday 11 September 2018

P8_TA(2018)0331

Measures to prevent and combat mobbing and sexual harassment at the workplace, in public spaces, and in political life in the EU

European Parliament resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU (2018/2055(INI))

(2019/C 433/06)

The European Parliament,

— having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Charter of Fundamental Rights of the European Union, which entered into force with the adoption of the Treaty of Lisbon in December 2009 ([1]), and, in particular, Articles 1, 20, 21, 23 and 31 thereof,

— having regard to the 2014 report by the European Union Agency for Fundamental Rights (FRA) entitled 'Violence against women: an EU-wide survey' ([2]),

— having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ([3]),

— having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, which defines and condemns harassment and sexual harassment ([4]),

— having regard to the Gender Equality Index of the European Institute for Gender Equality (EIGE),

— having regard to the EIGE publication of June 2017 entitled 'Cyber violence against women and girls',

— having regard to the EU Presidency Trio declaration of 19 July 2017 by Estonia, Bulgaria and Austria on equality between women and men,

— having regard to the United Nations legal instruments in the field of human rights and notably of women's rights, such as the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

— having regard to other UN instruments on sexual harassment and violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights, the Declaration by the United Nations General Assembly on the Elimination of Violence against Women of 20 December 1993, the Resolution on crime prevention and criminal justice measures to eliminate violence against women of 21 July 1997, the reports by the UN Special Rapporteurs on violence against women, and General recommendation No 19 by the CEDAW committee,

— having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the UN Beijing +5 (2000), Beijing +10 (2005), Beijing +15 (2010) and Beijing +20 (2015) special sessions,

([1]) OJ C 326, 26.10.2012, p. 391.
([2]) http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report
([3]) OJ L 204, 26.7.2006, p. 23.
([4]) OJ L 373, 21.12.2004, p. 37.

Tuesday 11 September 2018

— having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ([5]) (the Victims' Rights Directive),

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

— having regard to the Framework Agreement on Harassment and Violence at Work of 26 April 2007 between ETUC/CES, BUSINESSEUROPE, UEAPME and CEEP,

— having regard to the report of the European Network of Equality Bodies (EQUINET) entitled 'The Persistence of Discrimination, Harassment and Inequality for Women. The work of equality bodies informing a new European Commission Strategy for Gender Equality', published in 2015,

— having regard to the EQUINET report entitled 'Harassment on the Basis of Gender and Sexual Harassment: Supporting the Work of Equality Bodies', published in 2014,

— having regard to the Istanbul Convention on preventing and combating violence against women and domestic violence, in particular Articles 2 and 40 thereof ([6]), and to Parliament's resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence ([7]),

— having regard to its resolutions of 20 September 2001 on harassment at the workplace ([8]), of 26 November 2009 on the elimination of violence against women ([9]), of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women ([10]), of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work ([11]), of 25 February 2014 with recommendations to the Commission on combating Violence Against Women ([12]) and the accompanying European Added Value Assessment of November 2013, and of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women ([13]),

— having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015 ([14]), of 10 March 2015 on progress on equality between women and men in the European Union in 2013 ([15]), and of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies ([16]),

— having regard to its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU ([17]),

— having regard to the European Trade Union Confederation report entitled 'Safe at home, safe at work – Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women',

— having regard to the report for the Meeting of Experts on Violence against Women and Men in the World of Work (3-6 October 2016), organised by the International Labour Organisation,

([5]) OJ L 315, 14.11.2012, p. 57.
([6]) https://rm.coe.int/168008482e
([7]) Texts adopted, P8_TA(2017)0329.
([8]) OJ C 77 E, 28.3.2002, p. 138.
([9]) OJ C 285 E, 21.10.2010, p. 53.
([10]) OJ C 296 E, 2.10.2012, p. 26.
([11]) OJ C 168 E, 14.6.2013, p. 102.
([12]) OJ C 285, 29.8.2017, p. 2.
([13]) Texts adopted, P8_TA(2016)0451.
([14]) Texts adopted, P8_TA(2017)0073.
([15]) OJ C 316, 30.8.2016, p. 2.
([16]) Texts adopted, P8_TA(2017)0402.
([17]) Texts adopted, P8_TA(2017)0417.

— having regard to the study by the Inter-Parliamentary Union entitled 'Sexism, harassment and violence against women parliamentarians', published in 2016 ([18]),

— having regard to the study entitled 'Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU', published by its Directorate-General for Internal Policies in March 2018 ([19]),

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

— having regard to the report of the Committee on Women's Rights and Gender Equality (A8-0265/2018),

A. whereas gender equality is a core value of the EU, recognised in the Treaties and the Charter of Fundamental Rights; whereas gender-based violence stems from an unequal balance of power and responsibilities in relationships between men and women and is linked to patriarchy and persisting gender-based discrimination;

B. whereas elderly people, especially older single women, represent a particularly vulnerable social group when facing psychological and physical harassment and bullying;

C. whereas sexual harassment is defined in Directive 2002/73/EC as 'where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment';

D. whereas that definition should be redrafted in the light of social and technological developments and attitudes, which have all evolved and changed over time;

E. whereas the fight against harassment on grounds of pregnancy and motherhood is necessary in order to achieve a true work-life balance for women;

F. whereas sexual harassment is a form of violence and is the most extreme, yet persistent, form of gender-based discrimination; whereas some 90 % of victims of sexual harassment are female and approximately 10 % are male; whereas, according to the EU-wide FRA study of 2014 entitled 'Violence against women', one in three women have experienced physical or sexual violence during their adult lives; whereas up to 55 % of women have been sexually harassed in the EU; whereas 32 % of all victims in the EU reported that the perpetrator was a superior, colleague or customer; whereas 75 % of women in professions requiring specific qualifications or in senior management jobs have been sexually harassed; whereas 61 % of women employed in the service sector have been subjected to sexual harassment; whereas, overall, 5-10 % of the European workforce is at any one time being subjected to bullying at the workplace;

G. whereas both sexual and psychological harassment are prohibited in employment at EU level, including in relation to access to employment, vocational training and promotion, and come under health and safety considerations;

H. whereas it is the responsibility of the EU institutions and agencies to keep improving the mechanisms in place by implementing the most efficient rules in order to raise awareness of the definition of sexual harassment and protect workers;

I. whereas cases of sexual harassment are significantly underreported due to low social awareness of the issue, fear and shame associated with talking to other people about the topic, fear of dismissal, difficulties in obtaining evidence, insufficient reporting, monitoring and victim-protection channels, and the normalisation of violence;

([18]) https://www.ipu.org/resources/publications/reports/2016-10/sexism-harassment-and-violence-against-women-parliamentarians

([19]) Study – 'Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU', European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, March 2018.

J. whereas reporting sexual harassment at work can in many cases lead to the victim's dismissal or isolation within the workplace; whereas less serious offences, when left unchallenged, provide motivation for more serious offences;

K. whereas bullying and sexual harassment continue to represent serious problems in a variety of social settings, including the workplace, public spaces, virtual spaces such as the internet, and political life, and are increasingly being carried out using new technologies, for example websites or social networks, enabling perpetrators to feel safe under cover of anonymity;

L. whereas in the context of emerging new forms of organisation of work and social life and a blurring of the boundaries between private, professional and social life, negative behaviour towards individuals or social groups may intensify; whereas workplace bullying can very often take a variety of forms, occurring within both vertical relationships (perpetrated by a superior or by subordinates) and horizontal relationships (perpetrated by work colleagues on the same rung of the hierarchy);

M. whereas sexual and psychological harassment are phenomena that involve victims and perpetrators of all ages, educational and cultural backgrounds, incomes and social statuses, and whereas this phenomenon has physical, sexual, emotional and psychological consequences for the victim; whereas gender stereotypes and sexism, including sexist hate speech, offline and online, are root causes of many forms of violence and discrimination against women and prevent women's empowerment;

N. whereas the Victims' Rights Directive defines gender-based violence as a violation of the fundamental freedoms of the victim and includes sexual violence (including rape, sexual assault and harassment); whereas female victims of gender-based violence and their children often require special support and protection because of the high risk of repeat victimisation, intimidation and retaliation connected with such violence;

O. whereas violence in the world of work is often addressed in a piecemeal fashion, which mainly focuses on more visible forms, such as physical violence; whereas, however, sexual and psychological harassment can have even more destructive effects on the individual concerned;

P. whereas the acts of sexism and resulting sexual harassment to which women may be subjected in the workplace are a contributing factor in driving them out of the labour market, which has an adverse effect on their economic independence and family income;

Q. whereas women who are victims of harassment and violence in rural and remote areas in the EU usually have more difficulty obtaining full assistance and protection from aggressors;

R. whereas the effects of both physical and verbal harassment, including such acts perpetrated online, are harmful not only in the short term, but also in the long term, and can include, for example, stress and severe clinical depression and even drive victims to suicide, as has been shown by the increase in reports of such cases; whereas, in addition to negative health outcomes, bullying and sexual harassment in the workplace also have negative impacts on an individual's career, on organisations and on society, such as increased absenteeism, reduced productivity and service quality, and the loss of human capital;

S. whereas EU law requires Member States and EU institutions and agencies to ensure that an equality body is in place to provide independent assistance to victims of harassment, conduct independent surveys, collect relevant, disaggregated and comparable data, conduct research on definitions and classifications, publish independent reports and make recommendations on matters of employment and training, on access to and the supply of goods and services, and for the self-employed;

T. whereas women in the EU are not equally protected against gender-based violence and sexual and psychological harassment owing to differing policies and legislation across the Member States; whereas judicial systems do not always provide sufficient support to women; whereas the perpetrators of gender-based violence are often already known to the victim, and whereas, in many cases, the victim is in a position of dependence, which exacerbates their fear of reporting the violence;

U. whereas all Member States have signed the Istanbul Convention, but not all have ratified it, and whereas this delay is impeding the full implementation of the Convention;

V. whereas sexism and the sexual and psychological harassment of women parliamentarians is real and widespread; whereas the perpetrators of harassment and violence not only belong to the ranks of political opponents, but can also be members of the same political party, as well as religious leaders, local authorities, and even family members;

W. whereas politicians, as elected representatives of citizens, have a crucial responsibility to act as positive role models in preventing and combating sexual harassment in society;

X. whereas the legitimacy of women in the political sphere is still sometimes challenged, and whereas women are victims of stereotypes, which discourage them from engaging in politics, a phenomenon that is particularly conspicuous wherever women in politics are less represented;

Y. whereas neither all national and regional parliaments, nor all local councils have specific structures and internal rules in place establishing proper channels for ensuring the safe, confidential lodging and treatment of harassment complaints; whereas training on sexual and psychological harassment should be compulsory for all staff and members of parliament, including the European Parliament;

Z. whereas domestic violence is also a workplace issue, as it can impact on the victim's work participation, work performance and safety;

AA. whereas sexual and psychological harassment not only take place at work, but also in public spaces, including in formal and informal educational settings, in healthcare and leisure facilities, in the streets and on public transport;

AB. whereas cyber stalking and cyber harassment involve the use of information and communications technologies to stalk, harass, control, or manipulate a person; whereas cyber harassment is a particular problem for young women due to their greater use of these mediums; whereas 20 % of young women (between the ages of 18 and 29) in the EU-28 have experienced cyber harassment;

AC. whereas a 2016 study found that more than half the women polled had experienced some form of sexual harassment in UK workplaces, but that four in five had not reported the harassment to their employer ([20]);

AD. whereas new technologies also have the potential to be an ally in analysing, understanding and preventing instances of violence;

AE. whereas women, young women in particular, are being subjected to bullying and sexual harassment involving the use of new technologies, for example websites and social networks, sometimes organised through secret forums or groups on social media; whereas such acts include rape threats, death threats, hacking attempts, and publication of private information and photos; whereas, in the context of the widespread use of online and social media, an estimated one in ten girls had already experienced a form of cyber violence, including cyberstalking and harassment, by the age of 15; whereas women who have a public role, among others journalists and in particular LGBTI and disabled women, are a prime target for cyberbullying and online violence, and whereas some have had to leave social networks as a result, having experienced physical fear, stress, concentration problems, fear of going home and worry for loved ones;

AF. whereas prevention of harassment in working environments can only be achieved when both private and public companies create a culture in which women are treated as equals and employees treat one another with respect;

([20]) https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf

AG. whereas research has shown that harassment is rife in workplaces where men dominate management and women have little power, such as the entertainment and media industries, but that it also happens in technology and law companies, sales and many other sectors if male-dominated management teams tolerate sexualised treatment of workers; whereas companies with more women in management have less sexual harassment;

General recommendations

1. Strongly condemns all kinds of violence against women (VAW) as described in CEDAW and the Istanbul Convention;

2. Stresses that sexual harassment is a violation of human rights linked to patriarchal power structures that need to be reshaped as a matter of urgency;

3. Highlights the central role of all men in ending all forms of harassment and sexual violence; calls on the Commission and all Member States to actively involve men in awareness-raising and prevention campaigns, as well as education campaigns for gender equality; stresses that prevention campaigns also need to focus on less serious offences;

4. Maintains that awareness-raising measures and campaigns to prevent violence against girls and women have to extend to boys as well and should be organised during the initial stages of education;

5. Calls on the Commission and the Member States to monitor the correct implementation of the EU directives prohibiting sexual harassment;

6. Calls on the Member States to develop comprehensive national action plans and legislation on VAW, paying due attention to providing adequate resources, including but not limited to staff training and sufficient funding, for equality bodies;

7. Calls on the Commission to compile examples of best practices in combating sexual and psychological harassment and harassment on grounds of pregnancy and motherhood in the workplace and in other spheres, and to disseminate the results of this assessment widely;

8. Calls on the Commission and the Member States to ensure proper and adequate funding mechanisms for programmes and actions to combat sexual and psychological harassment against women at all levels, focusing in particular on the use of new technologies and the means provided by innovation, for example through greater investment in research and innovation processes seeking to stamp out this phenomenon;

9. Calls on the European Ombudswoman to collect data on the different protection rules existing within the EU institutions and agencies and to issue binding conclusions in order to harmonise the rules with best standards;

10. Regrets that some Member States have not yet ratified the Istanbul Convention and calls on all Member States that have not already done so to ratify and fully implement it without delay; calls, furthermore, on the Member States that have already ratified the Istanbul Convention to fully implement it;

11. Calls on the Commission and Member States to obtain a clear picture of the issue of sexual harassment across the EU with better and scientifically more robust studies, including new challenges such as cyber bullying;

12. Welcomes the new widespread public debate, including on social media, which is contributing to redrawing the boundaries in relation to sexual harassment and acceptable behaviours; welcomes, in particular, initiatives such as the #MeToo movement and strongly supports all the women and girls who have participated in the campaign, including those who have denounced their perpetrators;

13. Calls on the Commission to submit a proposal to combat mobbing and sexual harassment in the workplace, in public spaces and in political life, and to include in it an updated and comprehensive definition of harassment (be it sexual or otherwise) and mobbing;

14. Stresses the need to combat the persistent and prolonged harassment or intimidation of workers which causes or is intended to cause their humiliation or isolation or exclude them from their team of co-workers;

15. Calls on the Commission and the Member States, in cooperation with Eurostat and the EIGE, to improve, promote and ensure the systematic collection of relevant, gender- and age-disaggregated, comparable data on cases of sexual and gender-based discrimination and psychological harassment, including cyber harassment, at national, regional and local level; encourages employers' organisations, trade unions and employers to actively participate in the data collection process, by providing sector- and occupation-specific expertise;

16. Notes that to obtain comparable figures on the prevalence of sexual harassment and bullying across the Member States, greater awareness and recognition of the problems should be prioritised through concerted efforts to spread information and provide training;

17. Reiterates its call on the Commission to submit a proposal for a directive to tackle all forms of violence against women and girls and gender-based violence, which should include common definitions of the different types of VAW, including an updated and comprehensive definition of harassment (be it sexual or otherwise) and mobbing, and common legal standards on criminalising VAW; calls on the Commission to present a comprehensive EU strategy against all forms of gender-based violence, including the sexual harassment and abuse of women and girls, drawing on testimonies in the form of women's stories and first-hand experience;

18. Calls on Member States to provide adequate public funding to ensure that law enforcement officers, judges and all civil servants who deal with cases of bullying and sexual harassment are trained to understand violence and harassment in the workplace and beyond;

19. Calls on Member States to guarantee high-quality, easily accessible and adequately funded specialised services for victims of gender-based violence and sexual and psychological harassment, and to acknowledge that these manifestations of VAW are interconnected and that they have to be tackled via a holistic approach seeking both to cover the socio-cultural aspects that give rise to VAW and to enable specialised services to equip themselves with technological prevention and management tools;

20. Calls on Member States and local and regional governments to provide for adequate plans and resources in order to guarantee that victims of violence and harassment in rural and remote areas are not deprived of access, or restricted in their access, to assistance and protection;

21. Calls on the Commission to tackle emerging forms of gender-based violence, such as online harassment, by expanding the definition of illegal hate speech as defined in EU law in the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law to include misogyny, and to ensure that the Code of Conduct on countering illegal online hate speech also covers these crimes; calls for the development of educational programmes to encourage women to improve their skills in using the new technologies, so that they can better face all forms of sexual harassment and bullying in cyberspace, and encourages specialised services to work together to set up data and resource systems capable of monitoring and analysing the problem of gender-based violence without infringing on the new General Data Protection Regulation (Regulation (EU) 2016/679);

22. Condemns, furthermore, the widespread occurrence of sexual harassment and other types of abuse, especially in online gaming and social media, and encourages media companies and operators to monitor and respond without delay to any instances of harassment; calls, therefore, for different measures, including awareness-raising, special training and internal rules on disciplinary sanctions for offenders, and psychological and/or legal support for victims of these practices, to prevent and combat bullying and sexual harassment at work as well as in online environments;

Tuesday 11 September 2018

Violence in the workplace

23. Stresses the urgent need for Member States, local and regional authorities, employers' organisations and trade unions to understand the barriers women face in reporting cases of sexual harassment, gender-based discrimination and violence, and, therefore, to offer full support and encouragement to women in reporting cases of sexual harassment, gender-based discrimination, harassment on grounds of pregnancy and motherhood and bullying, among others, without fear of possible consequences, and establish mechanisms that empower and support women in the safe reporting of cases of abuse;

24. Calls on the Member States to implement active and effective policies to prevent and combat all forms of violence against women, including sexual harassment and acts of sexism and mobbing to which the majority of women are subjected in the workplace;

25. Emphasises the urgent need for standards on violence and harassment at work, which should provide a legislative framework for governments, employers, companies and trade union action at all levels;

26. Notes that some sectors and occupations have a higher exposure to violence, particularly healthcare, public emergency services, politics, education, transport, domestic work, agriculture and the rural economy, as well as the textiles, clothing, leather and footwear sectors;

27. Notes that some groups of workers can be more affected by bullying and violence in the workplace, especially pregnant women and parents, women with disabilities, migrant women, indigenous women, LGBTI people and women working part-time, as trainees or on temporary contracts;

28. Notes that undesirable behaviour may stem simultaneously from different sources or relate simultaneously to professional, private or social life, which has a negative effect on all the individuals, professional groups or social groups in those spheres;

29. Calls on Member States to introduce measures to prevent and combat violence and harassment at the workplace through policies which set out prevention measures, effective, transparent and confidential procedures to deal with complaints, strong and dissuasive sanctions for perpetrators, comprehensive information and training courses to ensure that workers understand policies and procedures, and support for companies to draw up action plans to implement all these measures; stresses that these measures should not be incorporated into existing structures if these structures already have inbuilt gender barriers;

30. Calls on Member States to invest in the training of labour inspectors, in collaboration with specialist psychologists, and ensure that companies and organisations provide skilled professional and psychosocial support for victims;

31. Calls on Member States and social partners to ensure that both public and private companies and organisations organise mandatory training on sexual harassment and bullying for all employees and those in management roles; stresses that effective training should be interactive, continuous, tailored to the particular workplace and given by external experts;

32. Highlights the serious underreporting of cases of harassment and stresses the importance of the presence of trained confidential counsellors in every organisation to support victims, assist with reporting and provide legal assistance;

33. Stresses that companies should have a zero tolerance approach to sexual harassment and policies conducive to it, and that companies must ensure that all employees are aware of these policies, reporting procedures and their rights and responsibilities in relation to sexual harassment in the workplace;

34. Calls on media companies to protect and support journalists who are victims of cyberbullying and to adopt a series of good practices such as awareness-raising campaigns, adequate training of management including on preventing victim blaming and secondary victimisation, measures to improve cybersecurity, and the provision of legal support in lodging a complaint to the person concerned;

35. Calls on the Member States to take measures to ensure equal pay between women and men, as a means of avoiding the abuse of power and promoting gender equality and respect for human dignity, which is fundamental to combating VAW; stresses that equal pay should be guaranteed through pay transparency, and by upholding the right to information for presumed victims, ensuring equal treatment and employment opportunities between women and men, and ensuring and facilitating women's access to decision-making and senior management posts, in both the public and private sectors, thus ensuring a balanced representation of women on boards of directors; calls on the Commission and the Council, therefore, to step up their efforts to unblock the Women on Boards Directive, which has been on hold in the Council since 2013;

36. Considers that a comprehensive approach to violence in the workplace is necessary, which should include the acknowledgement of the co-existence of bullying, sexual harassment and harassment on grounds of pregnancy and motherhood with various forms of unpaid work in the formal and informal economies (such as subsistence agriculture, food preparation, care for children and the elderly) and a range of work experience schemes (such as apprenticeships, internships and voluntary work);

37. Calls for the swift adoption of the revision of the Written Statement Directive (Council Directive 91/533/EEC);

38. Acknowledges that domestic violence often spills over into the workplace, with a negative impact on workers' lives and the productivity of enterprises, and that this spillover can also go in the opposite direction, from the workplace to home; calls, in this context, on the Commission to provide guidance on the applicability of European protection orders in the workplace and to clarify the issue of employers' responsibilities;

39. Calls on the Commission and the Member States to recognise the phenomenon of harassment on grounds of pregnancy and motherhood in employment;

Violence in political life

40. Calls on all politicians to be held to the highest standards of conduct and act as responsible role models in preventing and combating sexual harassment in parliaments and beyond;

41. Condemns all forms of harassment against female politicians on social media in the form of 'trolling', involving the posting of sexist and abusive messages, including death and rape threats;

42. Stresses the importance of establishing cross-party policies and procedures to protect individuals elected to political office, as well as employees;

43. Acknowledges that parity lists at all levels play a key role in enabling the participation of women in politics and reshaping power structures that discriminate against women; calls on the Member States to introduce such lists for elections to the European Parliament;

44. Calls on all political parties, including those represented in the European Parliament, to take concrete steps to tackle this problem, including the introduction of action plans and the revision of internal party regulations to introduce a zero-tolerance policy, preventive measures, procedures to deal with complaints and adequate sanctions for perpetrators of sexual harassment and the bullying of women in politics;

45. Calls on national and regional parliaments and on local councils to fully support victims in the framework of internal procedures and/or with the police, to investigate cases, to maintain a confidential register of cases over time, to ensure mandatory training for all staff and members on respect and dignity, and to adopt other best practices to guarantee zero tolerance at all levels in their respective institutions;

46. Urges all its relevant actors to ensure the comprehensive and swift implementation of its 2017 resolution on combating sexual harassment and abuse in the EU; considers it its duty to ensure zero tolerance of sexual harassment and to adequately protect and support the victims; calls, in this respect, for:

— a task force of independent experts to examine the situation of sexual harassment and abuse in Parliament;

— an evaluation and, if necessary, revision of the composition of Parliament's competent bodies to ensure independence and gender balance;

— mandatory training for all staff and Members;

— a clear timeline for the comprehensive implementation of all the demands made in the resolution;

47. Calls on politicians to encourage management training and to attend the training themselves in order to avoid laissez-faire attitudes on the part of leadership and to identify situations in which VAW occurs;

Violence in public spaces

48. Calls on the Commission to come up with a definition of public space, taking into account evolving communication technologies, and therefore to include in that definition 'virtual' public spaces such as social networks and websites;

49. Calls on Member States to consider introducing specific legislation on harassment in public spaces, including intervention programmes, with a specific focus on the role of intervention on the part of bystanders;

50. Calls on the Commission and Member States to carry out further research into the causes and consequences of sexual harassment in public spaces, including the impact that sexist and stereotyped advertisements may have on the incidence of violence and harassment;

51. Highlights that awareness-raising campaigns combating gender stereotypes and patriarchal power relations and promoting zero tolerance of sexual harassment are among the best tools in helping to address gender-based violence in public spaces;

52. Highlights that education on gender equality at every level is a fundamental tool in avoiding and eliminating these forms of misconduct, changing mindsets and reducing cultural tolerance of sexism and sexual harassment; emphasises the need to introduce educational programmes and debates on the topic in schools; notes that, in cooperation with relevant NGOs and equality bodies, these programmes and debates should, where necessary and appropriate, include information and discussions on the prevention of and measures against sexual harassment, in order to raise awareness of victims' rights and to remind people of its links with the objectification of women;

53. Calls on the Member States to encourage awareness-raising campaigns in secondary schools and to include the issue of cyberbullying in educational curricula in schools and universities; calls, in particular, for the successful Delete Cyberbullying campaign and Safer Internet initiative to be continued, with a view to combating bullying and sexual harassment in order to help young people, future citizens of the EU, to understand the need to move closer to gender equality and to respect women;

54. Calls on Member States to establish a report system in schools to keep track of all cases of cyberbullying;

55. Notes that some measures taken in Member States have proven effective at reducing harassment in public spaces, such as formal surveillance (increasing the presence of police and/or transport staff on public transport, closed-circuit television (CCTV)) and natural surveillance (better visibility and improved lighting);

56. Calls on Member States to remind internet service providers of their duty to protect their online consumers by addressing cases of repetitive abuse or stalking in order to protect the victim, inform the perpetrator that they cannot act with impunity, and thus change the perpetrator's behaviour;

57. Calls on the Member States, with the aid of IT experts and appropriate supervisory bodies, for example postal police forces, to exercise greater scrutiny over websites in order to protect victims of bullying and sexual harassment and, where necessary, prevent and punish offences;

58. Calls on the Member States to employ the means necessary to eliminate language used in the media, politics and public discourse that encourages violent behaviour and disparages women, thereby violating their human dignity;

59. Calls on the Commission and Member States to harmonise their legislation and their definition of gender-based violence in line with the definition of VAW in the Istanbul Convention, in order to increase the effectiveness of laws against harassment and mobbing;

60. Urges the Commission and the Member States to improve the monitoring mechanisms for the adequate implementation of EU legislation prohibiting sexual harassment and to ensure that equality bodies in each Member State have sufficient resources to act against discrimination;

o

o o

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

Tuesday 11 September 2018

P8_TA(2018)0332

Language equality in the digital age

European Parliament resolution of 11 September 2018 on language equality in the digital age (2018/2028(INI))

(2019/C 433/07)

The European Parliament,

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

— having regard to Articles 21(1) and 22 of the Charter of Fundamental Rights of the European Union,

— having regard to the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage,

— having regard to Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information ([1]),

— having regard to Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information ([2]),

— having regard to Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA2 programme) as a means for modernising the public sector ([3]),

— having regard to the Council resolution of 21 November 2008 on a European strategy for multilingualism (2008/C 320/01) ([4]),

— having regard to the Council decision of 3 December 2013 establishing the specific programme implementing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC ([5]),

— having regard to the UN Convention on the Rights of Persons with Disabilities (UN CRPD), ratified by the EU in 2010,

— having regard to the Commission communication of 18 September 2008 entitled 'Multilingualism: an asset for Europe and a shared commitment' (COM(2008)0566),

— having regard to the Commission communication of 26 August 2010 entitled 'A Digital Agenda for Europe' (COM(2010)0245),

— having regard to the Commission communication of 11 January 2012 entitled 'A coherent framework for building trust in the Digital Single Market for e-commerce' (COM(2011)0942),

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

— having regard to the opinion of the European Economic and Social Committee on the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Digital Agenda for Europe' (COM(2010)0245) ([6]),

([1]) OJ L 345, 31.12.2003, p. 90.
([2]) OJ L 175, 27.6.2013, p. 1.
([3]) OJ L 318, 4.12.2015, p. 1.
([4]) OJ C 320, 16.12.2008, p. 1.
([5]) OJ L 347, 20.12.2013, p. 965.
([6]) OJ C 54, 19.2.2011, p. 58.

— having regard to the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace adopted by the UNESCO General Conference at its 32nd session in Paris on 15 October 2003,

— having regard to the Special Eurobarometer 386 report entitled 'Europeans and their Languages', published in June 2012,

— having regard to the Presidency conclusions of the Barcelona European Council of 15 and 16 March 2002 (SN 100/1/02 REV 1),

— having regard to its resolution of 17 June 1988 on sign languages for the deaf ([7]),

— having regard to its resolution of 14 January 2004 on Preserving and promoting cultural diversity: the role of the European regions and international organisations such as UNESCO and the Council of Europe ([8]), and to its resolution of 4 September 2003 on European regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity ([9]),

— having regard to its resolution of 24 March 2009 on Multilingualism: an asset for Europe and a shared commitment ([10]),

— having regard to its resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union ([11]),

— having regard its resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States ([12]),

— having regard to the study by the European Parliamentary Research Service (EPRS) and Scientific Foresight Unit (STOA) entitled 'Language equality in the digital age – Towards a Human Language Project', published in March 2017,

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

— having regard to the report of the Committee on Culture and Education and the opinion of the Committee on Industry, Research and Energy (A8-0228/2018),

A. whereas language technologies can make communication easier for the deaf and hard of hearing, the blind and visually impaired and those with dyslexia and whereas, for the purposes of this report, 'language technology' refers to technology that supports not only spoken languages, but also sign languages, recognising that sign languages are an important element of Europe's linguistic diversity;

B. whereas the development of language technologies (LTs) covers many research areas and disciplines, including computational linguistics, artificial intelligence, computer science and linguistics, with applications such as natural language processing, text analytics, speech technology and data mining, among others;

C. whereas according to the Special Eurobarometer report 386 entitled 'Europeans and their languages', just over half of Europeans (54 %) are able to hold a conversation in at least one additional language, a quarter (25 %) are able to speak at least two additional languages and one in ten (10 %) are conversant in at least three;

D. whereas there are 24 official languages and more than 60 national, regional and minority languages in the European Union, in addition to migrant languages and, under the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the various state-recognised sign languages; whereas multilingualism presents one of the greatest assets of cultural diversity in Europe and, at the same time, one of the most significant challenges for the creation of a truly integrated EU;

([7]) OJ C 187, 18.7.1988, p. 236.
([8]) OJ C 92 E, 16.4.2004, p. 322.
([9]) OJ C 76 E, 25.3.2004, p. 374.
([10]) OJ C 117 E, 6.5.2010, p. 59.
([11]) OJ C 93, 9.3.2016, p. 52.
([12]) Texts adopted, P8_TA(2018)0032.

E. whereas support for local communities, such as indigenous, rural or remote communities, in overcoming geographical, social and economic obstacles to broadband access is a crucial prerequisite for an efficient, EU multilingualism policy;

F. whereas multilingualism comes under the scope of a series of EU policy areas, including culture, education, the economy, the digital single market, lifelong learning, employment, social inclusion, competitiveness, youth, civil society, mobility, research and the media; whereas more attention needs to be paid to removing barriers to intercultural and interlinguistic dialogue, and to stimulating mutual understanding;

G. whereas the Commission acknowledges that the Digital Single Market must be multilingual; whereas no common EU policy has been proposed to address the problem of language barriers;

H. whereas LTs are used in practically all everyday digital products and services, since most use language to some extent, especially all internet-related products such as search engines, social networks and e-commerce services; whereas the use of LTs also has an impact on sectors of fundamental importance to the everyday well-being of European citizens, such as education, culture and health;

I. whereas cross-border e-commerce is very low, with just 16 % of European citizens having purchased online from other EU countries in 2015; whereas language technologies can contribute to future European cross-border and cross-language communication, boost economic growth and social stability and reduce natural barriers, thereby respecting and promoting cohesion and convergence, and strengthening the EU's competitiveness worldwide;

J. whereas technological development is increasingly language-based and has consequences for growth and society; whereas there is an urgent need for more language-aware policies and for technological, but also genuinely multidisciplinary, research and education on digital communication and LTs and their relationship with growth and society;

K. whereas fulfilling the Barcelona objective of enabling citizens to communicate well in their mother tongue plus two other languages would give people more opportunities to access cultural, educational and scientific content in digital form and to participate as citizens, in addition to accessing the digital single market; whereas additional means and tools, especially those provided by language technologies, are key to managing European multilingualism properly, and to promoting individual multilingualism;

L. whereas there have been substantial breakthroughs in artificial intelligence and the pace of development in language technologies has been fast; whereas language-centric artificial intelligence offers new opportunities for digital communication, digitally enhanced communication, technology-enabled communication, and cooperation in all European languages (and beyond), giving speakers of different languages equal access to information and knowledge, and improving IT network functionalities;

M. whereas the common European values of cooperation, solidarity, equality, recognition and respect should mean that all citizens have full and equal access to digital technologies, which would not only improve European cohesiveness and well-being but also enable a multilingual Digital Single Market;

N. whereas the availability of technological tools such as video games or educational applications in minority and lesser-used languages is pivotal for the development of language skills, especially in children;

O. whereas the speakers of lesser-spoken European languages need to be able to express themselves in culturally meaningful ways and to create their own cultural content in local languages;

P. whereas the emergence of methods such as deep learning, based on increased computational power and access to vast amounts of data, are making language technologies a real solution for overcoming language barriers;

Q. whereas language barriers have a considerable impact on the construction of the European identity and the future of the European integration process; whereas the EU's decision-making and policies should be communicated to its citizens in their mother tongue, both online and offline;

R. whereas language makes up a very large part of the ever-increasing wealth of big data;

S. whereas an enormous amount of data is expressed in human languages; whereas the management of LTs could enable a wide range of innovative IT products and services in industry, commerce, government, research, public services and administration, reducing natural barriers and market costs;

Current obstacles to achieving language equality in the digital age in Europe

1. Regrets the fact that, owing to a lack of adequate policies in Europe, there is currently a widening technology gap between well-resourced languages and less-resourced languages, whether the latter are official, co-official or non-official in the EU; regrets, furthermore, the fact that more than 20 European languages are in danger of digital language extinction; notes that the EU and its institutions have a duty to enhance, promote and uphold linguistic diversity in Europe;

2. Points out that, over the last decade, digital technology has had a significant impact on language evolution, which remains difficult to evaluate; recommends that policymakers devote serious consideration to the studies showing that digital communication is eroding young adults' literacy skills, leading to grammar and literacy barriers between generations and a general depletion of language; is of the opinion that digital communication should serve to broaden, enrich and advance languages and that these ambitions should be reflected in national literacy education and literacy policies;

3. Stresses that European lesser-used languages are at a significant disadvantage on account of an acute lack of tools, resources and research funding, which is inhibiting and narrowing the scope of the work done by researchers who, even if equipped with the necessary technological skills, are unable to derive the full benefit of language technologies;

4. Notes the deepening digital divide between widely used and lesser-used languages, and the increasing digitalisation of European society, which is leading to disparities in access to information, particularly for the low-skilled, the elderly, people on low incomes and people from disadvantaged backgrounds; stresses that making content available in different languages would reduce inequality;

5. Notes that while it has a strong scientific base in language engineering and technology, and at a time when language technologies constitute an enormous opportunity for it, both economically and culturally, Europe remains far behind, on account of market fragmentation, inadequate investment in knowledge and culture, poorly coordinated research, insufficient funding and legal barriers; further notes that the market is currently dominated by non-European actors, which are not addressing the specific needs of a multilingual Europe; highlights the need to shift this paradigm and reinforce European leadership in language technologies by creating a project tailored specifically to Europe's needs and demands;

6. Notes that LTs are available in English first; is aware that large global and European manufacturers and companies often also develop LTs for the major European languages with relatively large markets: Spanish, French and German (these languages already lack resources in some sub-areas); stresses, however, that general EU-level action (policy, funding, research and education) should be taken to ensure the development of LTs for official EU languages which are less widely spoken and that special EU-level actions (policy, funding, research and education) should be launched to include and encourage regional and minority languages in such development;

7. Insists on the need to make better use of new technological approaches, based on increased computational power and better access to sizeable amounts of data, in order to foster the development of deep-learning neural networks which make human language technologies (HLTs) a real solution to the problem of language barriers; calls, therefore, on the Commission to safeguard sufficient funding to support such technological development;

8. Notes that languages with fewer speakers need proper support from stakeholders, including type foundries for diacritical marks, keyboard manufacturers and content management systems, in order to properly store, process and display content in such languages; requests that the Commission assess how such support can be instigated and made a recommendation in the procurement process within the EU;

9. Calls on the Member States to boost the use of multiple languages in digital services such as mobile applications;

10. Notes with concern that the Digital Single Market remains fragmented by a number of barriers, including language barriers, thus hindering online commerce, communication via social networks and other communication channels, and the cross-border exchange of cultural, creative and audiovisual content, as well as the wider deployment of pan-European public services; stresses that cultural diversity and multilingualism in Europe could benefit from cross-border access to content, particularly for educational purposes; calls on the Commission to develop a strong and coordinated strategy for the multilingual Digital Single Market;

11. Notes that language technologies currently do not play a role in the European political agenda, despite the fact that respect for linguistic diversity is enshrined in the Treaties;

12. Commends the important role of previous EU-funded research networks such as FLaReNet, CLARIN, HBP and META-NET (including META-SHARE), for leading the way in the construction of a European language technology platform;

Improving the institutional framework for language technology policies at EU level

13. Calls on the Council to draft a recommendation on the protection and promotion of cultural and linguistic diversity in the Union, including in the sphere of language technologies;

14. Recommends that in order to raise the profile of language technologies in Europe, the Commission should allocate the area of 'multilingualism and language technology' to the portfolio of a Commissioner; considers that the Commissioner responsible should be tasked with promoting linguistic diversity and equality at EU level, given the importance of linguistic diversity for the future of Europe;

15. Suggests ensuring comprehensive EU-level legal protection for the 60 regional and minority languages, recognition of the collective rights of national and linguistic minorities in the digital world, and mother-tongue teaching for speakers of official and non-official languages of the EU;

16. Encourages those Member States that have already developed their own successful policy strategies in the field of language technologies to share their experiences and good practices in order to help other national, regional and local authorities develop their own strategies;

17. Calls on the Member States to develop comprehensive language-related policies and to allocate resources and use appropriate tools in order to promote and facilitate linguistic diversity and multilingualism in the digital sphere; stresses the shared responsibility of the EU and the Member States, together with universities and other public institutions, in contributing to the preservation of their languages in the digital world and in developing databases and translation technologies for all EU languages, including languages that are less widely spoken; calls for coordination between research and industry with a common objective of enhancing the digital possibilities for language translation and with open access to the data required for technological advancement;

18. Calls on the Commission and the Member States to develop strategies and policy action to facilitate multilingualism in the digital market; requests, in this context, that the Commission and the Member States define the minimum language resources that all European languages should possess, such as data sets, lexicons, speech records, translation memories, annotated corpora and encyclopaedic content, in order to prevent digital extinction;

19. Recommends that the Commission consider the creation of a centre for linguistic diversity that will strengthen awareness of the importance of lesser-used, regional and minority languages, including in the sphere of language technologies;

20. Asks the Commission to review its Framework Strategy for Multilingualism and to propose a clear action plan on how to promote linguistic diversity and overcome language barriers in the digital area;

21. Calls on the Commission to make as a priority of language technology those Member States which are small in size and have their own language, in order to pay heed to the linguistic challenges that they face;

22. Emphasises that the development of language technology will facilitate the subtitling, dubbing and translation of video games and software applications into minority and lesser-used languages;

23. Stresses the need to reduce the technology gap between languages by strengthening knowledge and technology transfer;

24. Urges Member States to come up with effective ways to solidify their native languages;

Recommendations for EU research policies

25. Calls on the Commission to establish a large-scale, long-term coordinated funding programme for research, development and innovation in the field of language technologies, at European, national and regional levels, tailored specifically to Europe's needs and demands; emphasises that the programme should seek to tackle deep natural language understanding and increase efficiency by sharing knowledge, infrastructures and resources, with a view to developing innovative technologies and services, in order to achieve the next scientific breakthrough in this area and help to reduce the technology gap between European languages; stresses that this should be done with the participation of research centres, academia, enterprises (particularly SMEs and start-ups) and other relevant stakeholders; further stresses that this project should be open, cloud-based and interoperable and provide highly scalable and high-performance basic tools for a number of language technology applications;

26. Believes that ICT integrators in the EU should be given economic incentives to accelerate the provision of cloud-based services, in order to enable a smooth integration of HLTs in their e-commerce applications, in particular to ensure that SMEs reap the benefits of automated translation;

27. Stresses that Europe has to secure its leadership position in the field of language-centric artificial intelligence; recalls that EU companies are the best placed to provide solutions tailored to our specific cultural, societal and economic needs;

28. Believes that specific programmes within current funding schemes such as Horizon 2020, as well as successor funding programmes, should boost long-term basic research as well as knowledge and technology transfer between countries and regions;

29. Recommends the creation of a European language technology platform, with representatives from all European languages, that enables the sharing of language technology-related resources, services and open source code packages, particularly between universities and research centres, while ensuring that any funding scheme can both work with and be accessed by the open-source community;

30. Recommends establishing or extending projects such as the Digital Language Diversity Project, among others, that carry out research into the digital needs of all European languages, including those with both very small and very large numbers of speakers, so as to address the digital divide issue and help prepare these languages for a sustainable digital future;

31. Recommends an update of the META-NET white paper series, a pan-European survey published in 2012 on the status of language technologies, on resources for all European languages, on information about language barriers and on policies related to the topic, with a view to enabling the assessment and development of language technology policies;

32. Urges the Commission to set up an HLT financing platform, drawing on the implementation of the 7th Framework Programme for Research and Technological Development, Horizon 2020 and the Connecting Europe Facility (CEF); considers, in addition, that the Commission should place emphasis on research areas needed to ensure a deep language understanding, such as computational linguistics, linguistics, artificial intelligence, LTs, computer science and cognitive science;

33. Points out that language can be a barrier to the transfer of scientific knowledge; notes that most scientific journals with high impact factors publish in English, leading to a major shift in the creation and distribution of academic knowledge; stresses the need for these knowledge production conditions to be reflected in European research and innovation policies and programmes; urges the Commission to seek solutions to ensure that scientific knowledge is made available in languages other than English and to support the development of artificial intelligence for natural language;

Education policies to improve the future of language technologies in Europe

34. Believes that owing to the current situation whereby non-European actors dominate the market in language technologies, European education policies should be aimed at retaining talent in Europe, should analyse the current educational needs related to language technology (including all fields and disciplines involved) and, based on this, provide guidelines for the implementation of cohesive joint action at European level, and should raise awareness among schoolchildren and students of the career opportunities in the language technology industry, including the language-centric artificial intelligence industry;

35. Takes the view that digital teaching materials must also be developed in minority and regional languages – which is important in terms of non-discrimination – if we wish to establish equality of opportunity and treatment;

36. Points to the need to promote the ever-greater participation of women in the field of European studies on language technologies, as a decisive factor in the development of research and innovation;

37. Proposes that the Commission and Member States promote the use of language technologies within cultural and educational exchanges between European citizens such as Erasmus+, for example Erasmus+ Online Linguistic Support (OLS), with the aim of reducing the barriers that linguistic diversity can pose to intercultural dialogue and mutual understanding, especially in written and audiovisual expression;

38. Recommends that Member States also develop digital literacy programmes in Europe's minority and regional languages and introduce language technology training and tools in the curricula of their schools, universities and vocational colleges; further stresses the fact that literacy remains a significant factor and an absolute prerequisite for progress in the digital inclusion of communities;

39. Stresses that the Member States should provide the support that educational institutions need in order to improve the digitalisation of languages in the EU;

Language technologies: benefits for both private companies and public bodies

40. Underlines the need to support the development of investment instruments and accelerator programmes that aim to increase the use of language technologies in the cultural and creative sector, especially targeting less-resourced communities and encouraging the development of language technology capacities in areas where the sector is weaker;

41. Urges the development of actions and appropriate funding with the aim of enabling and empowering European SMEs and startups to easily access and use LTs in order to grow their businesses online by accessing new markets and development opportunities, thereby boosting their levels of innovation and creating jobs;

42. Calls on the EU institutions to raise awareness of the benefits for companies, public bodies and citizens of the availability of online services, content and products in multiple languages, including lesser-used, regional and minority languages, with a view to overcoming language barriers and helping to preserve the cultural heritage of language communities;

43. Supports the development of multilingual public e-services in European, national and, where appropriate, regional and local administrations with innovative, inclusive and assistive LTs, which will reduce inequalities among languages and language communities, promote equal access to services, stimulate the mobility of businesses, citizens and workers in Europe and ensure the achievement of an inclusive multilingual Digital Single Market;

44. Calls on administrations at all levels to improve access to online services and information in different languages, especially for services in cross-border regions and culture-related issues, and to use existing free and open-source language technology, including machine translation, speech recognition and text-to-speech and intelligent linguistic systems, such as those performing multilingual information retrieval, summarising/abstracting and speech understanding, in order to improve the accessibility of those services;

45. Highlights the importance of text and data mining techniques for the development of language technologies; underlines the need to strengthen collaboration between industry and data owners; stresses the need to adapt the regulatory framework and ensure a more open and interoperable use and collection of language resources; notes that sensitive information should not be turned over to commercial companies and their free software, as it is unclear how they might use the knowledge gathered, such as in the case of health data;

o

o o

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

Tuesday 11 September 2018

P8_TA(2018)0333

Transparent and accountable management of natural resources in developing countries: the case of forests

European Parliament resolution of 11 September 2018 on transparent and accountable management of natural resources in developing countries: the case of forests (2018/2003(INI))

(2019/C 433/08)

The European Parliament,

— having regard to the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan (September 2001) and the FLEGT Voluntary Partnership Agreements (VPAs) with third countries,

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

— having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market [1] (the EU Timber Regulation),

— having regard to the 2011 Busan Partnership for Effective Development,

— having regard to the 2015-2030 United Nations Sustainable Development Goals (SDGs),

— having regard to the Paris Agreement reached at the 21st Conference of Parties of the United Nations Framework Convention on Climate Change (COP21),

— having regard to the final report of the Commission study entitled 'The impact of EU consumption on deforestation: Comprehensive analysis of the impact of EU consumption on deforestation' (2013),

— having regard to the draft feasibility study on options to step up EU action against deforestation, commissioned by the Commission's Directorate General for Environment (2017),

— having regard to the Commission's communication of 17 October 2008 entitled 'Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss' (COM(2008)0645),

— having regard to the Consumer Goods Forum of 2010, a global industry network of retailers, manufacturers and service providers, which adopted a target of achieving zero net deforestation in its membership's supply chains by 2020,

— having regard to the 2011 Bonn Challenge, which is a global effort to bring 150 million hectares of the world's deforested and degraded land into restoration by 2020, and 350 million hectares by 2030,

— having regard to the Tropical Forest Alliance 2020,

— having regard to the New York Declaration on Forests and Action Agenda of 2014,

— having regard to the 2016 Council conclusions on forest law enforcement, governance and trade,

[1] OJ L 295, 12.11.2010, p. 23.

— having regard to the Amsterdam Declaration 'Towards Eliminating Deforestation from Agricultural Commodity Chains with European Countries' of December 2015,

— having regard to the Commission's Trade for All strategy (2015),

— having regard to the UN's Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+) mechanism,

— having regard to the UN Strategic Plan for Forests 2017-2030 (UNSPF), which defines six Global Forest Goals and 26 associated targets to be achieved by 2030,

— having regard to the UN Convention to Combat Desertification, adopted on 17 June 1994,

— having regard to the development by the United Nations Development Programme (UNDP) of national sustainable commodity platforms,

— having regard to the Bilateral Cooperation Mechanism on Forest Law Enforcement and Governance (BCM-FLEG) with China (2009),

— having regard to the International Covenant on Civil and Political Rights of 1966,

— having regard to the International Covenant on Economic, Social and Cultural Rights of 1966,

— having regard to the American Convention on Human Rights of 1969,

— having regard to the African Charter on Human and Peoples' Rights of 1987,

— having regard to the International Labour Organisation (ILO) Convention No169 on Indigenous and Tribal Peoples of 1989,

— having regard to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007,

— having regard to the 2012 Voluntary Guidelines on the Governance of Tenure (VGGT) of the Food and Agriculture Organisation of the United Nations (FAO),

— having regard to the FAO's 2014 Principles on Responsible Investment in Agriculture and Food Systems,

— having regard to the most recent Planetary Boundaries report,

— having regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 1973,

— having regard to the Convention on Biological Diversity of 1992 and the associated Cartagena Protocol on Biosafety of 2000 and Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation of 2010,

— having regard to the final report of the High-Level Expert Group on Sustainable Finance,

Tuesday 11 September 2018

— having regard to the Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in 2011, as well as to the OECD's Guidelines on Multinational Enterprises, updated in 2011,

— having regard to its resolution of 4 April 2017 on palm oil and deforestation of rainforests ([2]),

— having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ([3]),

— having regard to the statement from civil society representatives on the EU's Role in Protecting Forests and Rights of April 2018,

— having regard to the United Nations Office on Drugs and Crime (UNODC) Global Programme for Combating Wildlife and Forest Crime,

— having regard to its resolution of 12 September 2017 on the impact of international trade and the EU's trade policies on global value chains ([4]),

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

— having regard to the report of the Committee on Development and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on International Trade (A8-0249/2018),

A. whereas biologically diverse forests contribute substantially to climate change mitigation and adaptation and to conserving biodiversity;

B. whereas 300 million people live in forests and 1.6 billion people rely directly on forests for their livelihood, including more than 2 000 indigenous groups; whereas forests play a key role in the development of local economies; whereas forests are home to an estimated 80 % of all terrestrial species and constitute, therefore, an important reservoir of biodiversity; whereas, according to the FAO, around 13 million hectares of forest are lost each year;

C. whereas deforestation and forest degradation occur for the most part in the southern hemisphere and tropical forests;

D. whereas forests prevent land degradation and desertification and thereby reduce the risk of floods, landslides and drought;

E. whereas forests are vital for sustainable agriculture and improve food security and nutrition;

F. whereas forests also provide essential ecosystem services that support sustainable agriculture by regulating water flows, stabilising soils, maintaining soil fertility, regulating the climate, and providing a viable habitat for wild pollinators and predators of agricultural pests;

G. whereas forest products account for 1 % of the world's GDP;

H. whereas forest restoration is one of the strategies vital to limiting global warming to 1.5 degrees; whereas all governments should accept their responsibilities and take measures to reduce the costs of greenhouse gas emissions in their own country;

([2]) Texts adopted, P8_TA(2017)0098.
([3]) OJ C 215, 19.6.2018, p. 125.
([4]) Texts adopted, P8_TA(2017)0330.

I. whereas deforestation and forest degradation is the second leading human cause of carbon emissions and accounts for nearly 20 % of global greenhouse gas emissions;

J. whereas wood fuel is still the most important forest product in developing countries and the most important energy source in many African and Asian countries; whereas in sub-Saharan Africa, four out of five people still use wood for cooking;

K. whereas primary forests are rich in biodiversity and store 30 to 70 percent more carbon than logged or degraded forests;

L. whereas clear, consistent and up-to-date information on forest cover is crucial for effective monitoring and law enforcement;

M. whereas while FLEGT-VPAs have proved valuable in helping to improve forest governance, they still have many flaws;

N. whereas FLEGT-VPAs focus on industrial logging, while the vast majority of illegal logging stems from artisanal logging and timber from farms;

O. whereas FLEGT-VPAs have too narrow a definition of 'legality', sometimes leaving aside crucial issues related to land tenure and rights of local people;

P. whereas FLEGT-VPAs, REDD + and certification have remained separate initiatives, which should be further coordinated;

Q. whereas the implementation of FLEGT objectives depends heavily on major producing, processing and trading countries such as China, Russia, India, South Korea and Japan, and their commitment to fighting against illegal logging and trade in illegal timber products, and whereas bilateral political dialogues with these partners have produced limited results to date;

R. whereas the aim of the EU Timber Regulation (EUTR) is to ensure that no illegal timber is placed on the EU market; whereas a 2016 review of the EUTR concluded that the implementation and enforcement of the regulation were incomplete; whereas a public consultation was launched at the start of this year on possible changes to the EUTR's scope;

S. whereas protected areas should be at the heart of any strategic approach to wildlife conservation; whereas they should act as secure and inclusive economic development poles, based on sustainable farming, energy, culture and tourism, and lead to the development of good governance;

T. whereas public-private partnerships play an important role in the sustainable development of parks in sub-Saharan Africa, respecting the rights of forest communities;

U. whereas corruption and weak institutions represent major obstacles to the protection and preservation of forests; whereas a 2016 joint report by the UN Environment Programme (UNEP) and INTERPOL ([5]) identifies forest crimes as being among the five most salient challenges to achieving the SDGs and states that illegal logging represents between 15 and 30 % of the global legal trade; whereas, according to the World Bank, affected countries lose an estimated USD 15 billion each year to illegal logging and timber trade;

([5]) Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsovou, M., Raxter, P., Mrema, E., and Barrat, S. (Eds), *The Rise of Environmental Crime – A Growing Threat to Natural Resources, Peace, Development And Security, A UNEP-INTERPOL Rapid Response Assessment*, United Nations Environment Programme and RHIPTO Rapid Response, Norwegian Centre for Global Analyses, www.rhipto.org, 2016.

V. whereas forest crime can take several forms, namely illegal exploitation of high-value endangered wood species (CITES listed); illegal logging of timber for building material and furniture; illegal logging and laundering of wood through plantation and agricultural front companies to supply pulp for the paper industry and utilisation of the vastly unregulated wood fuel and charcoal trade to conceal illegal logging within and outside of protected areas;

W. whereas urbanisation, misgovernance, large-scale deforestation for agriculture, mining and infrastructure development are causing severe human rights violations with devastating impacts on forest peoples and local communities, such as land grabbing, forced evictions, police harassment, arbitrary arrest and the criminalisation of community leaders, human rights defenders and activists;

X. whereas the UN's Agenda 2030 sets the target of halting and reversing deforestation and forest degradation by 2020; whereas this commitment is reiterated in the Paris Climate Agreement and should not be deferred;

Y. whereas SDG 15 explicitly mentions the need for good forestry management, while forests can play a role in helping to achieve many of the other SDGs;

Z. whereas REDD+ has brought environmental and social benefits in many developing countries, from biodiversity conservation to rural development and the improvement of forest governance; whereas, however, it has been criticised for putting pressure on forest communities;

AA. whereas there is a growing body of evidence that securing community tenure rights leads to reduced deforestation and more sustainable forest management;

AB. whereas agriculture accounts for 80 % of deforestation worldwide; whereas livestock farming and large industrial soy and palm oil plantations, in particular, are major drivers of deforestation, particularly in tropical countries, due to growing demand for these products in developed countries and emerging economies and the expansion of industrial agriculture worldwide; whereas a Commission study in 2013 found that EU-27 was the largest global net importer of embodied deforestation (between 1990 and 2008); whereas the EU therefore has a decisive role to play in combating deforestation and forest degradation, particularly with regard to its demand and its due diligence requirements in relation to agricultural commodities;

AC. whereas soy expansion has led to social and environmental problems, such as soil erosion, water depletion, pesticide contamination and forced displacement of people; whereas indigenous communities have been among those most affected;

AD. whereas the expansion of palm oil plantations has led to massive forest destruction and social conflicts that pit plantation companies against indigenous groups and local communities;

AE. whereas in recent years, the private sector has shown a growing engagement towards forest protection and whereas over 400 companies have committed to eliminating deforestation from their products and supply chains in accordance with the New York Declaration on Forests, focusing in particular on commodities such as palm oil, soy, beef and timber; whereas public measures aimed at agricultural products nevertheless remain relatively rare;

1. Recalls that the Agenda 2030 recognises that biologically diverse forests play a critical role in sustainable development as well as for the Paris agreement; reiterates that sustainable and inclusive forest management and responsible use of forest commodities constitute the most effective and cheapest natural system for carbon capture and storage;

2. Asks the EU to support the integration of forest and land governance objectives into the Nationally Determined Contributions of forested developing countries;

3. Recalls that the Paris Agreement requires all Parties to take action to conserve and enhance sinks, including forests;

4. Notes that halting deforestation and forest degradation and allowing forests to regrow would provide at least 30 % of all mitigation action needed to limit global warming to 1.5°C ([6]);

5. Notes that deforestation is responsible for 11 % of global anthropogenic greenhouse gas emissions, more than all passenger cars combined;

6. Affirms the relevance of the type of forest management for the carbon balance in the tropics, as highlighted in recent papers ([7]), which indicated that subtler forms of degradation, and not only large-scale deforestation as previously thought, are likely to be a very significant source of carbon emissions, accounting for more than half of emissions;

7. Points out that reforestation, restoration of existing degraded forests and increasing tree cover on agricultural landscapes via agroforestry represent the only available sources of negative emissions with significant potential to contribute to the achievement of the Paris Agreement goals;

8. Recalls the Bonn Challenge ([8]), whose goal of restoring 350 million hectares of degraded and deforested land by 2030 could generate about USD 170 billion per year in net benefits from watershed protection, improved crop yields and forest products, and could sequester up to 1.7 gigatonnes of carbon dioxide equivalent annually;

9. Calls on the Commission to honour the EU's international commitments, inter alia those made within the framework of COP21, the UN Forum on Forests (UNFF), the UN Convention on Biological Diversity (UNCBD), the New York Declaration on Forests and SDG 15, in particular target 15.2, the aim of which is to promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally by 2020;

10. Recalls specifically that the Union has committed to the Aichi Targets of the Convention on Biological Diversity, requiring 17 % of all habitats to be conserved, 15 % of degraded ecosystems to be restored and forest loss to be brought close to zero, or at least halved, by 2020;

([6]) Goodman, R.C. and Herold, M., *Why Maintaining Tropical Forests is Essential and Urgent for Maintaining a Stable Climate*, Working Paper 385, Centre for Global Development, Washington DC, 2014; McKinsey & Company, *Pathways to a Low-Carbon Economy*, 2009; McKinsey & Company, *Pathways to a Low-Carbon Economy: Version 2 of the Global Greenhouse Gas Abatement Cost Curve*, 2013.

([7]) Baccini, A. et al., 'Tropical forests are a net carbon source based on aboveground measurements of gain and loss', *Science*, Vol. 358, Issue 6360, 2017, pp. 230-234.

([8]) See https://www.iucn.org/theme/forests/our-work/forest-landscape-restoration/bonn-challenge

Tuesday 11 September 2018

11. Notes that the aviation industry relies heavily on carbon offsets, including forests; stresses, however, that forest offsets face serious criticism, since they are difficult to measure and impossible to guarantee; believes that the International Civil Aviation Organisation (ICAO) should exclude forest offsets from the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) mechanism;

12. Underlines that the drivers of deforestation go beyond the forest sector per se and relate to a wide range of issues, such as land tenure, protection of the rights of indigenous people, agricultural policies and climate change; calls on the Commission to step up its efforts regarding the full and effective implementation of FLEGT-VPAs and to address deforestation holistically through a coherent policy frame, i.e. by ensuring effective recognition and respect of land tenure rights of forest-dependent communities, particularly in case of EU development funding, as well as in the screening process of the FLEGT-VPAs, and in such a way as to enable subsistence in local community forestry, while ensuring the conservation of ecosystems;

13. Calls on the Commission to produce a report every two years on the progress of the FLEGT Action Plan; stresses that this should include an assessment of VPA implementation, scheduled deadlines, any difficulties encountered and measures taken or planned;

14. Notes that implementation of VPAs will have more chance of succeeding if it envisages more targeted support for vulnerable groups involved in managing timber resources (smallholders, micro, small and medium-sized enterprises (MSMEs), independent operators in the 'informal'sector); stresses the importance of ensuring that the certification processes respect the interests of the more vulnerable groups involved in forest management;

15. Underlines the importance of combating illegal trade in tropical timber; suggests to the Commission that future negotiations of FLEGT export licences for verified legal timber products exported to the EU take into consideration the experience with the Indonesian system, effective since November 2016; requests that the Commission carry out an autonomous impact assessment of the implementation of the Indonesian timber legality assurance system, which should be presented within an adequate period of time;

16. Calls on the Commission and Member States to address the risk of conflict timber, to ensure that it is defined as illegal through the VPA process; believes that the definition of legality of the Timber Legality Assurance System (TLAS) should be enlarged to include human rights, in particular community tenure rights, in all VPAs;

17. Calls on the Commission and Member States to use the proposed 'FLEGT structured dialogue' to undertake a proper assessment of corruption risks in the forest sector and develop measures to strengthen participation, transparency, accountability and integrity, as the elements of an anti-corruption strategy;

18. Calls for the EU to develop a green timber procurement policy to support the protection and restoration of forest ecosystems around the world;

19. Notes with concern that the forest sector is particularly vulnerable to poor governance, including corruption, fraud and organised crime, which enjoys a significant degree of impunity; deplores the fact that even in countries that have good forest laws, implementation is weak;

20. Acknowledges that forest crime, such as illegal logging, has been estimated to represent a value of USD 50-152 billion globally in 2016, up from 30-100 billion in 2014, and ranks number one in terms of revenue among environmental crimes; notes that illegal logging plays a substantial role in financing organised crime and thus significantly impoverishes governments, nations and local communities owing to uncollected revenues ([9]);

([9]) Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsovou, M., Raxter, P., Mrema, E., and Barrat, S. (Eds), *The Rise of Environmental Crime – A Growing Threat to Natural Resources, Peace, Development And Security, A UNEP-INTERPOL Rapid Response Assessment*, United Nations Environment Programme and RHIPTO Rapid Response, Norwegian Centre for Global Analyses, www.rhipto.org, 2016.

21. Is alarmed that human rights violations, land grabs and the seizure of indigenous land have intensified, driven by the expansion of infrastructure, monoculture plantations for food, fuel and fibre, logging, and carbon mitigation actions such as biofuels, natural gas or large-scale hydropower developments;

22. Notes with concern that around 3 00 000 Forest People (also referred to as 'pygmies' or 'batwas') in the Central African rainforest are faced with unprecedented pressures on their lands, forest resources and societies, as forests are logged, cleared for agriculture or turned into exclusive wildlife conservation areas;

23. Urges strongly that the Commission follow up on the points made in Parliament's resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ([10]), including with reference to corporations operating in this field; urges the Commission in particular to set in motion the measures called for in this resolution in order to identify and punish those responsible, when such actions can be directly or indirectly ascribed to multinational corporations operating within the jurisdiction of a Member State;

24. Highlights that illegal logging causes loss of tax revenues for developing countries; deplores in particular the fact that offshore tax havens and tax avoidance schemes are being used to fund shell companies and subsidiaries of major pulp, logging and mining companies associated with deforestation, as confirmed by the Panama and Paradise Papers, in a context where the effects of unregulated financial globalisation may impact negatively on forest conservation and environmental sustainability; urges once more that the EU show strong political will and determination in combating tax avoidance and evasion, both domestically and with third countries;

25. Welcomes the publication of the long-awaited feasibility study on options to step up EU action against deforestation ([11]), commissioned by the Commission's Directorate-General for Environment; notes that this study focuses mainly on seven forest risk commodities, namely palm oil, soy, rubber, beef, maize, cocoa and coffee, and recognises that 'the EU is clearly part of the problem of global deforestation';

26. Urges the Commission to immediately launch a thorough impact assessment, and a genuine stakeholder consultation, involving in particular local people and women, with the purpose of establishing a meaningful EU Action Plan on deforestation and forest degradation that includes concrete and coherent regulatory measures, including a monitoring mechanism, to ensure that no supply chains or financial transactions linked to the EU cause deforestation, forest degradation, or human rights violations; calls for this Action Plan to promote enhanced financial and technical assistance to producer countries with the specific aim of protecting, maintaining and restoring forests and critical ecosystems, and enhancing the livelihoods of forest-dependent communities;

27. Recalls that indigenous women and women farmers play a central role in protecting forest ecosystems; notes with concern, however, the absence of women's inclusion and empowerment in the natural resource management process; deplores the lack of forestry education; believes that gender equality in forestry education is a key point in the sustainable management of forests, which should be reflected in the EU Action Plan;

28. Notes the opening of the public consultation on the product scope of the Timber Regulation; considers that the possibility of selecting an option in the questionnaire on reducing the scope to be covered by the regulation is not justified, given that illegal trade flourishes within the current scope of the regulation; further notes the favourable position of the European Confederation of the Woodworking Industries on extending the scope of the Timber Regulation to all wood products;

29. Notes that it was not possible to assess in the 2016 review of the EUTR (SWD(2016)0034) whether penalties laid down by Member States are effective, proportionate and dissuasive, as the number of sanctions applied so far has been very low; questions the application by some Member States of the criterion 'the national economic conditions' for set penalties, given the international aspect of the crime and the fact that it is ranked number one in environmental crimes in the world;

([10]) OJ C 215, 19.6.2018, p. 125.
([11]) http://ec.europa.eu/environment/forests/pdf/feasibility_study_deforestation_kh0418199enn_main_report.pdf

30. Calls on the Commission and the Member States to fully implement and enforce the EUTR, and for the EUTR to cover all products that are or may be made of wood, and that contain or may contain wood; emphasises the requirement to carry out adequate and effective checks, including on complex supply chains and imports from processing countries, and calls for robust and dissuasive sanctions for all economic players, given that this is an international crime generating the largest revenues among environmental crimes;

31. Notes that it was revealed that FLEGT export licences allow illegally sourced wood to be mixed with legal timber and that such wood could therefore potentially be exported to the EU as compliant with the EUTR ([12]);

32. Calls on the Commission to update the EUTR guidance to address conflict timber and recommend more detailed risk mitigation measures to strengthen enforcement, including requesting enhanced due diligence from operators importing from conflict-affected or high-risk areas, anti-bribery terms and conditions in contracts with suppliers, the implementation of anti-corruption compliance provisions, audited financial statements and anti-corruption audits;

Forest and land governance

33. Acknowledges the important work conducted under the UN Economic Commission for Europe (UNECE) and the UN Food and Agriculture Organisation (FAO) with regard to global sustainable forest management, which plays a key role in sustainable trade of forest products;

34. Calls on the EU to establish stronger cooperation and effective partnerships with major timber-consuming countries and international stakeholders, such as the UN, particularly the FAO, the Centre for International Forestry Research (CIFOR) and the World Bank's Programme on Forests (PROFOR), for a more effective reduction in the illegal logged timber trade at global level and better forest governance in general;

35. Stresses that secondary forests, regenerating largely through natural processes after significant human or natural disturbance of primary forests, also provide, alongside primary forests, crucial ecosystem services, a livelihood for local populations and a source of timber; considers that as their survival is also threatened by illegal logging, any action addressing transparency and accountability of forest management should also target secondary and not only primary forests;

36. Stresses the need to encourage participatory and community forest management by strengthening the involvement of civil society in the planning and implementation of forest management policies and projects, raising awareness and ensuring that local communities share the benefits of forest resources;

37. Notes with concern that insecure community land tenure of forest peoples constitutes a key barrier to combatting deforestation;

38. Recalls that responsible governance of tenure of land and forests is essential to ensure social stability, sustainable use of the environment and responsible investment for sustainable development;

([12]) The Environmental Investigation Agency (EIA) and the Indonesian Forest Monitoring Network's (Jaringan Pemantau Independen Kehutanan/JPIK) 2014 *Permitting Crime* report found that some TLAS-licensed companies are involved in 'timber laundering', mixing illegally sourced woods with legal timber. Today, these woods could potentially be exported to the EU as FLEGT-licensed timber. Available at: http://www.wri.org/blog/2018/01/indonesia-has-carrot-end-illegal-logging-now-it-needs-stick; primary source: https://eia-international.org/wp-content/uploads/Permitting-Crime.pdf

39. Notes the existence of models of community forestry/collective customary tenure, which can bring a number of benefits ([13]), including an increase in the forest area and in available water resources, a reduction in illegal logging by putting in place clear rules on timber access, and a robust forest monitoring system; proposes that more research and support be provided to help develop legal frameworks on community forestry;

40. Urges partner countries to recognise and protect the right of local forest-dependent communities, and of indigenous peoples, notably indigenous women, to customary ownership and control of their lands, territories and natural resources, as set out in international human rights instruments such as the International Covenant on Economic, Social and Cultural Rights, UNDRIP and in ILO Convention No 169; calls for the EU to support partner countries in this effort and in applying scrupulously the principle of free, prior and informed consent (FPIC) to large-scale land acquisitions;

41. Denounces the shrinking space for and the rising number of attacks on civil society's and local communities' freedom of expression with regard to forest governance;

42. Calls on the Commission to make the FAO VGGT binding for the External Investment Plan; stresses that compliance with VGGT requires the existence of effective independent monitoring and enforcement, including appropriate dispute resolution and grievance mechanisms; insists that standards on land tenure are included in project design, monitoring and annual reporting and become binding for all EU external action funded by official development assistance (ODA);

43. Urges the Commission and the Member States to establish, as an immediate step, an effective administrative complaints mechanism for victims of human rights violations and other harmful impacts induced by ODA-funded activities in order to initiate investigation and reconciliation processes; points out that this mechanism should have standardised procedures, be of an administrative nature, and therefore be complementary to judicial mechanisms, and that EU Delegations could act as entry points;

44. Calls for the EU to adopt a rule on mandatory disclosure of information on deforestation that provides proof of financial investments linked to the production or processing of forest risk commodities;

45. Recalls that the Commission's report on the functioning of the Transparency Directive 2013/50/EU, which introduces a disclosure requirement for payments to governments by listed and large non-listed companies with activities in the extractive industry and involving logging of primary (natural and semi-natural) forests, should be submitted by 27 November 2018 to Parliament and the Council; further notes that this report should be accompanied by a legislative proposal; in light of a possible review, calls on the Commission to consider extending the obligation to other industry sectors affecting forests, and to forests other than primary forests;

46. Deplores that deficient local participation and lack of forest community agreements in land use zoning and concession allocation are common in many countries; takes the view that the TLAS should include procedural safeguards that empower communities, with the aim of reducing the likelihood of corrupt or inequitable allocation or transfers of land;

47. Stresses that transparency of data, better mapping, independent monitoring, auditing tools and information-sharing are essential to improving governance, international cooperation and facilitating compliance with zero-deforestation commitments; calls for the EU to step up financial and technical support to partner countries to achieve these ends and to help them develop the expertise necessary to improve local forest governance structures and accountability;

([13]) A case from Nepal presented by ClientEarth, available at https://www.clientearth.org/what-can-we-learn-from-community-forests-in-nepal/

Tuesday 11 September 2018

Responsible supply chains and financing

48. Notes that imports of timber and timber products should be more thoroughly checked at the EU borders, to ensure that the imported products do indeed comply with the criteria necessary to enter the EU;

49. Notes that more than half of the commodities produced and exported onto the global market are products of illegal deforestation; points out that, taking into account agriculture-related forest risk-commodities, it is estimated that 65 % of Brazil's and 9 % of Argentina's beef exports, 41 % of Brazil's, 5 % of Argentina's and 30 % of Paraguay's soy exports are likely to be linked to illegal deforestation; further notes that EU producers import significant amounts of feed and proteins from developing countries ([14]);

50. Highlights the key role of the private sector in achieving international forest targets, including forest restoration; stresses, however, the need to ensure that global supply chains and financial flows only support legal, sustainable and deforestation-free production and do not result in human rights violations;

51. Welcomes the fact that major private sector actors (very often from the EU) have pledged to eliminate deforestation from their supply chains and investments; notes, however, that the EU must rise to the challenge and reinforce private sector efforts through policies and appropriate measures creating a common baseline for all companies and levelling the playing field; considers that this would boost pledges, generate trust and make companies more accountable for their commitments;

52. Recalls that the UN Guiding Principles on Business and Human Rights must be respected; supports the ongoing negotiations to create a binding UN instrument on transnational corporations and other business enterprises with respect to human rights and stresses the importance of the EU being actively involved in this process;

53. Encourages corporations to take action to prevent corruption in their business practices, particularly those related to the allocation of land tenure rights, and to enlarge their external monitoring systems on labour standards to encompass broader deforestation-related commitments;

54. Calls for the EU to introduce mandatory requirements for the financial industry to undertake robust due diligence when assessing financial and non-financial environmental, social and governance risks; calls equally for the public disclosure of the due diligence process, through the annual reporting of investors by way of a minimum;

55. Calls for the EU to address global deforestation by regulating European trade and consumption of forest-risk commodities, such as soy, palm oil, eucalyptus, beef, leather and cocoa, based on lessons learned from the FLEGT Action Plan, the Timber Regulation, the Conflict Mineral Regulation, the Non-Financial Reporting Directive, legislation on illegal, unreported and unregulated fishing (IUU) and other EU initiatives to regulate supply chains;

56. Considers that this regulatory framework should:

(a) establish mandatory criteria for sustainable and deforestation-free products;

(b) impose mandatory due diligence obligations on both upstream and downstream operators in forest-risk commodity supply chains;

(c) enforce traceability of commodities and transparency throughout the supply chain;

([14]) Forest Trends Report Series: *Consumer Goods and Deforestation: An Analysis of the Extent and Nature of Illegality in Forest Conversion for Agriculture and Timber Plantations*, 2014.

(d) require Member States' competent authorities to investigate and prosecute EU nationals or EU-based companies that benefit from illegal land conversion in producer countries;

(e) comply with international human rights law, respect customary rights as set out in the VGGT and guarantee the FPIC of all potentially affected communities through the entire lifecycle of the product;

57. Calls for the EU to ensure that the measures put in place and the regulatory framework do not give rise to undue burdens on small and medium-sized producers or prevent their access to markets and international trade;

58. Calls equally for the EU to promote a similar binding regulatory framework at international level and to integrate forest diplomacy into its climate policy, with the aim of encouraging countries, which process and/or import significant quantities of tropical timber, such as China and Vietnam, to adopt effective legislation banning the import of illegally harvested timber and requiring operators to conduct due diligence (along similar lines to the EUTR); to this end, calls on the Commission to improve transparency in relation to the discussions and actions taken under the BCM-FLEGT with China;

59. Deplores the Democratic Republic of the Congo (DRC) Government's challenge to the moratorium on granting two Chinese companies new licences for logging in the DRC's tropical rain forests; calls for the moratorium to be maintained until the logging companies, the Government and local forest-dependent communities reach an agreement on protocols ensuring satisfactory environmental and societal management;

60. Calls for the EU to introduce cross-compliance criteria for animal feed in the common agricultural policy (CAP) reform with the objective of ensuring that public subsidies are granted for sustainable and deforestation-free foodstuffs, reducing imports of protein feed crops and livestock, while diversifying and enhancing domestic protein crop production and with the aim of eliminating the import of forest-risk commodities (e.g. soy, maize) from direct or indirect support in the future EU food and farming policy;

61. Stresses that the new CAP will have to be aligned with the EU's international commitments, including the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change;

62. Calls for the SDG indicators to be used to assess the CAP's external effects, as suggested by the OECD;

63. Recalls that Malaysia and Indonesia are the main producers of palm oil, with an estimated 85-90 % of global production, and that the growing demand for this commodity leads to deforestation, puts pressure on land use and has significant effects on local communities, health and climate change; stresses, in this context, that the negotiations for trade agreements with Indonesia and Malaysia should be used to improve the situation on the ground;

64. Regarding palm oil, acknowledges the positive contribution made by existing certification schemes, but observes with regret that Round Table on Sustainable Palm Oil (RSPO), Indonesian Sustainable Palm Oil (ISPO), Malaysia Sustainable Palm Oil (MSPO) and all other recognised major certification schemes do not effectively prohibit their members from converting rainforests or peatlands into palm plantations; considers, therefore, that these major certification schemes fail to effectively limit greenhouse gas emissions during the establishment and operation of the plantations, and have consequently been unable to prevent massive forest and peat fires; calls on the Commission to ensure that independent auditing and monitoring of these certification schemes is carried out, so as to guarantee that the palm oil placed on the EU market complies with all necessary standards and is sustainable; notes that the issue of sustainability in the palm oil sector cannot be addressed by voluntary measures and policies alone, but that palm oil companies should also be subject to binding rules and a mandatory certification scheme;

65. Stresses the need to improve the reliability of voluntary certification schemes through labelling, with a view to guaranteeing that only palm oil free from deforestation, forest degradation, illegitimate appropriation of land and other human rights violations enters the EU market, in line with Parliament's resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ([15]), and that schemes such as the RSPO include all end-uses of palm oil; stresses furthermore that consumers need to be better informed about the harmful effects of unsustainable palm oil production on the environment, the ultimate goal being to significantly reduce palm oil consumption;

66. Urges the Commission, and all Member States that have not yet done so, to work towards the establishment of an EU-wide commitment to source only certified sustainable palm oil by 2020 by, inter alia, signing and implementing the Amsterdam Declaration 'Towards Eliminating Deforestation from Agricultural Commodity Chains with European Countries', and to work towards the establishment of an industry commitment by, inter alia, signing and implementing the Amsterdam Declaration 'In Support of a Fully Sustainable Palm Oil Supply Chain by 2020';

Policy coherence for development

67. Recalls that SDGs can only be achieved if supply chains become sustainable and synergies are created between policies; is alarmed that the EU's high dependence on imports of animal feed in the form of soybeans causes deforestation abroad; is worried about the environmental impact of increasing imports of biomass and the rising demand for wood in Europe, notably to meet the EU renewable energy targets; calls on the EU to comply with the principle of policy coherence for development (PCD), as enshrined in Article 208 of the TFEU, as it constitutes a fundamental aspect of the EU's contribution to implementing Agenda 2030, the Paris Agreement and the European Consensus for Development; calls, therefore, for the EU to ensure consistency between its development, trade, agriculture, energy and climate policies;

68. Calls on the Commission to streamline and better coordinate its efforts in fighting illegal logging within the different EU policies and its services involved in the policies; calls on the Commission to negotiate timber import standards in future bilateral or multilateral trade-related agreements, in order to avoid undermining the successes achieved through the FLEGT Action Plan with timber-producing countries;

69. Recalls that 80 % of the forests are the traditional lands and territories of indigenous peoples and local communities; notes with concern that the UN Special Rapporteur on the rights of indigenous peoples has reported receiving an increasing number of allegations concerning situations where climate change mitigation projects have negatively affected the rights of indigenous peoples, notably renewable energy projects such as biofuel production and the construction of hydroelectric dams; stresses the need to secure land tenure rights for local forest communities, including customary rights; highlights results-based payments and REDD+ as an opportunity to enhance forest governance, land tenure rights and livelihoods;

70. Stresses the vital role of indigenous people in the sustainable management of natural resources and biodiversity conservation; recalls that the United Nations Framework Convention on Climate Change (UNFCCC) calls upon its state parties to respect the knowledge and rights of indigenous peoples as safeguards in implementing REDD+; urges partner countries to adopt measures to effectively engage indigenous peoples in climate change adaptation and mitigation measures;

71. Calls for the EU and its Member States to enhance synergies between FLEGT-VPA and REDD+;

72. Expresses deep concern over the expansion of large-scale industrial use of forests for energy through monoculture, which accelerates the global loss of biodiversity and the deterioration of ecosystems services;

([15]) OJ C 215, 19.6.2018, p. 125.

73. Recalls that EU policy on biofuel should be consistent with the SDGs and the principle of PCD; reiterates that the EU should phase out all policy incentives for agrofuels by 2030 at the latest;

74. Deplores that the ongoing revision of the Renewable Energy Directive (RED II) does not introduce social sustainability criteria and other indirect land use consequences taking into account the risks of land-grabbing; recalls that the Directive should be consistent with international tenure rights standards, i.e. ILO Convention No 169 and FAO Voluntary Guidelines on Land Tenures and Principles for Responsible Investment in Agriculture and Food Systems; stresses equally the need to introduce more stringent criteria on forest biomass to avoid the promotion of bioenergy triggering deforestation abroad;

75. Notes the unequivocal body of evidence that the conversion of tropical forest to agriculture, plantations and other land uses causes a significant loss of species, and particularly of forest-specialist species; stresses the need to restore natural, biologically diverse forests as a means to combat climate change and to protect biodiversity, in line with the objectives of Agenda 2030, particularly Goal 15; believes that forest restoration programmes should recognise local customary land rights, be inclusive and tailored to local conditions and promote nature-based solutions such as forest landscape restoration (FLR) to balance land uses, including protected areas, agroforestry, farming systems, small-scale plantations and human settlements; calls on the Commission and the Member States to ensure that the impact of EU consumption on deforestation abroad is addressed in light of the objectives set by the EU Biodiversity Strategy to 2020;

76. Calls on the EU to support initiatives by forest-rich developing countries aimed at counterbalancing the unfettered expansion of agricultural practices and mining activities which have had an adverse impact on the management of forests and on the livelihood and cultural integrity of indigenous peoples, and detrimental consequences for social stability and the food sovereignty of farmers;

77. Reiterates that sustainable wood value chains, sourced from sustainably managed forests, including sustainable forest plantations and family tree farming, can deliver important contributions to achievement of the SDGs and climate change commitments; insists, in a context where forest degradation or disturbance accounts for 68.9 per cent of overall losses of carbon in tropical ecosystems ([16]), that no public funding originating from climate finance and development funding should be used to support the expansion of agriculture, industrial scale logging, mining, resource extraction, or infrastructure development into intact forest landscapes, while finance from public funding more generally should be subject to robust sustainability criteria; further calls for the EU and its Member States to coordinate donor policies in this respect ([17]);

78. Considers that efforts to halt deforestation must include aid and support for the most effective use of existing croplands, to be applied in conjunction with a smart village approach; recognises that agro-ecological practices have a strong potential to maximise ecosystem functions and resilience via mixed high-diversity planting, agroforestry and permaculture techniques relevant also for crops such as palm oil, cocoa or rubber, and also deliver excess benefits in terms of social outcomes, diversification of production and productivity, without resorting to further forest conversion;

Forest criminality

79. Notes that, according to UNEP and INTERPOL, illegal logging and trade in timber are one of the five most important sectors of environmental criminality, with transnational organised crime groups playing an ever greater role;

80. Stresses that combating illegal international trade requires concerted and inclusive action to stop the destruction, deforestation, illegal logging and combat the fraud, the slaughter and the demand for forest commodities and wildlife;

([16]) Baccini, A. et al., 'Tropical forests are a net carbon source based on aboveground measurements of gain and loss', *Science*, Vol. 358, Issue 6360, 2017, pp. 230-234, http://science.sciencemag.org/content/early/2017/09/27/science.aam5962

([17]) Baccini, A. et al., op. cit.

81. Underlines that forest crime, from unregulated or illegal burning of charcoal to large-scale corporate crimes involving timber, paper and pulp, have a major impact on global climate emissions, water reserves, desertification and rainfall patterns;

82. Notes with concern that, according to UNEP and INTERPOL, legislation tackling environmental crime is deemed to be inadequate in many countries, due among other things to lack of expertise and personnel, low fines or absence of criminal sanctions, etc., which constitute obstacles to the effective fight against these crimes;

83. Stresses the importance of deploying truly dissuasive and effective penalties in producer countries to combat illegal logging and trade in timber;

84. Calls on the Commission to widen the scope of Directive 2008/99/EC on the protection of the environment through criminal law ([18]) to include illegal timber logging;

85. Encourages the EU to provide assistance in strengthening surveillance of deforestation and illegal activities;

86. Stresses the need to address the root causes of environmental crime, such as poverty, corruption and poor governance, through an integrated and holistic approach, encouraging financial cross-border cooperation and employing all relevant instruments for combating international organised crime, including the seizure and confiscation of criminal assets and action against money laundering;

87. Stresses the need to strengthen domestic legal frameworks, support the setting up of national law enforcement networks and upgrade the implementation and enforcement of international law of relevance to the promotion of transparent and accountable forest management, inter alia through exchange of best practices, stringent information disclosure, robust sustainability impact assessments and monitoring and reporting systems, taking into account the need to protect forest guards; calls for enhanced cross-sectoral and cross-agency collaboration both at national and international levels, particularly with INTERPOL and UNODC, including intelligence sharing and judicial cooperation and the enlargement of the scope of the jurisdiction of the International Criminal Court (ICC) to cover environmental crime;

88. Recalls that greater access to customs data on imports entering the EU would increase global value chain transparency and accountability; calls on the Commission to extend customs data requirements and include the exporter and the manufacturer as mandatory customs data elements, thereby enhancing the transparency and traceability of global value chains;

Trade Issues

89. Emphasises that Union trade negotiations must be in line with Union commitments to take action to reduce deforestation and forest degradation and to enhance forest carbon stocks in developing countries;

90. Emphasises the need to expand and reinforce the arrangements for preventing, monitoring and verifying environmental and human rights impacts of EU bilateral and multilateral free trade and investment agreements (FTAs), including via verifiable indicators and independent community-based monitoring and reporting initiatives;

([18]) OJ L 328, 6.12.2008, p. 28.

91. Urges the EU to always include in its trade and sustainable development (TSD) chapters binding and enforceable provisions to halt illegal logging, deforestation, forest degradation and land grabbing, and other human rights violations which are subject to suitable and effective dispute settlement mechanisms, and to consider, among various enforcement methods, a sanctions-based mechanism and provisions to guarantee the right to property, prior consultation and informed consent; calls on the Commission to include such provisions in already concluded FTAs through the revision clause, particularly the commitment to effectively implement the Paris Agreement on Climate Change; stresses the importance of monitoring these provisions and the need to start government consultation procedures without delay in the event that trade partners disrespect these rules, and to trigger existing enforcement mechanisms such as the dispute resolution mechanisms established within the framework of TSD chapters;

92. Calls on the Commission to include ambitious forest-specific provisions in all EU trade and investment agreements; stresses that these provisions should be binding and enforceable through effective monitoring and sanctions mechanisms that allow individuals and communities, outside or within the EU, to seek redress;

93. Stresses that corruption linked to illegal logging should be addressed in EU trade policy; urges the Commission to include in its FTAs illegal logging-related anti-corruption provisions that are enforceable and which must be effectively and fully implemented;

94. Urges the Commission to include illegal forest practices, such as underpricing of wood in concessions, harvesting of protected trees by commercial corporations, smuggling of forest products across borders, illegal logging and processing forest raw materials without a licence, within the scope of enforceable anti-corruption provisions in FTAs;

95. Notes that the generalised Scheme of Preferences (GSP) Regulation still has limited scope for the protection and accountable management of forestry resources; calls on the Commission to ensure that forest-relevant conventions covered by the GSP and GSP+ schemes are properly monitored, including by civil society organisations, so as to guarantee the protection of forests in partner countries, including the possibility of setting up a complaint mechanism to ensure that interested parties' complaints are duly considered; stresses that this mechanism must give special consideration to the rights of indigenous peoples, forest-dependent communities, and the rights granted under ILO Convention C169 on Indigenous and Tribal Peoples where applicable;

96. Recalls the importance of adequate access to justice, legal remedies and effective protection for whistleblowers in natural resources exporting countries in order to ensure the efficiency of any legislation or initiative;

o

o o

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

Wednesday 12 September 2018

P8_TA(2018)0340

The situation in Hungary

European Parliament resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2017/2131(INL))

(2019/C 433/09)

The European Parliament,

— having regard to the Treaty on European Union, and in particular Article 2 and Article 7(1) thereof,

— having regard to the Charter of Fundamental Rights of the European Union,

— having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto,

— having regard to the Universal Declaration of Human Rights,

— having regard to the international human rights treaties of the United Nations and the Council of Europe, such as the European Social Charter and the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),

— having regard to its resolution of 17 May 2017 on the situation in Hungary ([1]),

— having regard to its resolutions of 16 December 2015 ([2]) and 10 June 2015 ([3]) on the situation in Hungary,

— having regard to its resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012) ([4]),

— having regard to its resolutions of 16 February 2012 on the recent political developments in Hungary ([5]) and of 10 March 2011 on media law in Hungary ([6]),

— having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ([7]),

— having regard to its legislative resolution of 20 April 2004 on the Commission communication on Article 7 of the Treaty on European Union: Respect for and promotion of the values on which the Union is based ([8]),

— having regard to Communication of 15 October 2003 from the Commission to the Council and the European Parliament on Article 7 of the Treaty on European Union - Respect for and promotion of the values on which the Union is based ([9]),

([1]) Texts adopted, P8_TA(2017)0216.
([2]) OJ C 399, 24.11.2017, p. 127.
([3]) OJ C 407, 4.11.2016, p. 46.
([4]) OJ C 75, 26.2.2016, p. 52.
([5]) OJ C 249 E, 30.8.2013, p. 27.
([6]) OJ C 199 E, 7.7.2012, p. 154.
([7]) OJ C 215, 19.6.2018, p. 162.
([8]) OJ C 104 E, 30.4.2004, p. 408.
([9]) COM(2003)0606.

— having regard to the annual reports of the European Union Agency for Fundamental Rights (FRA) and European Anti-Fraud Office (OLAF),

— having regard to Rules 45, 52 and 83 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgetary Control, the Committee on Culture and Education, the Committee on Constitutional Affairs and the Committee on Women's Rights and Gender Equality (A8-0250/2018),

A. whereas the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, as set out in Article 2 of the Treaty on European Union (TEU) and as reflected in the Charter of Fundamental Rights of the European Union and embedded in international human rights treaties, and whereas those values, which are common to the Member States and to which all Member States have freely subscribed, constitute the foundation of the rights enjoyed by those living in the Union;

B. whereas any clear risk of a serious breach by a Member State of the values referred to in Article 2 TEU does not concern solely the individual Member State where the risk materialises but has an impact on the other Member States, on mutual trust between them and on the very nature of the Union and its citizens' fundamental rights under Union law;

C. whereas, as indicated in the 2003 Commission Communication on Article 7 of the Treaty on European Union, the scope of Article 7 TEU is not confined to the obligations under the Treaties, as in Article 258 of the Treaty on the Functioning of the European Union, and whereas the Union can assess the existence of a clear risk of a serious breach of the common values in areas falling under Member States' competences;

D. whereas Article 7(1) TEU constitutes a preventive phase endowing the Union with the capacity to intervene in the event of a clear risk of a serious breach of the common values; whereas such preventive action provides for a dialogue with the Member State concerned and is intended to avoid possible sanctions;

E. whereas, while the Hungarian authorities have consistently been ready to discuss the legality of any specific measure, the situation has not been addressed and many concerns remain, having a negative impact on the image of the Union, as well as its effectiveness and credibility in the defence of fundamental rights, human rights and democracy globally, and revealing the need to address them by a concerted action of the Union;

1. States that the concerns of Parliament relate to the following issues:

— the functioning of the constitutional and electoral system;

— the independence of the judiciary and of other institutions and the rights of judges;

— corruption and conflicts of interest;

— privacy and data protection;

— freedom of expression;

— academic freedom;

— freedom of religion;

— freedom of association;

— the right to equal treatment;

— the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities;

— the fundamental rights of migrants, asylum seekers and refugees;

— economic and social rights.

2. Believes that the facts and trends mentioned in the Annex to this resolution taken together represent a systemic threat to the values of Article 2 TEU and constitute a clear risk of a serious breach thereof;

3. Notes the outcome of the parliamentary elections in Hungary, which took place on 8 April 2018; highlights the fact that any Hungarian government is responsible for the elimination of the risk of a serious breach of the values of Article 2 TEU, even if this risk is a lasting consequence of the policy decisions suggested or approved by previous governments;

4. Submits, therefore, in accordance with Article 7(1) TEU, the annexed reasoned proposal to the Council, inviting the Council to determine whether there is a clear risk of a serious breach by Hungary of the values referred to in Article 2 TEU and to address appropriate recommendations to Hungary in this regard;

5. Instructs its President to forward this resolution and the reasoned proposal for a Council decision annexed hereto to the Council, the Commission and the governments and parliaments of the Member States.

ANNEX TO THE RESOLUTION

Proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 7(1) thereof,

Having regard to the reasoned proposal from the European Parliament,

Having regard to the consent of the European Parliament,

Whereas:

(1) The Union is founded on the values referred to in Article 2 of the Treaty on European Union (TEU), which are common to the Member States and which include respect for democracy, the rule of law and human rights. In accordance with Article 49 TEU, accession to the Union requires respect for and the promotion of the values referred to in Article 2 TEU.

(2) The accession of Hungary was a voluntary act based on a sovereign decision, with a broad consensus across the Hungarian political spectrum.

(3) In its reasoned proposal, the European Parliament presented its concerns related to the situation in Hungary. In particular, the main concerns related to the functioning of the constitutional and electoral system, the independence of the judiciary and of other institutions, the rights of judges, corruption and conflicts of interest, privacy and data protection, freedom of expression, academic freedom, freedom of religion, freedom of association, the right to equal treatment, the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities, the fundamental rights of migrants, asylum seekers and refugees, and economic and social rights.

(4) The European Parliament also noted that the Hungarian authorities have consistently been ready to discuss the legality of any specific measure but failed to take all the actions recommended in its previous resolutions.

(5) In its resolution of 17 May 2017 on the situation in Hungary, the European Parliament stated that the current situation in Hungary represents a clear risk of a serious breach of the values referred to in Article 2 TEU and warrants the launch of the Article 7(1) TEU procedure.

(6) In its 2003 Communication on Article 7 of the Treaty on European Union, the Commission enumerated many sources of information to be considered when monitoring respect for and promotion of common values, such as the reports of international organisations, NGO reports and the decisions of regional and international courts. A wide range of actors at national, European and international level, have expressed their deep concerns about the situation of democracy, the rule of law and fundamental rights in Hungary, including the institutions and bodies of the Union, the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE), the United Nations (UN), as well as numerous civil society organisations, but these are to be considered legally non-binding opinions, since only the Court of Justice of the European Union may interpret the provisions of the Treaties.

Functioning of the constitutional and electoral system

(7) The Venice Commission expressed its concerns regarding the constitution-making process in Hungary on several occasions, both as regards the Fundamental Law and amendments thereto. It welcomed the fact that the Fundamental Law establishes a constitutional order based on democracy, the rule of law and the protection of fundamental rights as underlying principles and acknowledged the efforts to establish a constitutional order in line with common European democratic values and standards and to regulate fundamental rights and freedoms in compliance with binding international instruments. The criticism focused on the lack of transparency of the process, the inadequate involvement of civil society, the absence of sincere consultation, the endangerment of the separation of powers and the weakening of the national system of checks and balances.

(8) The competences of the Hungarian Constitutional Court were limited as a result of the constitutional reform, including with regard to budgetary matters, the abolition of the actio popularis, the possibility for the Court to refer to its case law prior to 1 January 2012 and the limitation on the Court's ability to review the constitutionality of any changes to the Fundamental Law apart from those of a procedural nature only. The Venice Commission expressed serious concerns about those limitations and about the procedure for the appointment of judges, and made recommendations to the Hungarian authorities to ensure the necessary checks and balances in its Opinion on Act CLI of 2011 on the Constitutional Court of Hungary adopted on 19 June 2012 and in its Opinion on the Fourth Amendment to the Fundamental Law of Hungary adopted on 17 June 2013. In its opinions, the Venice Commission also identified a number of positive elements of the reforms, such as the provisions on budgetary guarantees, ruling out the re-election of judges and the attribution of the right to initiate proceedings for *ex post* review to the Commissioner for Fundamental Rights.

(9) In the concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns that the current constitutional complaint procedure affords more limited access to the Constitutional Court, does not provide for a time limit for the exercise of constitutional review and does not have a suspensive effect on challenged legislation. It also mentioned that the provisions of the new Constitutional Court Act weaken the security of tenure of judges and increase the influence of the government over the composition and operation of the Constitutional Court by changing the judicial appointments procedure, the number of judges in the Court and their retirement age. The Committee was also concerned about the limitation of the Constitutional Court's competence and powers to review legislation impinging on budgetary matters.

(10) In its report, adopted on 27 June 2018, the limited election observation mission of the OSCE Office for Democratic Institutions and Human Rights stated that the technical administration of the elections was professional and transparent, fundamental rights and freedoms were respected overall, but exercised in an adverse climate. The election administration fulfilled its mandate in a professional and transparent manner, enjoyed overall confidence among stakeholders and was generally perceived as impartial. The campaign was animated but hostile and intimidating campaign rhetoric limited space for substantive debate and diminished voters' ability to make an informed choice. Public campaign funding and expenditure ceilings aimed at securing equal opportunities for all candidates. However, the ability of contestants to compete on an equal basis was significantly compromised by the government's excessive spending on public information advertisements that amplified the ruling coalition's campaign message. With no reporting requirements until after the elections, voters were effectively deprived of information on campaign financing, key to making an informed choice. It also expressed concerns about the delineation of single-member constituencies. Similar concerns were expressed in the Joint Opinion of 18 June 2012 on the Act on the Elections of Members of Parliament of Hungary adopted by the Venice Commission and the Council for Democratic Elections, ***in which*** it was mentioned that the delimitation of constituencies has to be done in a transparent and professional manner through an impartial and non-partisan process, i.e. avoiding short-term political objectives (gerrymandering).

(11) In recent years the Hungarian Government has extensively used national consultations, expanding direct democracy at the national level. On 27 April 2017, the Commission pointed out that the national consultation "Let's stop Brussels" contained several claims and allegations which were factually incorrect or highly misleading. The Hungarian Government also conducted consultations entitled 'Migration and Terrorism' in May 2015 and against a so-called 'Soros Plan' in October 2017. Those consultations drew parallels between terrorism and migration, inducing hatred towards migrants, and targeted particularly the person of George Soros and the Union.

Independence of the judiciary and of other institutions and the rights of judges

(12) As a result of the extensive changes to the legal framework enacted in 2011, the president of the newly created National Judicial Office (NJO) was entrusted with extensive powers. The Venice Commission criticised those extensive powers in its Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary, adopted on 19 March 2012 and in its Opinion on the Cardinal Acts on the Judiciary, adopted on 15 October 2012. Similar concerns have been raised by the UN Special Rapporteur on the independence of judges and lawyers on 29 February 2012 and on 3 July 2013, as well as by the Group of States against Corruption (GRECO) in its report adopted on 27 March 2015. All those actors emphasised the need to enhance the role of the collective body, the National Judicial Council (NJC), as an oversight instance, because the president of the NJO, who is elected by the Hungarian Parliament, cannot be considered an organ of judicial self-government. Following international recommendations, the status of the president of the NJO was changed and the president's powers restricted in order to ensure a better balance between the president and the NJC.

(13) Since 2012, Hungary has taken positive steps to transfer certain functions from the president of the NJO to the NJC in order to create a better balance between these two organs. However, further progress is still required. GRECO, in its report adopted on 27 March 2015, called for minimising the potential risks of discretionary decisions by the president of the NJO. The president of the NJO is, inter alia, able to transfer and assign judges, and has a role in judicial discipline. The president of the NJO also makes a recommendation to the President of Hungary to appoint and remove heads of courts, including presidents and vice-presidents of the Courts of Appeal. GRECO welcomed the recently adopted Code of Ethics for Judges, but considered that it could be made more explicit and accompanied by in-service training. GRECO also acknowledged the amendments that were made to the rules on judicial recruitment and selection procedures between 2012 and 2014 in Hungary, through which the NJC received a stronger supervisory function in the selection process. On 2 May 2018, the NJC held a session where it unanimously adopted decisions concerning the practice of the president of the NJO with regard to declaring calls for applications to judicial positions and senior positions unsuccessful. The decisions found the president's practice unlawful.

(14) On 29 May 2018, the Hungarian Government presented a draft Seventh Amendment to the Fundamental Law (T/332), which was adopted on 20 June 2018. It introduced a new system of administrative courts.

(15) Following the judgment of the Court of Justice of the European Union (the "Court of Justice") of 6 November 2012 in Case C-286/12, *Commission v. Hungary* ([1]), which held that by adopting a national scheme requiring the compulsory retirement of judges, prosecutors and notaries when they reach the age of 62, Hungary failed to fulfil its obligations under Union law, the Hungarian Parliament adopted Act XX of 2013 which provided that the judicial retirement age is to be gradually reduced to 65 years of age over a ten year period and set out the criteria for reinstatement or compensation. According to the Act, there was a possibility for retired judges to return to their former posts at the same court under the same conditions as prior to the regulations on retirement, or if they were unwilling to return, they received a 12-month lump sum compensation for their lost remuneration and could file for further compensation before the court, but reinstatement to leading administrative positions was not guaranteed. Nevertheless, the Commission acknowledged the measures of Hungary to make its retirement law compatible with Union law. In its report of October 2015, the International Bar Association's Human Rights Institute stated that a majority of the removed judges did not return to their original positions, partly because their previous positions had already been occupied. It also mentioned that the independence and impartiality of the Hungarian judiciary cannot be guaranteed and the rule of law remains weakened.

(16) In its judgment of 16 July 2015, *Gazsó v. Hungary*, the European Court of Human Rights (ECtHR) held that there had been a violation of the right to a fair trial and the right to an effective remedy. The ECtHR came to the conclusion that the violations originated in a practice which consisted in Hungary's recurrent failure to ensure that proceedings determining civil rights and obligations are completed within a reasonable time and to take measures enabling applicants to claim redress for excessively long civil proceedings at a domestic level. The execution of that judgment is still pending. A new Code of Civil Procedure, adopted in 2016, provides for the acceleration of civil proceedings by introducing a double-phase procedure. Hungary has informed the Committee of Ministers of the Council of Europe that the new law creating an effective remedy for prolonged procedures will be adopted by October 2018.

([1]) Judgment of the Court of Justice of 6 November 2012, Commission v. Hungary, C-286/12, ECLI:EU:C:2012:687.

(17) In its judgment of 23 June 2016, *Baka v. Hungary*, the ECtHR held that there had been a violation of the right of access to a court and the freedom of expression of András Baka, who had been elected as President of the Supreme Court for a six-year term in June 2009, but ceased to have this position in accordance with the transitional provisions in the Fundamental Law, providing that the Curia would be the legal successor to the Supreme Court. The execution of that judgment is still pending. On 10 March 2017, the Committee of Ministers of the Council of Europe solicited to take measures to prevent further premature removals of judges on similar grounds, safeguarding any abuse in this regard. The Hungarian Government noted that those measures are not related to the implementation of the judgment.

(18) On 29 September 2008, Mr András Jóri was appointed Data Protection Commissioner for a term of six years. However, with effect from 1 January 2012, the Hungarian Parliament decided to reform the data protection system and replace the Commissioner with a national authority for data protection and freedom of information. Mr Jóri had to vacate office before his full term had expired. On 8 April 2014, the Court of Justice held that the independence of supervisory authorities necessarily includes the obligation to allow them to serve their full term of office and that Hungary failed to fulfil its obligations under Directive 95/46/EC of the European Parliament and of the Council ([2]). Hungary amended the rules on the appointment of the Commissioner, presented an apology and paid the agreed sum of compensation.

(19) The Venice Commission identified several shortcomings in its Opinion on Act CLXIII of 2011 on the Prosecution Service and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and other Prosecution Employees and the Prosecution Career of Hungary, adopted on 19 June 2012. In its report, adopted on 27 March 2015, GRECO urged the Hungarian authorities to take additional steps to prevent abuse and increase the independence of the prosecution service by, inter alia, removing the possibility for the Prosecutor General to be re-elected. In addition, GRECO called for disciplinary proceedings against ordinary prosecutors to be made more transparent and for decisions to move cases from one prosecutor to another to be guided by strict legal criteria and justifications. According to the Hungarian Government, the 2017 GRECO Compliance Report acknowledged the progress made by Hungary concerning prosecutors (publication is not yet authorised by the Hungarian authorities, despite calls by GRECO Plenary Meetings). The Second Compliance Report is pending.

Corruption and conflicts of interest

(20) In its report adopted on 27 March 2015, GRECO called for the establishment of codes of conduct for members of the Hungarian Parliament (MPs) concerning guidance for cases of conflicts of interest. Furthermore, MPs should also be obliged to report conflicts of interest which arise in an ad hoc manner and this should be accompanied by a more robust obligation to submit asset declarations. This should also be accompanied by provisions that allow for sanctions for submitting inaccurate asset declarations. Moreover, asset declarations should be made public online to allow for genuine popular oversight. A standard electronic database should be put in place to allow for all declarations and modifications thereto to be accessible in a transparent manner.

(21) In its report adopted on 27 June 2018, the limited election observation mission of the OSCE Office for Democratic Institutions and Human Rights concluded that the limited monitoring of campaign spending and the absence of thorough reporting on sources of campaign funds until after the elections undercuts campaign finance transparency and the ability of voters to make an informed choice, contrary to international obligations and good practice. The State Audit Office has the competence to monitor and control whether the legal requirements have been met. The report did not include the official audit report of the State Audit Office concerning the 2018 parliamentary elections, as it had not been completed at the time.

(22) On 7 December 2016, the Open Government Partnership (OGP) Steering Committee received a letter from the Government of Hungary announcing its immediate withdrawal from the partnership, which voluntarily brings together 75 countries and hundreds of civil society organisations. The Government of Hungary had been under review by OGP since July 2015 for concerns raised by civil society organisations, in particular regarding their space to operate in the country. Not all Member States are members of the OGP.

([2]) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(23) Hungary benefits from Union funding amounting to 4,4 % of its GDP or more than half of public investment. The share of contracts awarded after public procurement procedures that received only a single bid remains high at 36 % in 2016. Hungary has the highest percentage in the Union of financial recommendations from OLAF regarding the Structural Funds and Agriculture for the 2013-2017 period. In 2016, OLAF concluded an investigation into a EUR 1,7 billion transport project in Hungary, in which several international specialist construction firms were the main players. The investigation revealed very serious irregularities as well as possible fraud and corruption in the execution of the project. In 2017, OLAF found "serious irregularities" and "conflicts of interest" during its investigation into 35 street-lightning contracts granted to the company at the time controlled by the Hungarian Prime-Minister's son-in-law. OLAF sent its final report with financial recommendations to the Commission's Directorate-General for Regional and Urban Policy to recover EUR 43,7 million and judicial recommendations to the General Prosecutor of Hungary. A cross-border investigation, concluded by OLAF in 2017, involved allegations related to the potential misuse of Union funds in 31 Research and Development projects. The investigation, which took place in Hungary, Latvia and Serbia, uncovered a subcontracting scheme used to artificially increase project costs and hide the fact that the final suppliers were linked companies. OLAF therefore concluded the investigation with a financial recommendation to the Commission to recover EUR 28,3 million and a judicial recommendation to the Hungarian judicial authorities. Hungary decided not to participate in the establishment of the European Public Prosecutor's Office responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union.

(24) According to the Seventh report on economic, social and territorial cohesion, government effectiveness in Hungary has diminished since 1996 and it is one of the Member States with the least effective governments in the Union. All Hungarian regions are well below the Union average in terms of quality of government. According to the EU Anti-corruption Report published by the Commission in 2014, corruption is perceived as widespread (89 %) in Hungary. According to the Global Competitiveness Report 2017-2018, published by the World Economic Forum, the high level of corruption was one of the most problematic factors for doing business in Hungary.

Privacy and data protection

(25) In its judgment of 12 January 2016, *Szabó and Vissy v. Hungary*, the ECtHR found that the right to respect for private life was violated on account of the insufficient legal guarantees against possible unlawful secret surveillance for national security purposes, including related to the use of telecommunications. The applicants did not allege that they had been subjected to any secret surveillance measures, therefore no further individual measure appeared necessary. The amendment of the relevant legislation is necessary as a general measure. Proposals for amendment of the Act on National Security Services are currently being discussed by the experts of the competent ministries of Hungary. The execution of this judgment is, therefore, still pending.

(26) In the concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns that Hungary's legal framework on secret surveillance for national security purposes allows for mass interception of communications and contains insufficient safeguards against arbitrary interference with the right to privacy. It was also concerned by the lack of provisions to ensure effective remedies in cases of abuse, and notification to the person concerned as soon as possible, without endangering the purpose of the restriction, after the termination of the surveillance measure.

Freedom of expression

(27) On 22 June 2015 the Venice Commission adopted its Opinion on Media Legislation (Act CLXXXV on Media Services and on the Mass Media, Act CIV on the Freedom of the Press, and the Legislation on Taxation of Advertisement Revenues of Mass Media) of Hungary, which called for several changes to the Press Act and the Media Act, in particular concerning the definition of "illegal media content", the disclosure of journalistic sources and sanctions on media outlets. Similar concerns had been expressed in the analysis commissioned by the Office of the OSCE Representative on Freedom of the Media in February 2011, by the previous Council of Europe's Commissioner for Human Rights in his opinion on Hungary's media legislation in light of Council of Europe standards on freedom of the media of 25 February 2011, as well as by Council of Europe experts on Hungarian media legislation in their expertise of 11 May 2012. In his statement of 29 January 2013, the Council of Europe's Secretary General welcomed the fact that discussions in the field of media have led to several important changes. Nevertheless, the remaining concerns were reiterated by the Council of Europe's Commissioner for Human Rights in the report following his visit to Hungary, which was published on 16 December 2014. The Commissioner also mentioned the issues of concentration of media ownership and self-censorship and indicated that the legal framework criminalising defamation should be repealed.

(28) In its Opinion of 22 June 2015 on Media Legislation, the Venice Commission acknowledged the efforts of the Hungarian government, over the years, to improve on the original text of the Media Acts, in line with comments from various observers, including the Council of Europe, and positively noted the willingness of the Hungarian authorities to continue the dialogue. Nevertheless, the Venice Commission insisted on the need to change the rules governing the election of the members of the Media Council to ensure fair representation of socially significant political and other groups and that the method of appointment and the position of the Chairperson of the Media Council or the President of the Media Authority should be revisited in order to reduce the concentration of powers and secure political neutrality; the Board of Trustees should also be reformed along those lines. The Venice Commission also recommended the decentralisation of the governance of public service media providers and that the National News Agency not be the exclusive provider of news for public service media providers. Similar concerns had been expressed in the analysis commissioned by the Office of the OSCE Representative on Freedom of the Media in February 2011, by the previous Council of Europe's Commissioner for Human Rights in his opinion on Hungary's media legislation in light of Council of Europe standards on freedom of the media of 25 February 2011, as well as by Council of Europe experts on Hungarian media legislation in their expertise of 11 May 2012. In his statement of 29 January 2013, the Council of Europe's Secretary General welcomed the fact that discussions in the field of media have led to several important changes. Nevertheless, the remaining concerns were reiterated by the Council of Europe's Commissioner for Human Rights in the report following his visit to Hungary, which was published on 16 December 2014.

(29) On 18 October 2012, the Venice Commission adopted its Opinion on Act CXII of 2011 on Informational Self-Determination and Freedom of Information of Hungary. Despite the overall positive assessment, the Venice Commission identified the need for further improvements. However, following subsequent amendments to that law, the right to access government information has been significantly restricted further. Those amendments were criticised in the analysis commissioned by the Office of the OSCE Representative on Freedom of the Media in March 2016. It indicated that the amounts to be charged for direct costs appear to be entirely reasonable, but the charging for the time of public officials to answer requests is unacceptable. As was acknowledged by the Commission's 2018 country report, the Data Protection Commissioner and the courts, including the Constitutional Court, have taken a progressive position in transparency-related cases.

(30) In its report, adopted on 27 June 2018, the limited election observation mission of the OSCE Office for Democratic Institutions and Human Rights for the 2018 Hungarian parliamentary elections stated that access to information as well as the freedoms of the media and association have been restricted, including by recent legal changes and that media coverage of the campaign was extensive, yet highly polarized and lacking critical analysis due to the politicisation of media ownership and influx of the government's publicity campaigns. The public broadcaster fulfilled its mandate to provide free airtime to contestants, but its newscasts and editorial output clearly favoured the ruling coalition, contrary to international standards. Most commercial broadcasters were partisan in their coverage, siding either with the ruling or opposition parties. Online media provided a platform for pluralistic, issue-oriented political debate. It further noted that politicisation of the ownership, coupled with a restrictive legal framework and absence of an independent media regulatory body, had a chilling effect on editorial freedom, hindering voters' access to pluralistic information. It also mentioned that the amendments introduced undue restrictions on access to information by broadening the definition of information not subject to disclosure and by increasing the fee for handling information requests.

(31) In its concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns about Hungary's media laws and practices that restrict freedom of opinion and expression. It was concerned that, following successive changes in the law, the current legislative framework does not fully ensure an uncensored and unhindered press. It noted with concern that the Media Council and the Media Authority lack sufficient independence to perform their functions and have overbroad regulatory and sanctioning powers.

(32) On 13 April 2018, the OSCE Representative on Freedom of the Media strongly condemned the publication of a list of more than 200 people by a Hungarian media outlet which claimed that over 2 000 people, including those listed by name, are allegedly working to "topple the government". The list was published by the Hungarian magazine Figyelő on 11 April and includes many journalists and other citizens. On 7 May 2018, the OSCE Representative on Freedom of the Media expressed major concern over the denial of accreditation to several independent journalists, which prevented them from reporting from the inaugural meeting of Hungary's new parliament. It was further noted that such an event should not be used as a tool to curb the content of critical reporting and that such a practice sets a bad precedent for the new term of Hungary's parliament.

Academic freedom

(33) On 6 October 2017, the Venice Commission adopted its Opinion on Act XXV of 4 April 2017 on the Amendment of Act CCIV of 2011 on National Tertiary Education. It concluded that introducing more stringent rules without very strong reasons, coupled with strict deadlines and severe legal consequences, for foreign universities which are already established in Hungary and have been lawfully operating there for many years, appears highly problematic from the standpoint of the rule of law and fundamental rights principles and guarantees. Those universities and their students are protected by domestic and international rules on academic freedom, the freedom of expression and assembly and the right to, and freedom of, education. The Venice Commission recommended that the Hungarian authorities, in particular, ensure that new rules on the requirement to have a work permit do not disproportionally affect academic freedom and are applied in a non-discriminatory and flexible manner, without jeopardising the quality and international character of education already provided by existing universities. The concerns about the Amendment of Act CCIV of 2011 on National Tertiary Education have also been shared by the UN Special Rapporteurs on the freedom of opinion and expression, on the rights to freedom of peaceful assembly and association and on cultural rights in their statement of 11 April 2017. In the concluding observations of 5 April 2018, the UN Human Rights Committee noted the lack of a sufficient justification for the imposition of such constraints on the freedom of thought, expression and association, as well as academic freedom.

(34) On 17 October 2017, the Hungarian Parliament extended the deadline for foreign universities operating in the country to meet the new criteria to 1 January 2019 at the request of the institutions concerned and following the recommendation of the Presidency of the Hungarian Rectors' Conference. The Venice Commission has welcomed that prolongation. Negotiations between the Hungarian Government and foreign higher education institutions affected, in particular, the Central European University, are still ongoing, while the legal limbo for foreign universities remains, although the Central European University complied with the new requirements in due time.

(35) On 7 December 2017, the Commission decided to refer Hungary to the Court of Justice of the European Union on the grounds that the Amendment of Act CCIV of 2011 on National Tertiary Education disproportionally restricts Union and non-Union universities in their operations and that the Act needs to be brought back in line with Union law. The Commission found that the new legislation runs counter to the right of academic freedom, the right to education and the freedom to conduct a business as provided by the Charter of Fundamental Rights of the European Union (the "Charter") and the Union's legal obligations under international trade law.

(36) On 9 August 2018, it became public that the Hungarian government plans to withdraw the Masters programme of Gender Studies at the public Eötvös Loránd University (ELTE) and to refuse the recognition of the MA in Gender Studies from the private Central European University. The European Parliament points out that a misinterpretation of the concept of gender has dominated the public discourse in Hungary and deplores this wilful misinterpretation of the terms 'gender' and 'gender equality'. The European Parliament condemns the attacks on free teaching and research, in particular on gender studies, the aim of which is to analyse power relationships, discrimination and gender relations in society and find solutions to forms of inequality and which has become the target of defamation campaigns. The European Parliament calls for the fundamental democratic principle of educational freedom to be fully restored and safeguarded.

Freedom of religion

(37) On 30 December 2011, the Hungarian Parliament adopted Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and the Legal Status of Churches, Denominations and Religious Communities of Hungary, which entered into force on 1 January 2012. The Act reviewed the legal personality of many religious organisations and reduced the number of legally recognised churches in Hungary to 14. On 16 December 2011 the Council of Europe Commissioner for Human Rights shared his concerns about this Act in a letter sent to the Hungarian authorities. In February 2012, responding to international pressure, the Hungarian Parliament expanded the number of recognised churches to 31. On 19 March 2012 the Venice Commission adopted its Opinion on Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and the Legal Status of Churches, Denominations and Religious Communities of Hungary, where it indicated that the Act sets a range of requirements that are excessive and based on arbitrary criteria with regard to the recognition of a church. Furthermore, it indicated that the Act has led to a deregistration process of hundreds of previously lawfully recognised churches and that the Act induces, to some extent, an unequal and even discriminatory treatment of religious beliefs and communities, depending on whether they are recognised or not.

(38) In February 2013, Hungary's Constitutional Court ruled that the deregistration of recognised churches had been unconstitutional. Responding to the Constitutional Court's decision, the Hungarian Parliament amended the Fundamental Law in March 2013. In June and September 2013, the Hungarian Parliament amended Act CCVI of 2011 to create a two-tiered classification consisting of "religious communities" and "incorporated churches". In September 2013, the Hungarian Parliament also amended the Fundamental Law explicitly to grant itself the authority to select religious communities for "cooperation" with the state in the service of "public interest activities", giving itself a discretionary power to recognise a religious organisation with a two-thirds majority.

(39) In its judgment of 8 April 2014, *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, the ECtHR ruled that Hungary had violated freedom of association, read in the light of freedom of conscience and religion. The Constitutional Court of Hungary found that certain rules governing the conditions of recognition as a church were unconstitutional and ordered the legislature to bring the relevant rules in line with the requirements of the European Convention on Human Rights. The relevant Act was accordingly submitted to the Hungarian Parliament in December 2015, but it did not obtain the necessary majority. The execution of that judgment is still pending.

Freedom of association

(40) On 9 July 2014, the Council of Europe Commissioner for Human Rights indicated in his letter to the Hungarian authorities that he was concerned about the stigmatising rhetoric used by politicians questioning the legitimacy of NGO work in the context of audits which had been carried out by the Hungarian Government Control Office concerning NGOs which were operators and beneficiaries of the NGO Fund of the EEA/Norway Grants. The Hungarian Government signed an agreement with the Fund and, as a result, the payments of the grants continue to operate. On 8-16 February 2016, the UN Special Rapporteur on the situation of human rights defenders visited Hungary and indicated in his report that significant challenges stem from the existing legal framework governing the exercise of fundamental freedoms, such as the rights to freedoms of opinion and expression, and of peaceful assembly and of association, and that legislation pertaining to national security and migration may also have a restrictive impact on the civil society environment.

(41) In April 2017 a draft law on the Transparency of Organisations Receiving Support from Abroad was introduced before the Hungarian Parliament with the stated purpose of introducing requirements related to the prevention of money laundering or terrorism. The Venice Commission acknowledged in 2013 that there may be various reasons for a state to restrict foreign funding, including the prevention of money-laundering and terrorist financing, but those legitimate aims should not be used as a pretext to control NGOs or to restrict their ability to carry out their legitimate work, notably in defence of human rights. On 26 April 2017, the Council of Europe Commissioner for Human Rights addressed a letter to the Speaker of the Hungarian National Assembly noting that the draft law was introduced against the background of continued antagonistic rhetoric from certain members of the ruling coalition, who publicly labelled some NGOs as "foreign agents" based on the source of their funding and questioned their legitimacy; the term "foreign agents" was, however, absent from the draft. Similar concerns have been mentioned in the statement of 7 March 2017 of the President of the Conference of INGOs of the Council of Europe and President of the Expert Council on NGO Law, as well as in the Opinion of 24 April 2017 prepared by the Expert Council on NGO Law, and the statement of 15 May 2017 by the UN Special Rapporteurs on the situation of human rights defenders and on the promotion and protection of the right to freedom of opinion and expression.

(42) On 13 June 2017, the Hungarian Parliament adopted the draft law with several amendments. In its Opinion of 20 June 2017, the Venice Commission recognised that the term 'organisation receiving support from abroad' is neutral and descriptive, and some of those amendments represented an important improvement but at the same time some other concerns were not addressed and the amendments did not suffice to alleviate the concerns that the law would cause a disproportionate and unnecessary interference with the freedoms of association and expression, the right to privacy, and the prohibition of discrimination. In its concluding observations of 5 April 2018, the UN Human Rights Committee noted the lack of a sufficient justification for the imposition of those requirements, which appeared to be part of an attempt to discredit certain NGOs, including NGOs dedicated to the protection of human rights in Hungary.

(43) On 7 December 2017, the Commission decided to start legal proceedings against Hungary for failing to fulfil its obligations under the Treaty provisions on the free movement of capital, due to provisions in the NGO Law which in the view of the Commission, indirectly discriminate and disproportionately restrict donations from abroad to civil society organisations. In addition, the Commission alleged that Hungary had violated the right to freedom of association and the rights to protection of private life and personal data enshrined in the Charter, read in conjunction with the Treaty provisions on the free movement of capital, defined in Article 26(2) and Articles 56 and 63 of the Treaty on the Functioning of the European Union.

(44) In February 2018, a legislative package consisting of three draft laws, (T/19776, T/19775, T/19774), was presented by the Hungarian Government. On 14 February 2018, the President of the Conference of INGOs of the Council of Europe and President of the Expert Council on NGO Law made a statement indicating that the package does not comply with the freedom of association, particularly for NGOs which deal with migrants. On 15 February 2018, the Council of Europe Commissioner for Human Rights expressed similar concerns. On 8 March 2018, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Independent Expert on human rights and international solidarity, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance warned that the bill would lead to undue restrictions on the freedom of association and the freedom of expression in Hungary. In its concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns that by alluding to the "survival of the nation" and protection of citizens and culture, and by linking the work of NGOs to an alleged international conspiracy, the legislative package would stigmatise NGOs and curb their ability to carry out their important activities in support of human rights and, in particular, the rights of refugees, asylum seekers and migrants. It was further concerned that imposing restrictions on foreign funding directed to NGOs might be used to apply illegitimate pressure on them and to unjustifiably interfere with their activities. One of the draft laws aimed to tax any NGO funds received from outside Hungary, including Union funding, at a rate of 25 %; the legislative package would also deprive NGOs of a legal remedy to appeal against arbitrary decisions. On 22 March 2018, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe requested an opinion of the Venice Commission on the draft legislative package.

(45) On 29 May 2018, the Hungarian Government presented a draft law amending certain laws relating to measures to combat illegal immigration (T/333). The draft is a revised version of the previous legislative package and proposes criminal penalties for 'facilitating illegal immigration'. The same day, the Office of the UN High Commissioner for Refugees called for the proposal to be withdrawn and expressed concern that those proposals, if passed, would deprive people who are forced to flee their homes of critical aid and services, and further inflame tense public discourse and rising xenophobic attitudes. On 1 June 2018, the Council of Europe Commissioner for Human Rights expressed similar concerns. On 31 May 2018, the Chair of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe confirmed the request for an opinion of the Venice Commission on the new proposal. The draft was adopted on 20 June 2018 before the delivery of the opinion of the Venice Commission. On 21 June 2018, the UN High Commissioner for Human Rights condemned the decision of the Hungarian Parliament. On 22 June 2018, the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights indicated that the provision on criminal liability may chill protected organisational and expressive activity and infringes upon the right to freedom of association and expression and should, therefore, be repealed. On 19 July 2018, the Commission sent a letter of formal notice to Hungary concerning new legislation that criminalises activities that support asylum and residence applications and further restricts the right to request asylum.

Right to equal treatment

(46) On 17-27 May 2016, the UN Working Group on discrimination against women in law and in practice visited Hungary. In its report, the Working Group indicated that a conservative form of family, whose protection is guaranteed as essential to national survival, should not be put in an uneven balance with women's political, economic and social rights and the empowerment of women. The Working Group also pointed out that a woman's right to equality cannot be seen merely in the light of protection of vulnerable groups alongside children, the elderly and the disabled, as they are an integral part of all such groups. New school books still contain gender stereotypes, depicting women as primarily mothers and wives and, in some cases, depicting mothers as less intelligent than fathers. On the other hand, the Working Party acknowledged the efforts of the Hungarian Government to strengthen the reconciliation of work and family life by introducing generous provisions in the family support system and in relation to early childhood education and care. In its report adopted on 27 June 2018, the limited election observation mission of the OSCE Office for Democratic Institutions and Human Rights for the 2018 Hungarian parliamentary elections stated that women are underrepresented in political life and there are no legal requirements to promote gender equality in elections. Although one major party placed a woman at the top of the national list and some parties addressed gender-related issues in their programmes, the empowerment of women received scant attention as a campaign issue, including in the media.

(47) In its concluding observations of 5 April 2018, the UN Human Rights Committee welcomed the signature of the Istanbul Convention but expressed regret that patriarchal stereotyped attitudes still prevail in Hungary with respect to the position of women in society, and noted with concern discriminatory comments made by political figures against women. It also noted that the Hungarian Criminal Code does not fully protect female victims of domestic violence. It expressed concern that women are underrepresented in decision-making positions in the public sector, particularly in Government ministries and the Hungarian Parliament. The Istanbul Convention has not yet been ratified.

(48) The Fundamental Law of Hungary sets forth mandatory provisions for the protection of parents' workplaces and for upholding the principle of equal treatment; consequently, there are special labour law rules for women and for mothers and fathers raising children. On 27 April 2017, the Commission issued a reasoned opinion calling on Hungary to correctly implement Directive 2006/54/EC of the European Parliament and of the Council ([3]), given that Hungarian law provides an exception to the prohibition of discrimination on the grounds of sex that is much broader than the exception provided by that Directive. On the same date, the Commission issued a reasoned opinion to Hungary for non-compliance with Directive 92/85/EEC of the Council ([4]) that stated that employers have a duty to adapt working conditions for pregnant or breastfeeding workers to avoid a risk to their health or safety. The Hungarian Government has committed itself to amend the necessary provisions of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, as well as Act I of 2012 on the Labour Code. Consequently, on 7 June 2018 the case was closed.

(49) In its concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns that the constitutional ban on discrimination does not explicitly list sexual orientation and gender identity among the grounds of discrimination and that its restrictive definition of family could give rise to discrimination as it does not encompass certain types of family arrangements, including same-sex couples. The Committee was also concerned about acts of violence and the prevalence of negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, particularly in the employment and education sectors.

(50) In its concluding observations of 5 April 2018, the UN Human Rights Committee also mentioned forced placement in medical institutions, isolation and forced treatment of large numbers of persons with mental, intellectual and psychosocial disabilities, as well as reported violence and cruel, inhuman and degrading treatment and allegations of a high number of non-investigated deaths in closed institutions.

Rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities

(51) In his report following his visit to Hungary, which was published on 16 December 2014, the Council of Europe's Commissioner for Human Rights indicated that he was concerned about the deterioration of the situation as regards racism and intolerance in Hungary, with anti-Gypsyism being the most blatant form of intolerance, as illustrated by distinctively harsh, including violence targeting Roma people and paramilitary marches and patrolling in Roma-populated villages. He also pointed out that, despite positions taken by the Hungarian authorities to condemn anti-Semitic speech, anti-Semitism is a recurring problem, manifesting itself through hate speech and instances of violence against Jewish persons or property. In addition, he mentioned a recrudescence of xenophobia targeting migrants, including asylum seekers and refugees, and of intolerance affecting other social groups such as LGBTI persons, the poor and homeless persons. The European Commission against Racism and Xenophobia (ECRI) mentioned similar concerns in its report on Hungary published on 9 June 2015.

([3]) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

([4]) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 1).

(52) In its Fourth Opinion on Hungary adopted on 25 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities noted that Roma continue to suffer systemic discrimination and inequality in all fields of life, including housing, employment, education, access to health and participation in social and political life. In its Resolution of 5 July 2017, the Committee of Ministers of the Council of Europe recommended the Hungarian authorities to make sustained and effective efforts to prevent, combat and sanction the inequality and discrimination suffered by Roma, improve, in close consultation with Roma representatives, the living conditions, access to health services and employment of Roma, take effective measures to end practices that lead to the continued segregation of Roma children at school and redouble efforts to remedy shortcomings faced by Roma children in the field of education, ensure that Roma children have equal opportunities for access to all levels of quality education, and continue to take measures to prevent children from being wrongfully placed in special schools and classes. The Hungarian Government has taken several substantial measures to foster the inclusion of Roma. On 4 July 2012, it adopted the Job Protection Action Plan to protect the employment of disadvantaged employees and foster the employment of the long-term unemployed. It also adopted the "Healthy Hungary 2014–2020" Healthcare Sectoral Strategy to reduce health inequalities. In 2014, it adopted a strategy for the period 2014-2020 for the treatment of slum-like housing in segregated settlements. Nevertheless, according to Fundamental Rights Report 2018 of the European Union Agency for Fundamental Rights, the percentage of young Roma with current main activity not in employment, education or training, has increased from 38 % in 2011 to 51 % in 2016.

(53) In its judgement of 29 January 2013, *Horváth and Kiss v. Hungary*, the ECtHR found that the relevant Hungarian legislation as applied in practice lacked adequate safeguards and resulted in the over-representation and segregation of Roma children in special schools due to the systematic misdiagnosis of mental disability, which amounted to a violation of the right to education free from discrimination. The execution of that judgment is still pending.

(54) On 26 May 2016, the Commission sent a letter of formal notice to the Hungarian authorities in relation to both Hungarian legislation and administrative practices which result in Roma children being disproportionately over-represented in special schools for mentally disabled children and subject to a considerable degree of segregated education in mainstream schools, thus hampering social inclusion. The Hungarian Government actively engaged in dialogue with the Commission. The Hungarian Inclusion Strategy focuses on promoting inclusive education, reducing segregation, breaking the intergenerational transmission of disadvantages, and establishing an inclusive school environment. Furthermore, the Act on National Public Education was complemented with additional guarantees as of January 2017, and the Hungarian Government initiated official audits in 2011-2015, followed by actions by government offices.

(55) In its judgement of 20 October 2015, *Balázs v. Hungary*, the ECtHR held that there had been a violation of the prohibition of discrimination in the context of a failure to consider the alleged anti-Roma motive of an attack. In its judgment of 12 April 2016, *R.B. v. Hungary*, and in its judgment of 17 January 2017, *Király and Dömötör v. Hungary*, the ECtHR held that that there had been a violation of the right to private life on account of inadequate investigations into the allegations of racially motived abuse. In its judgment of 31 October 2017, *M.F. v. Hungary*, the ECtHR held that there was a violation of the prohibition of discrimination in conjunction with the prohibition of inhuman or degrading treatment as the authorities had failed to investigate possible racist motives behind the incident in question. The execution of those judgments is still pending. Following the *Balázs v. Hungary* and *R.B. v. Hungary* judgments, however, the modification of the fact pattern of the crime of 'inciting violence or hatred against the community' in the Penal Code entered into force on 28 October 2016 with the purpose of implementing Council Framework Decision 2008/913/JHA ([5]). In 2011 the Penal Code had been amended in order to prevent campaigns of extreme right paramilitary groups, by introducing the so-called 'crime in uniform', punishing any provocative unsocial behaviour inducing fear in a member of a national, ethnic or religious community with three years of imprisonment.

([5]) Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55).

(56) On 29 June - 1 July 2015, the OSCE Office for Democratic Institutions and Human Rights conducted a field assessment visit to Hungary, following reports about the actions taken by the local government of the city of Miskolc concerning forced evictions of Roma. The local authorities adopted a model of anti-Roma measures, even before the change of the local decree of 2014, and public figures in the city often made anti-Roma statements. It was reported that in February 2013, the Mayor of Miskolc said he wanted to clean the city of "anti-social, perverted Roma" who allegedly illegally benefited from the Nest programme (Fészekrakó programme) for housing benefits and people living in social flats with rent and maintenance fees. His words marked the beginning of a series of evictions and during that month, fifty apartments were removed from 273 apartments in the appropriate category - also to clean up the land for the renovation of a stadium. Based on the appeal of the government office in charge, the Supreme Court annulled the relevant provisions in its decision of 28 April 2015. The Commissioner for Fundamental Rights and the Deputy-Commissioner for the Rights of National Minorities issued a joint opinion on 5 June 2015 about the fundamental rights violations against the Roma in Miskolc, the recommendations of which the local government failed to adopt. The Equal Treatment Authority of Hungary also carried out an investigation and rendered a decision in July 2015, calling on the local government to cease all evictions and to develop an action plan on how to offer housing in accordance with human dignity. On 26 January 2016 the Council of Europe Commissioner for Human Rights sent letters to the governments of Albania, Bulgaria, France, Hungary, Italy, Serbia and Sweden concerning forced evictions of Roma. The letter addressed to the Hungarian authorities expressed concerns about the treatment of Roma in Miskolc. The action plan was adopted on 21 April 2016 and in the meantime a social housing agency was also established. In its decision of 14 October 2016, the Equal Treatment Authority found that the municipality fulfilled its obligations. Nevertheless, ECRI mentioned in its conclusions on the implementation of the recommendations in respect of Hungary published on 15 May 2018 that, despite some positive developments to improve the housing conditions of Roma, its recommendation had not been implemented.

(57) In its Resolution of 5 July 2017, the Committee of Ministers of the Council of Europe recommended that the Hungarian authorities continue to improve the dialogue with the Jewish community, making it sustainable, and to give combatting anti-Semitism in public spaces the highest priority, to make sustained efforts to prevent, identify, investigate, prosecute and sanction effectively all racially and ethnically motivated or anti-Semitic acts, including acts of vandalism and hate speech, and to consider amending the law so as to ensure the widest possible legal protection against racist crime.

(58) The Hungarian Government ordered that the life annuity of Holocaust survivors was to be raised by 50 % in 2012, established the Hungarian Holocaust – 2014 Memorial Committee in 2013, declared 2014 to be the Holocaust Memorial Year, launched renovation and restoration programmes of several Hungarian synagogues and Jewish cemeteries and is currently preparing for the 2019 European Maccabi Games to be held in Budapest. Hungarian legal provisions identify several offences related to hatred or incitement of hatred, including anti-Semitic or Holocaust-denying or denigrating acts. Hungary was awarded the chairmanship of the International Holocaust Remembrance Alliance (IHRA) in 2015-2016. Nevertheless, in a speech held on 15 March 2018 in Budapest, the Prime Minister of Hungary used polemic attacks including clearly anti-Semitic stereotypes against George Soros that could have been assessed as punishable.

(59) In its concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns about reports that the Roma community continues to suffer from widespread discrimination and exclusion, unemployment, housing and educational segregation. It is particularly concerned that, notwithstanding the Public Education Act, segregation in schools, especially church and private schools, remains prevalent and the number of Roma children placed in schools for children with mild disabilities remains disproportionately high. It also mentioned concerns about the prevalence of hate crimes and about hate speech in political discourse, the media and on the internet targeting minorities, in particular Roma, Muslims, migrants and refugees, including in the context of government-sponsored campaigns. The Committee expressed its concern over the prevalence of anti-Semitic stereotypes. The Committee also noted with concern allegations that the number of registered hate crimes is extremely low because the police often fail to investigate and prosecute credible claims of hate crimes and criminal hate speech. Finally, the Committee was concerned about reports of the persistent practice of racial profiling of Roma by the police.

(60) In a case regarding the village of Gyöngyöspata, where the local police was imposing fines solely on Roma for minor traffic offences, the first instance judgment found that the practice constituted harassment and direct discrimination against the Roma even if the individual measures were lawful. The second instance court and the Supreme Court ruled that the Hungarian Civil Liberties Union (HCLU), which had submitted an *actio popularis* claim, could not substantiate discrimination. The case was brought before the ECtHR.

(61) In accordance with the Fourth Amendment of the Fundamental Law, the 'freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community'. The Hungarian Penal Code punishes inciting violence or hatred against a member of a community. The Government has established a Working Group Against Hate Crime providing training for police officers and helping victims to cooperate with the police and report incidents.

Fundamental rights of migrants, asylum seekers and refugees

(62) On 3 July 2015, the UN High Commissioner for Refugees expressed concerns about the fast-track procedure for amending asylum law. On 17 September 2015, the UN High Commissioner for Human Rights expressed his opinion that Hungary violated international law by its treatment of refugees and migrants. On 27 November 2015, the Council of Europe Commissioner for Human Rights made a statement that Hungary's response to the refugee challenge falls short on human rights. On 21 December 2015, the UN High Commissioner for Refugees, the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights urged Hungary to refrain from policies and practices that promote intolerance and fear and fuel xenophobia against refugees and migrants. On 6 June 2016, the UN High Commissioner for Refugees expressed concerns about the increasing number of allegations of abuse in Hungary against asylum-seekers and migrants by border authorities, and the broader restrictive border and legislative measures, including access to asylum procedures. On 10 April 2017, the Office of the UN High Commissioner for Refugees called for an immediate suspension of Dublin transfers to Hungary. In 2017, out of 3 397 applications for international protection filed in Hungary, 2 880 applications were rejected, which amounted to a rejection rate of 69,1 %. In 2015, out of 480 judicial appeals relating to applications for international protection, there were 40 positive decisions, i.e. 9 %. In 2016, there were 775 appeals, 5 of which resulted in positive decisions, i.e. 1 %, while there were no appeals in 2017.

(63) The Fundamental Rights Officer of the European Border and Coast Guard Agency visited Hungary in October 2016 and March 2017, owing to the Officer's concern that the Agency might be operating under conditions which do not commit to the respect, protection and fulfilment of the rights of persons crossing the Hungarian-Serbian border, that may put the Agency in situations that *de facto* violate the Charter of Fundamental Rights of the European Union. The Fundamental Rights Officer concluded in March 2017 that the risk of shared responsibility of the Agency in the violation of fundamental rights in accordance with Article 34 of the European Border and Coast Guard Regulation remains very high.

(64) On 3 July 2014, the UN Working Group on Arbitrary Detention indicated that the situation of asylum seekers and migrants in irregular situations needs robust improvements and attention to ensure against arbitrary deprivation of liberty. Similar concerns about detention, in particular of unaccompanied minors, have been shared by the Council of Europe's Commissioner for Human Rights in the report following his visit to Hungary, which was published on 16 December 2014. On 21-27 October 2015 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Hungary and indicated in its report a considerable number of foreign nationals' (including unaccompanied minors) claims that they had been subjected to physical ill-treatment by police officers and armed guards working in immigration or asylum detention facilities. On 7 March 2017, the UN High Commissioner for Refugees expressed his concerns about a new law voted in the Hungarian Parliament envisaging the mandatory detention of all asylum seekers, including children, for the entire length of the asylum procedure. On 8 March 2017, the Council of Europe Commissioner for Human Rights issued a statement similarly expressing his concern about that law. On 31 March 2017, the UN Subcommittee on the Prevention of Torture urged Hungary to address immediately the excessive use of detention and explore alternatives.

(65) In its judgment of 5 July 2016, *O.M. v. Hungary*, the ECtHR held that there had been a violation of the right to liberty and security in the form of detention that verged on arbitrariness. In particular, the authorities failed to exercise care when they ordered the applicant's detention without considering the extent to which vulnerable individuals – for instance, LGBT people like the applicant – were safe or unsafe in custody among other detained persons, many of whom had come from countries with widespread cultural or religious prejudice against such persons. The execution of that judgment is still pending.

(66) On 12-16 June 2017, the Special Representative of the Secretary General of the Council of Europe on migration and refugees visited Serbia and two transit zones in Hungary. In his report, the Special Representative stated that violent pushbacks of migrants and refugees from Hungary to Serbia raise concerns under Articles 2 (the right to life) and 3 (prohibition of torture) of the European Convention on Human Rights (ECHR). The Special Representative also noted that the restrictive practices of admission of asylum seekers into the transit zones of Röszke and Tompa often make asylum-seekers look for illegal ways of crossing the border, having to resort to smugglers and traffickers with all the risks that this entails. He indicated that the asylum procedures, which are conducted in the transit zones, lack adequate safeguards to protect asylum seekers against refoulement to countries where they run the risk of being subjected to treatment contrary to Articles 2 and 3 of the ECHR. The Special Representative concluded that it is necessary that the Hungarian legislation and practices are brought in line with the requirements of the ECHR. The Special Representative made several recommendations, including a call on the Hungarian authorities to take the necessary measures, including by reviewing the relevant legislative framework and changing relevant practices, to ensure that all foreign nationals arriving at the border or who are on Hungarian territory are not deterred from making an application for international protection. On 5-7 July 2017 a delegation of the Council of Europe Lanzarote Committee (Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse) also visited two transit zones and made a number of recommendations, including a call to treat all persons under the age of 18 years of age as children without discrimination on the ground of their age, to ensure that all children under Hungarian jurisdiction are protected against sexual exploitation and abuse, and to systematically place them in mainstream child protection institutions in order to prevent possible sexual exploitation or sexual abuse against them by adults and adolescents in the transit zones. On 18-20 December 2017, a delegation of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) visited Hungary, including two transit zones, and concluded that a transit zone, which is effectively a place of deprivation of liberty, cannot be considered as appropriate and safe accommodation for victims of trafficking. It called on the Hungarian authorities to adopt a legal framework for the identification of victims of human trafficking among third-country nationals who were not legally resident and to step up its procedures for identifying victims of such trafficking among asylum seekers and irregular migrants. As of 1 January 2018, additional regulations were introduced favouring minors in general and unaccompanied minors in specific; among others a specific curriculum was developed for minor asylum seekers. ECRI mentioned in its conclusions on the implementation of the recommendations in respect of Hungary, published on 15 May 2018, that while acknowledging that Hungary has faced enormous challenges following the massive arrivals of migrants and refugees, it is appalled at the measures taken in response and the serious deterioration in the situation since its fifth report. The authorities should, as a matter of urgency, end detention in transit zones, particularly for families with children and all unaccompanied minors.

(67) In mid-August 2018, the immigration authorities stopped giving food to adult asylum seekers who were challenging inadmissibility decisions in court. Several asylum seekers had to seek interim measures from the ECtHR to start receiving meals. The ECtHR granted interim measures in two cases on 10 August 2018 and in a third case on 16 August 2018 and ordered the provision of food to the applicants. The Hungarian authorities have complied with the rulings.

(68) In its judgment of 14 March 2017, *Ilias and Ahmed v. Hungary*, the ECtHR found that there had been a violation of the applicants' right to liberty and security. The ECtHR also found that there had been a violation of the prohibition of inhuman or degrading treatment in respect of the applicants' expulsion to Serbia, as well as a violation of the right to an effective remedy in respect of the conditions of detention at the Röszke transit zone. The case is currently pending before the Grand Chamber of the ECtHR.

(69) On 14 March 2018, Ahmed H., a Syrian resident in Cyprus who had tried to help his family flee Syria and cross the Serbian-Hungarian border in September 2015, was sentenced by a Hungarian court to 7 years' imprisonment and 10 years expulsion from the country on the basis of charges of 'terrorist acts', raising the issue of proper application of the laws against terrorism in Hungary, as well as the right to a fair trial.

(70) In its judgment of 6 September 2017 in Case C-643/15 and C-647/15, the Court of Justice of the European Union dismissed in their entirety the actions brought by Slovakia and Hungary against the provisional mechanism for the mandatory relocation of asylum seekers in accordance with Council Decision (EU) 2015/1601. However, since that judgment, Hungary has not complied with the Decision. On 7 December 2017, the Commission decided to refer the Czech Republic, Hungary and Poland to the Court of Justice of the European Union for non-compliance with their legal obligations on relocation.

(71) On 7 December 2017, the Commission decided to move forward on the infringement procedure against Hungary concerning its asylum legislation by sending a reasoned opinion. The Commission considers that the Hungarian legislation does not comply with Union law, in particular Directives 2013/32/EU ([6]), 2008/115/EC ([7]) and 2013/33/EU ([8]) of the European Parliament and of the Council and several provisions of the Charter. On 19 July 2018, the Commission decided to refer Hungary to the Court of Justice for non-compliance of its asylum and return legislation with Union law.

(72) In its concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns that the Hungarian law adopted in March 2017, which allows for the automatic removal to transit zones of all asylum applicants for the duration of their asylum procedure, with the exception of unaccompanied children identified as being below the age of 14, does not meet the legal standards as a result of the lengthy and indefinite period of confinement allowed, the absence of any legal requirement to promptly examine the specific conditions of each affected individual, and the lack of procedural safeguards to meaningfully challenge removal to the transit zones. The Committee was particularly concerned about reports of the extensive use of automatic immigration detention in holding facilities inside Hungary and was concerned that restrictions on personal liberty have been used as a general deterrent against unlawful entry rather than in response to an individualised determination of risk. In addition, the Committee was concerned about allegations of poor conditions in some holding facilities. It noted with concern the push-back law, which was first introduced in June 2016, enabling summary expulsion by the police of anyone who crosses the border irregularly and was detained on Hungarian territory within 8 kilometres of the border, which was subsequently extended to the entire territory of Hungary, and decree 191/2015 designating Serbia as a "safe third country" allowing for push-backs at Hungary's border with Serbia. The Committee noted with concern reports that push-backs have been applied indiscriminately and that individuals subjected to this measure have very limited opportunity to submit an asylum application or right to appeal. It also noted with concern reports of collective and violent expulsions, including allegations of heavy beatings, attacks by police dogs and shootings with rubber bullets, resulting in severe injuries and, at least in one case, in the loss of life of an asylum seeker. It was also concerned about reports that the age assessment of child asylum seekers and unaccompanied minors conducted in the transit zones is inadequate, relies heavily on visual examination by an expert and is inaccurate, and about reports alleging the lack of adequate access by such asylum seekers to education, social and psychological services and legal aid. According to the new proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU the medical age assessment will be a measure of a last resort.

Economic and social rights

(73) On 15 February 2012 and 11 December 2012, the UN Special Rapporteur on extreme poverty and human rights and the UN Special Rapporteur on the right to adequate housing called on Hungary to reconsider legislation allowing local authorities to punish homelessness and to uphold the Constitutional Court's decision decriminalising homelessness. In his report following his visit to Hungary, which was published on 16 December 2014, the Council of Europe's Commissioner for Human Rights indicated his concern at measures taken to prohibit rough sleeping and the construction of huts and shacks, which have widely been described as criminalising homelessness in practice. The Commissioner urged the Hungarian authorities to investigate reported cases of forced evictions without alternative solutions and of children being taken away from their families on the grounds of poor socio-economic conditions. In its concluding observations of 5 April 2018, the UN Human Rights Committee expressed concerns about state and local legislation, based on the Fourth Amendment to the Fundamental Law, which designates many public areas as out-of-bounds for "sleeping rough" and effectively punishes homelessness. On 20 June 2018, the Hungarian Parliament adopted the Seventh amendment to the Fundamental law which forbids habitual residence in a public space. The same day, the UN Special Rapporteur on the right to adequate housing called Hungary's move to make homelessness a crime cruel and incompatible with international human rights law.

([6]) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

([7]) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

([8]) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

(74) The 2017 Conclusions of the European Committee of Social Rights stated that Hungary is not in compliance with the European Social Charter on the grounds that self-employed and domestic workers, as well as other categories of workers, are not protected by occupational health and safety regulations, that measures taken to reduce the maternal mortality have been insufficient, that the minimum amount of old-age pensions is inadequate, that the minimum amount of jobseeker's aid is inadequate, that the maximum duration of payment of jobseeker's allowance is too short and that the minimum amount of rehabilitation and invalidity benefits, in certain cases, is inadequate. The Committee also concluded that Hungary is not in conformity with the European Social Charter on the grounds that the level of social assistance paid to a single person without resources, including elderly persons, is not adequate, equal access to social services is not guaranteed for lawfully resident nationals of all States Parties and it has not been established that there is an adequate supply of housing for vulnerable families. With regard to trade union rights, the Committee has stated that the right of workers to paid leave is not sufficiently secured, that no promotion measures have been taken to encourage the conclusion of collective agreements, while the protection of workers by such agreements is clearly weak in Hungary and in the civil service the right to call a strike is reserved to those unions which are parties to the agreement concluded with the government; the criteria used to determine public servants who are denied the right to strike go beyond the scope of the Charter; public service unions can only call a strike with the approval of the majority of the staff concerned.

(75) Since December 2010, strikes in Hungary were made illegal in principle when the government of Victor Orban passed an amendment to the so-called Act on strikes. The changes mean that strikes will, in principle, be allowed in companies associated with governmental administration through public service contracts. The amendment does not apply to professional groups that simply do not have such a right, such as train drivers, police officers, medical personnel and air traffic controllers. The problem lies somewhere else, mainly in the percentage of employees who must take part in the strike referendum, to make it important -up to 70 %. Then the decision on the legality of strikes will be taken by a labour court that is completely subordinate to the state. In 2011, nine applications for strike permits were submitted. In seven cases they were rejected without giving a reason; two of them were processed, but it proved impossible to issue a decision.

(76) The UN Committee on the Rights of Children's report on 'Concluding observations on the combined third, fourth and fifth periodic reports of Hungary', published in 14 October 2014, voiced concerns over an increasing number of cases where children are being taken away from their family based on poor socio economic condition. Parents may lose their child due to unemployment, lack of social housing and lack of space in temporary housing institutions. Based on a study by the European Roma Right Centre, this practice disproportionately affects Roma families and children.

(77) In its Recommendation of 23 May 2018 for a Council Recommendation on the 2018 National Reform Programme of Hungary and delivering a Council opinion on the 2018 Convergence Programme of Hungary, the Commission indicated that the proportion of people at risk of poverty and social exclusion has decreased to 26,3 % in 2016 but remains above the Union average; children in general are more exposed to poverty than other age groups. The level of minimum income benefits is below 50 % of the poverty threshold for a single household, making it among the lowest in the Union. The adequacy of unemployment benefits is very low: the maximum duration of 3 months ranks as the shortest in the Union and represents only around a quarter of the average time required by job seekers to find employment. In addition, the levels of payment are among the lowest in the Union. The Commission recommended that the adequacy and coverage of social assistance and unemployment benefits be improved.

(78) On [….] 2018, the Council heard Hungary in accordance with Article 7(1) TEU.

(79) For those reasons, it should be determined, in accordance with Article 7(1) TEU, that there is a clear risk of a serious breach by Hungary of the values referred to in Article 2 TEU,

HAS ADOPTED THIS DECISION:

Article 1

There is a clear risk of a serious breach by Hungary of the values on which the Union is founded.

Article 2

The Council recommends that Hungary take the following actions within three months of the notification of this Decision: […]

Article 3

This Decision shall enter into force on […] day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Decision is addressed to Hungary.

Done at …,

For the Council
The President

Wednesday 12 September 2018

P8_TA(2018)0341

Autonomous weapon systems

European Parliament resolution of 12 September 2018 on autonomous weapon systems (2018/2752(RSP))

(2019/C 433/10)

The European Parliament,

— having regard to Title V, Articles 21 and 21(2)(c) of the Treaty on European Union,

— having regard to the 'Martens clause' included in Protocol 1 of 1977 additional to the Geneva Conventions,

— having regard to Part IV of the UN 2018 Agenda for Disarmament, entitled 'Securing Our Common Future',

— having regard to its study of 3 May 2013 on the human rights implications of the usage of drones and unmanned robots in warfare,

— having regard to its various positions, recommendations and resolutions calling for an international ban on lethal autonomous weapon systems (LAWS), such as its recommendation to the Council of 5 July 2018 on the 73rd session of the United Nations General Assembly ([1]), the mandate to start negotiations adopted in plenary on 13 March 2018 with a view to the adoption of a regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme, its resolution of 13 December 2017 on the Annual Report on Human Rights and Democracy in the World 2016 and the European Union's policy on the matter ([2]), its recommendation to the Council of 7 July 2016 on the 71st session of the United Nations General Assembly ([3]), and its resolution of 27 February 2014 on armed drones ([4]),

— having regard to the annual report of the UN Special Rapporteur on extrajudicial, summary and arbitrary executions, Christof Heyns, of 9 April 2013 (A/HRC/23/47),

— having regard to the EU statements on lethal autonomous weapons systems made to the Group of Governmental Experts of the parties to the Convention on Certain Conventional Weapons in Geneva, at its meetings of 13-17 November 2017, 9-13 April 2018 and 27-31 August 2018,

— having regard to the contributions made by different states, including EU Member States, prior to the 2017 and 2018 meetings of the Group of Governmental Experts,

— having regard to the opinion of the European Economic and Social Committee of 31 May 2017 calling for a human-in-command approach to artificial intelligence and a ban on lethal autonomous weapon systems,

— having regard to the call by the Holy See for a ban on lethal autonomous weapons,

— having regard to the open letter of July 2015 signed by over 3 000 artificial intelligence and robotics researchers and that of 21 August 2017 signed by 116 founders of leading robotics and artificial intelligence companies warning about lethal autonomous weapon systems, and the letter by 240 tech organisations and 3 089 individuals pledging never to develop, produce or use lethal autonomous weapon systems,

([1]) Texts adopted, P8_TA(2018)0312.
([2]) Texts adopted, P8_TA(2017)0494.
([3]) OJ C 101, 16.3.2018, p. 166.
([4]) OJ C 285, 29.8.2017, p. 110.

— having regard to the statements by the International Committee of the Red Cross and to civil society initiatives such as the Campaign to Stop Killer Robots, which represents 70 organisations in 30 countries, including Human Rights Watch, Article 36, PAX and Amnesty International,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas EU policies and actions are guided by the principles of human rights and respect for human dignity, the principles of the UN Charter and international law; whereas these principles should be applied in order to preserve peace, prevent conflicts and strengthen international security;

B. whereas the term 'lethal autonomous weapon systems' refers to weapon systems without meaningful human control over the critical functions of selecting and attacking individual targets;

C. whereas an unknown number of countries, publicly funded industries and private industries are reportedly researching and developing lethal autonomous weapon systems, ranging all the way from missiles capable of selective targeting to learning machines with cognitive skills to decide whom, when and where to fight;

D. whereas non-autonomous systems such as automated, remotely operated and tele-operated systems should not be considered as lethal autonomous weapons systems;

E. whereas lethal autonomous weapon systems have the potential to fundamentally change warfare by prompting an unprecedented and uncontrolled arms race;

F. whereas the use of lethal autonomous weapon systems raises fundamental ethical and legal questions of human control, in particular with regard to critical functions such as target selection and engagement; whereas machines and robots cannot make human-like decisions involving the legal principles of distinction, proportionality and precaution;

G. whereas human involvement and oversight are central to the lethal decision-making process, since it is humans who remain accountable for decisions concerning life and death;

H. whereas international law, including humanitarian law and human rights law, fully applies to all weapon systems and their operators, and whereas compliance with international law is a key requirement that states must fulfil, particularly when it comes to upholding principles such as protecting the civilian population or taking precautions in attack;

I. whereas the use of lethal autonomous weapon systems raises key questions about the implementation of international human rights law, international humanitarian law and European norms and values with regard to future military actions;

J. whereas in August 2017, 116 founders of leading international robotics and artificial intelligence companies sent an open letter to the UN calling on governments to 'prevent an arms race in these weapons' and 'to avoid the destabilising effects of these technologies';

K. whereas any given lethal autonomous weapon system could malfunction on account of badly written code or a cyber-attack perpetrated by an enemy state or a non-state actor;

L. whereas Parliament has repeatedly called for the urgent development and adoption of a common position on lethal autonomous weapon systems, for an international ban on the development, production and use of lethal autonomous weapon systems enabling strikes to be carried out without meaningful human control, and for a start to effective negotiations for their prohibition;

Wednesday 12 September 2018

1. Recalls the ambition of the EU to be a global actor for peace, and calls for the expansion of its role in global disarmament and non-proliferation efforts, and for its actions and policies to strive for the maintenance of international peace and security, ensuring respect for international humanitarian and human rights law and the protection of civilians and civilian infrastructure;

2. Calls on the Vice-President of the Commission / High Representative for Foreign Affairs and Security Policy (VP/HR), the Member States and the European Council to develop and adopt, as a matter of urgency and prior to the November 2018 meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons, a common position on lethal autonomous weapon systems that ensures meaningful human control over the critical functions of weapon systems, including during deployment, and to speak in relevant forums with one voice and act accordingly; calls, in this context, on the VP/HR, the Member States and the Council to share best practices and garner input from experts, academics and civil society;

3. Urges the VP/HR, the Member States and the Council to work towards the start of international negotiations on a legally binding instrument prohibiting lethal autonomous weapon systems;

4. Stresses, in this light, the fundamental importance of preventing the development and production of any lethal autonomous weapon system lacking human control in critical functions such as target selection and engagement;

5. Recalls its position of 13 March 2018 on the Regulation on the European Defence Industrial Development Programme, in particular paragraph 4 of Article 6 (eligible actions), and underlines its willingness to adopt a similar position in the context of the upcoming defence research programme, the defence industrial development programme and other relevant features of the post-2020 European Defence Fund;

6. Underlines the fact that none of the weapons or weapon systems currently operated by EU forces are lethal autonomous weapon systems; recalls that weapons and weapon systems specifically designed to defend own platforms, forces and populations against highly dynamic threats such as hostile missiles, munitions and aircraft are not considered lethal autonomous weapon systems; emphasises that engagement decisions against human-inhabited aircraft should be taken by human operators;

7. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States, the United Nations and the Secretary-General of NATO.

Wednesday 12 September 2018

P8_TA(2018)0342

State of EU-US relations

European Parliament resolution of 12 September 2018 on the state of EU-US relations (2017/2271(INI))

(2019/C 433/11)

The European Parliament,

— having regard to the document entitled 'Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy', presented by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on 28 June 2016, and to the Joint Communication of the Commission and the European External Action Service (EEAS) of 7 June 2017 entitled 'A Strategic Approach to Resilience in the EU's external action' (JOIN(2017)0021),

— having regard to the outcomes of the EU-US summits held on 28 November 2011 in Washington, D.C., and on 26 March 2014 in Brussels,

— having regard to the joint statements of the 79th Interparliamentary Meeting of the Transatlantic Legislators' Dialogue (TLD) held on 28 and 29 November 2016 in Washington, D.C., the 80th TLD held on 2 and 3 June 2017 in Valletta, the 81st TLD held on 5 December 2017 in Washington, D.C., and the 82nd TLD held on 30 June 2018 in Sofia, Bulgaria,

— having regard to the Commission communication of 28 April 2015 entitled 'The European Agenda on Security' (COM(2015)0185),

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

— having regard to the Joint Declaration of the Presidents of the European Council and the Commission and of the Secretary General of NATO of 8 July 2016 on the common set of proposals endorsed by the EU and NATO Councils on 5 and 6 December 2016, and the progress reports on the implementation thereof of 14 June and 5 December 2017,

— having regard to the joint EU-NATO Declaration of 2016,

— having regard to the US National Security Strategy of 18 December 2017 and the US National Defence Strategy of 19 January 2018,

— having regard to the European Reassurance Initiative,

— having regard to the EU Climate Diplomacy Action Plan adopted in 2015 by the Foreign Affairs Council,

— having regard to the Paris Agreement, Decision 1/CP.21, the 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC), and the 11th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP11) held in Paris from 30 November to 11 December 2015,

— having regard to Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extraterritorial application of legislation adopted by a third country, and to the actions based thereon or resulting therefrom [1],

[1] OJ L 309, 29.11.1996, p. 1.

Wednesday 12 September 2018

— having regard to its resolution of 13 March 2018 on the role of EU regions and cities in implementing the COP 21 Paris Agreement on climate change, in particular its paragraph 13 ([2]),

— having regard to its previous resolutions on transatlantic relations, in particular its resolution of 1 June 2006 on improving EU-US relations in the framework of a Transatlantic Partnership Agreement ([3]), its resolution of 26 March 2009 on the state of transatlantic relations in the aftermath of the US elections ([4]), its resolution of 17 November 2011 on the EU-US Summit of 28 November 2011 ([5]), and its resolution of 13 June 2013 on the role of the EU in promoting a broader Transatlantic Partnership ([6]),

— having regard to its resolution of 22 November 2016 on the European Defence Union ([7]),

— having regard to its resolution of 13 December 2017 on the implementation of the Common Foreign and Security Policy (CFSP) ([8]),

— having regard to its resolution of 13 December 2017 on the implementation of the Common Security and Defence Policy (CSDP) ([9]),

— having regard to its resolution of 8 February 2018 on the situation of UNRWA ([10]),

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0251/2018),

A. whereas the EU-US partnership is based on strong political, cultural, economic and historic links, on shared values such as freedom, democracy, promoting peace and stability, human rights and the rule of law, and on common goals, such as prosperity, security, open and integrated economies, social progress and inclusiveness, sustainable development and the peaceful resolution of conflicts, and whereas both the US and the EU are democracies under the rule of law with functioning systems of checks and balances; whereas this partnership is facing an important number of challenges and disruptions in the short term, but the long-term fundamentals remain strong and the cooperation between the EU and the US, as like-minded partners, remains crucial;

B. whereas the EU and the US, building on their strong foundation of common values and shared principles, should explore alternative ways to strengthen the transatlantic relationship and respond effectively to the important challenges we face, by using all available channels of communication; whereas as legislators, the US Congress and the European Parliament play important and influential roles in our democracies and should use the full potential of their cooperation to preserve the democratic, liberal and multilateral order and promote stability and continuity on our continent and in the world;

C. whereas in a global, complex and increasingly multipolar world, the EU and the US must play leading, key, constructive roles by strengthening and upholding international law, promoting and protecting fundamental rights and principles, and jointly addressing regional conflicts and global challenges;

D. whereas the EU and the US are facing an era of geopolitical change and have to deal with similar complex threats, both conventional and hybrid, generated by state and non-state actors coming from the South and from the East; whereas cyber-attacks are increasingly common and sophisticated, and cooperation between the EU and the US through NATO can complement the efforts of both parties and protect critical government defence and other information infrastructure; whereas these threats require international cooperation to tackle them;

([2]) Texts adopted, P8_TA(2018)0068.
([3]) OJ C 298 E, 8.12.2006, p. 226.
([4]) OJ C 117 E, 6.5.2010, p. 198.
([5]) OJ C 153 E, 31.5.2013, p. 124.
([6]) OJ C 65, 19.2.2016, p. 120.
([7]) Texts adopted, P8_TA(2016)0435.
([8]) Texts adopted, P8_TA(2017)0493.
([9]) Texts adopted, P8_TA(2017)0492.
([10]) Texts adopted, P8_TA(2018)0042.

E. whereas the EU recognises the US's continued military support to ensure the security and defence of the EU, and whereas the EU owes gratitude to all Americans who sacrificed their lives to guarantee European security in the conflicts in Kosovo and Bosnia; whereas the EU currently seeks to ensure its own security by building greater strategic autonomy;

F. whereas the US has decided to cut its peacekeeping budget within the UN by USD 600 million;

G. whereas a more unpredictable US foreign policy is creating an increasing uncertainty in international relations and could leave some space for the rise of other actors on the global stage, such as China, whose political and economic influence is increasing worldwide; whereas many key countries in Asia, once closer to the US, are shifting towards China;

H. whereas the EU remains fully committed to multilateralism and the promotion of shared values, including democracy and human rights; whereas the rules-based international order benefits both the US and the EU; whereas, in this regard, it is of the utmost importance that the EU and the US act jointly and in synergy in support of a rules-based order guaranteed by strong, credible and effective supranational organisations and international institutions;

I. whereas the partnership between the US and Europe has been essential for the global economic, political and security order for over seven decades; whereas the transatlantic relationship faces many challenges and has been increasingly put under pressure on many issues since the election of President Trump;

J. whereas, as part of the EU's Global Strategy, climate policy has been integrated into foreign and security policy, and the links between energy and climate, security and development goals and migration, as well as fair and free trade, have been strengthened;

K. whereas the EU remains fully committed to a rules-based, open and non-discriminatory multilateral trading system; whereas the WTO is at the core of the global trade system as the only institution that can ensure a genuine level playing field;

L. whereas both the US and the EU should support the aspirations of the Western Balkans countries to join the transatlantic community; whereas alongside reinforced engagement by the EU, continued US commitment is critical in this respect;

M. whereas the EU has a growing responsibility to be accountable for its own security, in a strategic environment that has deteriorated dramatically in recent years;

N. whereas European security is based on the ambition of a common strategic autonomy, as recognised in June 2016 by the 28 Heads of State and Government in the European Union's Global Strategy;

An overarching framework based on shared values

1. Recalls and insists that the longstanding EU-US partnership and alliance is based and should be based on jointly sharing and promoting together common values including freedom, rule of law, peace, democracy, equality, rules-based multilateralism, market economy, social justice, sustainable development, and respect for human rights, including minority rights, as well as collective security, with peaceful resolution of conflicts as a priority; stresses the importance of strengthening the EU-US relationship, which is one of the main axes of cooperation in a globalised world, so as to achieve these objectives;

2. Welcomes the meeting between Commission President Juncker and US President Trump in Washington on 25 July 2018 as marking an improvement in bilateral relations; takes note of their statement and of their willingness to work towards a de-escalation of transatlantic tensions in the field of trade; recalls, in this light, the destructive impact of punitive tariffs; reiterates at the same time its support for a broad and comprehensive approach to trade agreements and multilateralism;

Wednesday 12 September 2018

3. Highlights that the EU-US relationship is the fundamental guarantor for global stability and has been the cornerstone of our efforts to ensure peace, prosperity and stability for our societies since the end of the Second World War, as well as the building-up of a multilateral political and economic cooperation and trade system based on rules and values; reaffirms that the EU-US relationship is strategic and genuine and that a strong transatlantic bond is in the interest of both parties and of the world; believes that the current one-sided 'America first' policy harms the interests of both the EU and the US, undermines mutual trust and may also have wider implications for global stability and prosperity; recalls the EU's interest in cultivating long-lasting, mutually beneficial partnerships that are based on shared values and principles which prevail over short-term transactional gains;

4. Underlines that the partnership goes far beyond foreign policy and trade issues *stricto sensu*, and also includes other topics such as (cyber) security, economic, digital and financial issues, climate change, energy, culture, as well as science and technology; stresses that these issues are closely interlinked and should be considered under the same overarching framework;

5. Is concerned at the approaches taken by the US towards addressing global issues and regional conflicts since the election of President Trump; stresses the importance for the EU of transatlantic relations and of sustained dialogue underlining the significance of the issues bringing the EU and the US together; seeks clarity as to whether our transatlantic relationship, which was defined over decades, still has the same relevance for our American partners; stresses that the values-based overarching framework of our partnership is essential to uphold and further strengthen the architecture of the global economy and security; underlines that the issues that bring the US and the EU together should ultimately carry greater weight than what divides them;

6. Stresses that, in an international system permanently characterised by instability and uncertainty, Europe has a responsibility to build up its strategic autonomy to face the growing number of common challenges; emphasises, therefore, the need for European countries to retain their ability to decide and act alone to defend their interests; recalls that strategic autonomy is both a legitimate ambition for Europe and a priority objective which must be articulated in the industrial and operational fields and in terms of capability;

Strengthening the partnership

7. Recalls the high potential and the strategic interest of this partnership for both the US and the EU, in aiming to achieve mutual prosperity and security and to strengthen a rules- and values-based order supporting international institutions and providing them with means to improve global governance; calls for the fostering of our dialogue and engagement on all elements of this partnership and at all levels of cooperation, including with civil society organisations; highlights that our decisions and actions have an impact on the global economy and security architecture and therefore should lead by example and in the interests of both partners;

8. Underlines the responsibilities of the US as a global power, and calls on the US administration to uphold the shared core values that are at the foundation of transatlantic relations, and to ensure, in all circumstances, respect for international law, democracy, human rights and fundamental freedoms, in accordance with the UN Charter and the other international instruments signed or ratified by the US;

9. Underlines that the EU and the US are each other's most important partners in a multipolar world, and that unilateral moves only weaken the transatlantic partnership, which has to be a partnership of equals that is based on dialogue and aims to re-establish mutual trust;

10. Regrets the long delay in appointing a new US Ambassador to the European Union but welcomes the fact of the nomination of the new Ambassador and the subsequent confirmation by the US Senate on 29 June 2018;

11. Strongly criticises the statements by the new US ambassador to Germany, Richard Grenell, who stated his ambition to empower nationalistic populists throughout Europe, and recalls that the role of diplomats is not to support individual political forces, but to advance mutual understanding and partnership; regards, furthermore, the statements by officials of the Trump administration expressing contempt for the EU and support for xenophobic and populist forces which seek to destroy the European project, as hostile and incompatible with the spirit of the transatlantic partnership;

12. Calls on the VP/HR, the Council, the Commission and the Member States to enhance cooperation, coordination, consistency and effectiveness in EU policy towards the US, so as to present the EU as a unified and effective international player with a coherent message;

13. Recalls that the US is a key partner by reason of the convergence of defence and security interests and strong bilateral relations; calls for an EU-US summit to be held as soon as possible in an effort to overcome current challenges and continue working on issues of mutual, global and regional concern;

14. Considers the presence of US military forces to be important in European countries, where necessary and in line with the continued fulfilment of agreed commitments;

15. Insists that a structured and strategic dialogue on foreign policy at transatlantic level, also involving the European Parliament and the US Congress, is key to strengthening the transatlantic architecture, including security cooperation, and calls for an expansion of the foreign policy scope of the EU-US dialogue;

16. Recalls its suggestion to create a Transatlantic Political Council (TPC) for systematic consultation and coordination on foreign and security policy, which would be led by the VP/HR and the US Secretary of State and would be underpinned by regular contacts of political directors;

17. Welcomes the ongoing and uninterrupted work of the TLD in fostering EU-US relations through parliamentary dialogue and coordination on issues of common interest; reiterates the importance of people-to-people contact and dialogue in strengthening transatlantic relations; calls, therefore, for the intensified engagement of both the US Senate and House of Representatives and the European Parliament; welcomes the relaunch of the bipartisan Congressional EU Caucus for the 115th Congress, and asks the European Parliament Liaison Office (EPLO) and the EU delegation in Washington to liaise more closely with them;

18. Recalls that both in the EU and the US, our societies are strong, anchored in liberal democracy and the rule of law, and built on a plurality of actors, including among others our governments, parliaments, decentralised bodies and actors, various political institutions, businesses and trade unions, civil society organisations, free and independent media, religious groups, and academic and research communities; highlights that we should foster links across the Atlantic to promote the merits and importance of our transatlantic partnership at different levels and throughout both the EU and the US, not only focusing on the East and West coasts; calls for enhanced and dedicated programmes with appropriate funding to this effect;

19. Welcomes the invigorating role of relations between European institutions and US federal states and metropolitan areas on the overall transatlantic relationship, particularly in the case of twinning relationships; highlights, in this context, the cooperation existing on the basis of the Under2 MOU; invites US federal states to strengthen their contacts with EU institutions;

20. Stresses that cultural exchanges through educational programmes are fundamental to promoting and developing common values and to building bridges between the transatlantic partners; calls, therefore, for the reinforcement and multiplication of, and the facilitation of access to, mobility programmes for students between the US and the EU under Erasmus+;

21. Expresses particular admiration for the way in which American schoolchildren have responded to the many tragedies involving the use of firearms in schools by standing up for stricter gun laws and against the influence which the National Rifle Association exerts on the legislative process;

Wednesday 12 September 2018

Facing global challenges together

22. Insists that the EU and the US should continue to play key constructive roles by jointly addressing regional conflicts and global challenges based on the principles of international law; stresses that the multilateralism to which Europe is deeply attached is increasingly called in question by the attitudes of the US and other world powers; recalls the importance of multilateralism in maintaining peace and stability, as a vehicle for promoting the values of the rule of law and tackling global issues, and insists that these should be addressed in the relevant international forums; is therefore concerned that recent unilateral decisions of the US – disengagement from key international agreements, revoking of certain commitments, undermining international rules, withdrawal from international forums and the fomenting of diplomatic and trade tensions – may diverge from these common values and put strain on and undermine the relationship; calls on the EU to show unity, firmness and proportionality in its responses to such decisions; calls on the EU Member States, therefore, to avoid any action or move aimed at gaining bilateral advantages to the detriment of a coherent common European approach;

23. Notes that other major world powers, such as Russia and China, have robust political and economic strategies, many of which may go against and put at risk our joint values, international commitments and the transatlantic partnership as such; recalls that such developments make EU-US cooperation all the more essential so that we can continue to uphold open societies and promote and protect our common rights, principles and values, including compliance with international law; calls in this respect for increased EU-US coordination on aligning and setting up a joint sanctions policy in order to increase its effectiveness;

24. Takes the view that addressing Russia's attempts to pressure, influence, destabilise and exploit the weaknesses and the democratic choices of Western societies requires a joint transatlantic response; believes, therefore, that the US and the EU should give priority to coordinated actions with respect to Russia, with NATO involvement when appropriate; notes with concern in this regard the statements by the US and Russian presidents in the context of their meeting on 16 July 2018 in Helsinki; recalls the clear danger to our democracies posed by fake news, disinformation and notably the malign interference sources; calls for the stipulation of a political and societal dialogue balancing anonymity and responsibility in social media;

25. Underlines that security is multi-faceted and intertwined and that its definition not only covers military but also environmental, energy, trade, cyber and communications, health, development, accountability, humanitarian, etc. aspects; insists that security issues should be tackled through a broad approach; in this context, regrets with concerns the proposed substantial budget cuts, for example on state building in Afghanistan on development aid in Africa, on humanitarian aid and on contributions to UN programmes, operations and agencies by the US;

26. Underlines that a transatlantic trade agreement, balanced and mutually beneficial, would have an impact that would go far beyond trade and economic aspects;

27. States that NATO is still the main guarantor for the collective defence of Europe; Welcomes the reaffirmation of US commitment to NATO and to European security, and underlines that deepening EU-NATO cooperation also reinforces the transatlantic partnership;

28. Stresses the importance of cooperation, coordination and synergy effects in the field of security and defence; underlines the importance of spending better on defence, and insists in this regard that burden-sharing should not be solely focused on inputs (the target of spending 2 % of GDP on defence) but also on outputs (capabilities measured in deployable, ready and sustainable forces); recalls that this quantified target input, however, reflects a growing sense of responsibility of Europeans for their own security, made indispensable by the deterioration of their strategic environment; welcomes the fact that defence is becoming a higher priority area for the EU and its Member States, which generates more military efficiencies to the benefit of both the EU and NATO, and welcomes in this context the presence of US troops on EU territory; states that NATO is still crucial for the collective defence of Europe and its allies (Article 5 of the Washington Treaty); stresses that NATO's ability to carry out its tasks remains closely dependent on the strength of the transatlantic relationship;

29. Calls on the EU to strengthen the European Defence Union with a view to building capacities ensuring the strategic relevance of the EU in defence and security, as for example in creating more synergies and efficiencies in defence spending, research, development procurement, maintenance and training between Member States; insists that more defence cooperation at EU level strengthens the European contribution to peace, security and stability, regionally and internationally, and thereby also advances the objectives of the NATO alliance and reinforces our transatlantic bond; supports, therefore, the recent efforts to step up the European defence architecture, including the European Defence Fund and the newly established Permanent Structured Cooperation (PESCO);

30. Welcomes the launch of PESCO and supports its first projects, such as military mobility; stresses that PESCO is of common interest to both the EU and NATO and should be a driver for further cooperation between the two organisations in terms of capability development and the consolidation of an EU pillar in NATO, within the context of each national constitution;

31. Reiterates the need for the EU and the US to enhance their cooperation in the field of cybersecurity and cyber defence, namely through specialised agencies and task forces such as ENISA, Europol, Interpol, future structures of PESCO and EDF, especially countering cyberattacks and jointly advancing efforts to develop a comprehensive and transparent international framework setting up minimum standards for cybersecurity policies, while upholding fundamental liberties; considers it vital that the EU and NATO step up the sharing of intelligence in order to enable the formal attribution of cyberattacks and consequently enable the imposing of restrictive sanctions for those responsible for cyber-attacks; underlines the significance and positive contribution that the US European Reassurance Initiative has for the security of EU Member States;

32. Underlines that the growing significance of Artificial Intelligence and machine learning requires enhanced EU-US cooperation and that measures should be taken to advance cooperation among US and European tech companies in order to ensure partnering on development and application is best used;

33. Calls on the US Congress to include the European Parliament in its cyberthreat information-sharing programme with the parliaments of Australia, Canada, New Zealand, and the UK;

34. Underlines the need for a common approach to regulating digital platforms and to increasing their accountability in order to discuss the issues of net censorship, copyright and rights of the rightholders, personal data and the notion of net neutrality; reiterates the need to work together to promote an open, interoperable and secure internet, governed by a multi-stakeholder model which promotes human rights, democracy, the rule of law and freedom of expression and fosters economic prosperity and innovation, while respecting privacy and guarding against deception, fraud and theft; calls for the deployment of joint efforts to develop norms and regulations and promote the applicability of international law in cyberspace;

35. Reiterates that net neutrality is enshrined in EU law; regrets the decision by the Federal Communications Commission to reverse net neutrality rules; welcomes the recent vote of the US Senate to reverse this decision; calls on the US Congress to follow the Senate decision in order to maintain an open, safe and secure internet that does not allow discriminatory treatment of internet content;

36. Stresses the need for proper negotiations regarding standardisation, especially in the context of the increasingly rapid development of technology, especially in the IT area;

37. Emphasises that an important part of strengthening EU-US counter-terrorism efforts includes the protection of critical infrastructure, including advancing common standards and stimulating compatibility and interoperability, as well as a comprehensive approach to fighting terrorism, also via coordination in regional, multilateral and global forums and cooperation in data exchanges relating to terrorist activities; reiterates the need to support mechanisms such as the European Travel Information and Authorisation System (ETIAS) and other joint endeavours that can significantly contribute to and make the difference in the fight against terrorism and extremism; reminds both parties that the fight against terrorism must comply with international law and democratic values, fully respecting civil liberties and fundamental human rights;

38. Expresses its concern over the recent appointment of Gina Haspel as director of the Central Intelligence Agency (CIA), given her poor human rights track record, including her complicity in the CIA rendition and secret detention programme;

39. Is very concerned at the US administration's reported dismantling of the limited restrictions to the drone programme, which increases the risk of civilian casualties and unlawful killings, as well as the lack of transparency around both the US drone programme and the assistance being provided by some EU Member States; calls on the US and EU Member States to ensure that the use of armed drones complies with their obligations under international law, including international human rights law and international humanitarian law, and that robust binding standards to govern the provision of all forms of assistance for lethal drone operations are established;

40. Underlines the need for the EU and the US to fight tax evasion and other financial crimes and ensure transparency;

41. Encourages further enhanced cooperation regarding the fight against tax evasion, tax avoidance, money laundering and terrorist financing, notably in the framework of the EU-US-TFTP (Terrorist Finance Tracking Programme) agreement, which should be strengthened to include data on financial flows associated with foreign interference or illicit intelligence operations; calls, furthermore, on the EU and the US to cooperate within the OECD in the fight against tax evasion and aggressive tax planning by setting international rules and norms to tackle this global problem; stresses that continued law enforcement cooperation is key to enhancing our common security, and calls on the US to ensure bilateral and multilateral cooperation in this field; deplores the partial repeal of the Dodd-Frank Act, as a result of which supervision of American banks has decreased significantly;

42. Highlights the persisting weaknesses of the Privacy Shield as regards respect of the fundamental rights of data subjects; welcomes and supports the calls for the US legislator to move towards an omnibus privacy and data protection act; points out that in Europe the protection of personal data is a fundamental right and that the US has no rules comparable with the new General Data Processing Regulation (GDPR);

43. Recalls the widespread transatlantic solidarity in reaction to the Skripal poisoning in Salisbury, resulting in the expulsion of Russian diplomats by 20 EU Member States, Canada, the US, Norway and 5 EU aspirant states;

44. Reiterates its concern over the rejection by Congress in March 2017 of the rule submitted by the Federal Communications Commission relating to 'Protecting the Privacy of Customers of Broadband and Other Telecommunications Services', which in practice eliminates broadband privacy rules that would have required Internet service providers to obtain consumers' explicit consent before selling or sharing web browsing data or other private information with advertisers and other companies; considers that this is yet another threat to privacy safeguards in the US;

45. Recalls that the US remains the only non-EU country in the EU's visa-free list which does not grant visa-free access to citizens of all EU Member States; urges the US to bring the five EU Member States concerned (Bulgaria, Croatia, Cyprus, Poland and Romania) into the US Visa Waiver Program as soon as possible; recalls that the Commission is legally obliged to adopt a delegated act – temporarily suspending the exemption from the visa requirement for nationals of third countries which have not lifted the visa requirement for citizens of certain Member States – within a period of 24 months from the date of publication of the notifications in this regard, which ended on 12 April 2016; calls on the Commission, on the basis of Article 265 TFEU, to adopt the required delegated act;

46. Stresses that the EU is committed to strengthening democracy, human rights, rule of law, prosperity, stability, resilience and security of its neighbours first-hand through non-military means, notably through the implementation of association agreements; calls on the EU and the US to strengthen their cooperation and better coordinate their actions, project and positions in the EU neighbourhood, both Eastern and Southern; recalls that EU development and humanitarian policies around the world also contribute to global security;

47. Commends the strategic focus and openness of the US towards the region, and recalls that the Balkans represent a challenge for Europe and for the security of the continent as a whole; therefore invites the US to be involved in further joint efforts in the Western Balkans, in particular on strengthening the rule of law, democracy, freedom of expression and security cooperation; recommends more common actions, such as anti-corruption mechanisms and institution-building, in order to provide more security, stability, resilience and economic prosperity to the countries of the region as well as building a role in resolving longstanding issues; takes the view that the EU and US should initiate a new high-level dialogue on the Western Balkans in order to ensure that policy goals and assistance programmes are in alignment, and, furthermore, take relevant measures;

48. Calls on the EU and the US to play a more active and effective role in the resolution of the conflict on Ukraine's territory and to support all efforts for a lasting peaceful solution which respects the unity, sovereignty and territorial integrity of Ukraine and foresees the return of Crimean Peninsula to Ukraine and to urge and support the reform processes and the economic development in Ukraine, which need to be fully in line with Ukraine's commitments and the recommendations made by international organisations; expresses its deepest disappointment at the further lack of progress in the implementation of the Minsk agreements and at the deterioration of the security and humanitarian situation in Eastern Ukraine; states therefore, that the sanctions against Russia are still needed and that the US should coordinate its efforts with the EU; calls for closer cooperation in this issue between the VP/HR and the US Special Representative on Ukraine;

49. Recalls also the importance for the EU and the US to seek a solution to the 'frozen' conflicts in Georgia and Moldova;

50. Recalls that the international order is based on respecting international agreements; regrets in this light the decision by the US not to endorse the conclusions of the G7 Summit in Canada; reiterates its commitment to international law and to universal values, and in particular accountability, nuclear non-proliferation and the peaceful resolution of disputes; underlines that the consistency of our nuclear non-proliferation strategy is key for our credibility as a key global player and negotiator; calls on the EU and the US to cooperate in facilitating nuclear disarmament and effective measures for nuclear risk reduction;

51. Stresses that the Joint Comprehensive Plan of Action (JCPOA) with Iran is a significant multilateral agreement and a notable diplomatic achievement for multilateral diplomacy and EU diplomacy to promote stability in the region; recalls that the EU is determined to do its utmost to preserve the JCPOA with Iran as a key pillar of the international non-proliferation architecture, with relevance also for the North Korean question, and as a crucial element for the security and stability of the region; reiterates the need to address more critically Iranian activities related to ballistic missiles and regional stability, especially Iran's involvement in various conflicts in the region, and the situation of human rights and minority rights in Iran that are separate from the JCPOA, in the relevant formats and forums; stresses that transatlantic cooperation in addressing these issues is key; underlines that, according to the multiple reports by the International Atomic Energy Agency (IAEA), Iran is fulfilling its commitments under the JCPOA; criticises strongly President Trump's decision to leave the JCPOA unilaterally and to impose extraterritorial measures on EU companies which are active in Iran; stresses that the EU is determined to protect its interests and those of its companies and investors in the face of the extraterritorial effect of US sanctions; welcomes, in this context, the decision to activate the 'blocking regulation' aimed at protecting EU trade interests in Iran from the impact of US extraterritorial sanctions, and calls on the Council, the Commission and the European External Action Service to take any further measures deemed necessary to safeguard the JCPOA;

52. Is concerned about US security and trade policy in East and Southeast Asia, including the political vacuum resulting from the withdrawal of the US from the Trans-Pacific Partnership (TPP); reiterates the importance of constructive engagement on the part of the EU in East and Southeast Asia and the Pacific region, and welcomes in that context the active trade policy of the EU in that part of the world and the security-related EU initiatives, in particular as expressed in the Council conclusions on enhanced EU security cooperation in and with Asia, also for the sake of political and economic balance;

53. Welcomes the opening of new high-level dialogues with North Korea (DPRK) and the recent summit in Singapore of 12 June 2018, recalls that these talks, which have yet to show any tangible and verifiable results, aim at a peaceful resolution of the tensions and thus at promoting regional and global peace, security and stability; underlines that, at the same time, the international community, including the EU and the US, must maintain pressure on DPRK until it credibly denuclearises by ratifying the Comprehensive Nuclear Test Ban Treaty (CTBT) and permitting the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organisation (CTBTO) and the IAEA to document its denuclearisation; expresses its concern over the insufficient progress towards denuclearisation made by DPRK, which on 24 August 2018 led President Trump to cancel the planned talks in DPRK with Secretary of State Mike Pompeo;

54. Reminds the US that it still has not ratified the CTBT, despite being an Annex II state whose signature is necessary for the treaty's entry into force; repeats the call made by the VP/HR urging world leaders to ratify that treaty; encourages the US to ratify the CTBT as soon as possible and to support the CTBTO further by persuading the remaining Annex II states to ratify the Treaty;

55. Insists on the upholding of international maritime law, including in the South China sea; in this regard, invites the US to ratify the UN Convention on the Law of the Sea (UNCLOS);

56. Calls for enhanced cooperation between the EU and the US for the peaceful resolution of regional conflicts and the proxy war in Syria, as the lack of a common strategy undermines the peaceful resolution of conflicts, and calls on all parties and regional actors involved in the conflict to refrain from violence and any other actions that might aggravate the situation; reaffirms the primacy of the UN-led Geneva process in the resolution of the Syrian conflict, in line with UN Security Council Resolution 2254, negotiated by the parties to the conflict and with the support of key international and regional actors; calls for the full implementation and respect of the UN Security Council resolutions which are being violated by the countries party to the Astana negotiations; calls for joint efforts to guarantee full humanitarian access to those in need and for the independent, impartial, thorough and credible investigation and prosecution of those responsible; also calls for support for, inter alia, the work of the International, Impartial and Independent Mechanism (IIIM) on international crimes committed in the Syrian Arab Republic since March 2012;

57. Recalls that the EU supports the resumption of a meaningful Middle East Peace Process towards a two-state solution, on the basis of the 1967 borders, with an independent, democratic, viable and contiguous Palestinian state living side-by-side in peace and security with a secure state of Israel and its other neighbours, and insists that any action that would undermine these efforts must be avoided; deeply regrets, in this regard, the unilateral decision of the US government to move its embassy from Tel Aviv to Jerusalem and to formally recognise the city as Israel's capital; underlines that the question of Jerusalem must be part of a final peace agreement between Israelis and Palestinians; stresses that the joint roadmap should be strengthened, and emphasises the need for the US to coordinate with its European partners in its peace efforts in the Middle East;

58. Commends UNRWA and its dedicated staff for their remarkable and indispensable humanitarian and development work for Palestinian refugees (in the West Bank including East Jerusalem, the Gaza Strip, Jordan, Lebanon, and Syria), which is vital to the security and stability of the region; deeply regrets the decision of the US administration to cut its funding to UNRWA, demands that the US reconsider this decision; underlines the consistent support of the European Parliament and the European Union for the Agency and encourages EU Member States to provide additional funding to guarantee the sustainability of UNRWA activities in the long run;

59. Encourages further cooperation between EU and US programmes globally, promoting democracy, media freedoms, free and fair elections and the upholding of human rights, including rights of refugees and migrants, women, racial and religious minorities; stresses the importance of the values of good governance, accountability, transparency, and rule of law that underpin the defence of human rights; reiterates the EU's strong and principled position against the death penalty and in favour of a universal moratorium on capital punishment with a view to its global abolition; underlines the need for cooperation in crisis prevention and peacebuilding, as well as in responding to humanitarian emergencies;

60. Reiterates that the EU and the US have common interests in Africa, where both must coordinate and intensify their support, at local, regional and multinational levels, for good governance, democracy, human rights, sustainable social development, environmental protection, migration management, economic governance and security issues, as well as peaceful resolution of regional conflicts, fighting corruption, illegal financial transactions as well as violence and terrorism; takes the view that better EU/US coordination, including through enhanced political dialogue and devising joint strategies on Africa while duly taking into account the views of regional organisations and sub-regional groupings, would lead to more effective action and use of resources;

61. Stresses the importance of the common political, economic and security interests of the EU and the US, with regard to the economic policies of countries such as China and Russia, and recalls that joint efforts, including at WTO level, could be helpful to address issues such as the current imbalances in global trade and the situation in Ukraine; calls on the US administration to refrain from further blocking the nomination of the judges on the WTO appellate body; emphasises the need to cooperate more closely in dealing with China's One Belt One Road (OBOR) strategy, including by developing cooperation in this regard between the EU and the Quadrilateral Security Dialogue (QUAD) between the US, India, Japan, and Australia;

62. Points to the need for better cooperation on Arctic policy, particularly in the context of the Arctic Council, especially as with climate change new navigation routes may open up and natural resources may become available;

63. Insists that migration is a global phenomenon and should therefore be addressed through cooperation, partnership and protection of human rights and security, but also by managing migration routes and pursuing a global approach at UN level based on respect for international law, notably the 1951 Geneva Convention and its 1967 Protocol; welcomes the efforts made so far in the UN to achieve a global compact for safe, orderly and regular migration as well as a global compact on refugees, and regrets the US decision of December 2017 to withdraw from the discussions; calls for a joint policy to fight the root causes of migration;

64. Advocates enhanced EU-US cooperation on energy issues, including renewable energies, building on the framework of the EU-US Energy Council; therefore renews its call for the meetings to continue; calls, furthermore, for more cooperation on energy research and new technologies, as well as closer cooperation to protect energy infrastructure against cyber-attacks; insists on the need to work together on the security of energy supplies and stresses that further clarification is necessary on how Ukraine's transit role will continue;

65. Stresses its concern regarding the Nord Stream 2 pipeline and its potentially divisive role in relation to the energy security and solidary of Member States, and welcomes US support for ensuring energy security in Europe;

66. Regrets the withdrawal of the US from the Paris Agreement, but praises the continued efforts of individuals, companies, cities and states within the US that are still working towards fulfilling the Paris Agreement and fighting climate change, and highlights the need for a further engagement of the EU with these actors; takes note that climate change is no longer part of the US National Security Strategy; reaffirms the EU's commitment to the Paris Agreement and to the UN Agenda 2030, and stresses the need to implement them in order to ensure global security and develop a more sustainable economy and society, recalls that a shift towards a green economy entails many opportunities for jobs and growth;

67. Encourages further cooperation in innovation, science and technology, and calls for the renewal of the US-EU Science and Technology Agreement;

Defending a rules-based trading order in troubled times

68. Notes that the US was the largest market for EU exports and the second largest source of EU imports in 2017; notes that there are differences in the trade deficits and surpluses between the EU and the US for trade in goods, trade in services, digital trade and foreign direct investment; emphasises that the EU-US trade and investment relationship – being the largest in the world and one which has always been based on shared values – is one of the most important drivers of global economic growth, trade and prosperity; notes further that the EU has a USD 147 billion surplus in goods with the US; notes that EU businesses employ 4.3 million workers in the US;

69. Stresses that the EU and US are two key players in a globalised world that is evolving with unprecedented speed and intensity, and that given the shared challenges, the EU and the US have a common interest in collaborating and coordinating on trade policy matters to shape the future multilateral trading system and global standards;

70. Points to the central role the WTO plays within the multilateral system, as the best option for guaranteeing an open, fair and rules-based system which takes account of and balances the many varying interests of its members; reiterates its support for further strengthening the multilateral trading system; supports the work undertaken by the Commission to further work with the US on a positive common response to the current institutional and systemic challenges;

71. Stresses the role of the WTO in settling trade-related disputes; calls on all WTO members to ensure the proper functioning of the WTO dispute settlement system; regrets in this regard the United States' blocking of new nominations to fill the vacancies the Appellate Body, which threatens the very functioning of the WTO dispute settlement system; calls on the Commission and all WTO members to explore ways to overcome this impasse on renewing judges at the WTO Appellate Body, and, if necessary by reforming the dispute settlement system; considers that such reforms could aim at ensuring the highest possible level of efficiency and independence of the system, while remaining consistent with the values and the general approach that the EU has constantly defended since the creation of the WTO, notably the promotion of free and fair trade on a global basis under the rule of law and the need for all WTO members to comply with all WTO obligations;

72. Welcomes, while regretting the lack of results at the Eleventh WTO Ministerial Conference (MC11), the signature of the joint statement on the elimination of unfair market-distorting and protectionist practices by the US, the EU and Japan, which was also highlighted in the G20 statement of July 2017; calls for further cooperation with the US and Japan on this matter to address unfair trading practices such as discrimination, limiting market access, dumping and subsidies;

73. Calls on the Commission to establish a work plan with the US and other WTO members on the elimination of distorting subsidies in the cotton sector and the fisheries sector (relating in particular to illegal, unreported and unregulated (IUU) fishing); calls for cooperation in advancing the multilateral agenda on new issues such as e-commerce, digital trade, including digital development, investment facilitation, trade and the environment and trade and gender, and in promoting specific policies to facilitate the participation of micro, small and medium-sized enterprises (MSMEs) in the global economy;

74. Calls for the EU and the US to promote cooperation at international level in order to strengthen international agreements in the field of public procurement, notably the Agreement on Government Procurement (GPA);

75. Calls on the Commission to enter into dialogue with the United States with a view to resuming negotiations on the plurilateral Environmental Goods Agreement (EGA) and the Trade in Services Agreement (TiSA);

76. Calls for the EU and the US to pool resources to fight unfair trade policies and practices, while respecting multilateral rules and the dispute settlement process in the WTO and avoiding unilateral actions as they are harmful for all global value chains in which EU and US companies operate; deeply regrets the uncertainty in the international trading system caused by the US's employment of instruments and policy tools (e.g. Section 232 from 1962 and Section 301 from 1974) that were created before the creation of the WTO and its dispute settlement system; notes in this regard that the US decision to impose steel and aluminium tariffs under Section 232 cannot be justified on the grounds of national security, and calls on the US to grant the EU and other allies a full and permanent exemption from the measures; calls on the Commission to respond firmly should these tariffs be used as a way to curb EU exports; also stresses that any sanctions that may be taken by the US in the form of counter-measures on European goods following the publication of the Compliance Appellate Body report in the framework of the US complaint against the EU on measures affecting trade in large civil aircraft would not be legitimate, as 204 of the 218 claims put forward by the US were rejected by the WTO and a further report on the related case against US illegal subsidies is still expected;

77. Takes note of the continuing bilateral cooperation between the EU and the US on a wide range of regulatory issues, as evidenced by the recently concluded bilateral agreement on prudential measures regarding insurance and reinsurance or the mutual agreement on recognition of inspections of medicine manufacturers; calls on the Commission and the Council to fully respect the role of the European Parliament in this process;

78. Stresses the crucial importance of intellectual property to the EU and US economies; calls on both parties to support research and innovation on both sides of the Atlantic, guaranteeing high levels of intellectual property protection and ensuring that those who create high-quality innovative products can continue to do so;

79. Calls for the EU and the US to improve market access for SMEs exporting to the US and to the EU, by means of increasing transparency on existing rules and market openings on both sides of the Atlantic, for instance through an SME portal;

80. Highlights the importance of the US market to EU SMEs; calls for the EU and the US to address the disproportionate effect that tariffs, non-tariff barriers and technical barriers to trade have on SMEs on both sides of the Atlantic, covering not only a reduction in tariffs but a simplification of customs procedures and, potentially, new mechanisms aimed at helping SMEs to exchange experience and best practices in buying and selling on the EU and US markets;

81. Calls for the EU and the US, in the framework of their bilateral cooperation, to refrain from tax competition with each other, as this will only lead to a decrease in investment in both economies;

82. Calls for the EU and the US to agree on a framework for digital trade which respects each side's existing legal frameworks and agreements, data protection legislation and data privacy rules, which is of particular relevance to the services sector; stresses, in this regard, that the EU and the US should work together in order to encourage third countries to adopt high data protection standards;

83. Appeals to the EU and the US to scale up cooperation on climate change; calls for the EU and the US to make use of current and future trade negotiations at all levels to ensure the application of internationally agreed standards such as the Paris Agreement, to promote trade in environmentally sound goods, including technology, and to ensure global energy transition, with a clear and coordinated international trade agenda, both to protect the environment and to create opportunities for jobs and growth;

84. Believes that a potential new agreement on EU-US trade and investment relations cannot be negotiated under pressure nor under threat, and that only a broad, ambitious, balanced and comprehensive agreement covering all trade areas would be in the interest of the EU; notes, in this regard, that the establishment of a possible specific and permanent regulatory and consultation cooperation mechanism could be advantageous; calls on the Commission to resume negotiations with the US under the right circumstances;

85. Highlights that trade flows increasingly require new, faster, and more secure ways of moving goods and services across borders; calls for the EU and the US, as key trading partners, to collaborate on trade-related digital technology solutions to facilitate trade;

86. Recalls the importance of the existing EU-US dialogue and cooperation on science and technology; recognises the role of EU-US endeavours in the field of research and innovation as key drivers of knowledge and economic growth, and supports the continuation and expansion of the EU-US Science and Technology Agreement beyond 2018, with a view to fostering research, innovation and new emerging technologies, protecting intellectual property rights, and creating more and better jobs, sustainable trade and inclusive growth;

87. Shares the US's concerns about global steel overcapacity; regrets, at the same time, that unilateral, WTO-incompatible measures will only undermine the integrity of a rules-based trading order; underlines that even a permanent EU exemption from US tariffs cannot legitimise this course of action; calls on the Commission to cooperate with the US in strengthening the efforts to fight steel overcapacity within the framework of the G20 Global Forum, in order to exploit the huge potential of multilateral action; reiterates its conviction that joint and concerted actions within the rules-based trading systems are the best way to solve such global problems;

88. Reasserts the importance for the EU and the US of addressing, in a coordinated and constructive manner, the necessary modernisation of the WTO, with a view to making it more effective, transparent and accountable, as well as ensuring that, in the process of elaborating international trade rules and policies the gender, social, environmental and human rights dimensions are adequately integrated;

89. Points out that the EU stands for an undistorted market economy, as well as open values and rule-based and fair trade; reiterates its support for the Commission strategy in response to the current trade policy of the United States while complying with the rules of the multilateral trading system; calls for unity among all EU Member States, and calls on the Commission to develop a common approach in addressing this situation; stresses the importance of preserving the unity of EU Member States in this respect, as joint EU actions in the framework of the common commercial policy (CCP) and the EU customs union at international level, as well as bilaterally with the US, have proven to be far more effective than any initiative undertaken by individual Member States; reiterates that the EU stands ready to work with the United States on trade-related issues of mutual concern within the rules of the multilateral trading system;

90. Regrets President Trump's decision to withdraw the US from the JCPOA and the effect this decision will have on EU companies doing business in Iran; supports all EU efforts aimed at preserving the interests of EU companies investing in Iran, in particular the Commission's decision to activate the Blocking Statute, which demonstrates the EU's commitment to the JCPOA; believes that the same statute could be used wherever it is appropriate;

91. Calls for the EU and the US to reinforce cooperation and efforts to implement and expand due diligence schemes for enterprises in order to reinforce the protection of human rights internationally, including in the area of trade in minerals and metals from conflict-affected areas;

92. Deplores the US's disengagement from the protection of the environment; regrets, in this respect, President Trump's decision, when the US is the largest importer of elephant hunting trophies, to lift the ban on imports of such trophies from certain African countries, including Zimbabwe and Zambia;

93. Calls for the EU and the US to continue and strengthen transatlantic parliamentary cooperation, which should lead to an enhanced and broader political framework to improve trade and investment links between the EU and the US;

94. Expresses its concern that the US and China might reach an agreement that is not fully compatible with the WTO, which could also undermine our interests and cast a pall over transatlantic trade relations; stresses, therefore, the need for a more global agreement with our principal trading partners, given our shared interests worldwide;

o

o o

95. Instructs its President to forward this resolution to the Council, the EEAS, the Commission, the governments and parliaments of the Member States and the accession and candidate countries, the US President, the US Senate and House of Representatives.

Wednesday 12 September 2018

P8_TA(2018)0343

State of EU-China relations

European Parliament resolution of 12 September 2018 on the state of EU-China relations (2017/2274(INI))

(2019/C 433/12)

The European Parliament,

— having regard to the establishment of diplomatic relations between the EU and China as of 6 May 1975,

— having regard to the EU-China Strategic Partnership launched in 2003,

— having regard to the main legal framework for relations with China, namely the EEC-China Trade and Economic Cooperation Agreement ([1]), signed in May 1985, which covers economic and trade relations and the EU-China cooperation programme,

— having regard to the EU-China 2020 Strategic Agenda for Cooperation agreed on 21 November 2013,

— having regard to the structured EU-China political dialogue formally established in 1994 and the High-Level Strategic Dialogue on strategic and foreign policy issues established in 2010, in particular the 5th and 7th EU-China High-Level Strategic Dialogues held in Beijing on 6 May 2015 and 19 April 2017 respectively,

— having regard to the negotiations for a new Partnership and Cooperation Agreement, which began in 2007,

— having regard to the negotiations for a Bilateral Investment Agreement, which were started in January 2014,

— having regard to the 19th EU-China Summit, which took place in Brussels on 1 and 2 June 2017,

— having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 22 June 2016 on 'Elements for new EU strategy with China' (JOIN(2016)0030),

— having regard to the Council conclusions of 18 July 2016 on EU Strategy on China,

— having regard to the joint report from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 24 April 2018 entitled 'Hong Kong Special Administrative Region: Annual Report 2017' (JOIN(2018)0007),

— having regard to the Council's guidelines of 15 June 2012 on the EU's Foreign and Security Policy in East Asia,

— having regard to the adoption of the new national security law by the Standing Committee of the Chinese National People's Congress on 1 July 2015,

— having regard to the White Paper of 26 May 2015 on China's military strategy,

— having regard to the EU-China dialogue on human rights launched in 1995 and the 35th round thereof, held in Brussels on 22 and 23 June 2017,

— having regard to the more than 60 sectoral dialogues between the EU and China,

([1]) OJ L 250, 19.9.1985, p. 2.

Wednesday 12 September 2018

— having regard to the establishment in February 2012 of the EU-China High-Level People-to-People Dialogue, which accommodates all EU-China joint initiatives in this field,

— having regard to the scientific and technological cooperation agreement between the European Community and China, which entered into force in 2000 ([2]), and the Science and Technology Partnership Agreement signed on 20 May 2009,

— having regard to the UN Framework Convention on Climate Change (UNFCCC) and the Paris Climate Agreement, which came into force on 4 November 2016,

— having regard to the Energy Dialogue between the European Community and China,

— having regard to the EU-China Round Tables,

— having regard to the 19th National Congress of the Communist Party of China, which took place from 18 to 24 November 2017,

— having regard to the 'Environmental Protection Tax Law' promulgated by the National People's Congress in December 2016, which came into effect on 1 January 2018,

— having regard to the fact that the International Organisation for Migration has stated that environmental factors have an impact on national and international migration flows, as people leave places with harsh or deteriorating conditions resulting from accelerated climate change ([3]),

— having regard to the 2018 EU-China Tourism Year (ECTY), launched in Venice on 19 January 2018,

— having regard to the report of the Foreign Correspondents' Club of China (FCCC) on working conditions, issued on 30 January 2018 and entitled 'Access Denied – Surveillance, harassment and intimidation as reporting conditions in China deteriorate',

— having regard to EU Statement - Item 4 issued at the 37th session of the UN Human Rights Council on 13 March 2018 entitled 'Human rights situation that requires the Council's attention',

— having regard to the 41st EP-China Inter-Parliamentary Meeting, which took place in Beijing in May 2018,

— having regard to its resolutions on China, in particular those of 2 February 2012 on the EU foreign policy towards the BRICS and other emerging powers: objectives and strategies ([4]), of 23 May 2012 on EU and China: Unbalanced Trade? ([5]), of 14 March 2013 on nuclear threats and human rights in the Democratic People's Republic of Korea ([6]), of 5 February 2014 on a 2030 framework for climate and energy policies ([7]), of 17 April 2014 on the situation in North Korea ([8]), of 21 January 2016 on North Korea ([9]), and of 13 December 2017 on the Annual Report on the implementation of the Common Foreign and Security Policy (CFSP) ([10]),

([2]) OJ L 6, 11.1.2000, p. 40.
([3]) https://www.iom.int/migration-and-climate-change
([4]) OJ C 239 E, 20.8.2013, p. 1.
([5]) OJ C 264 E, 13.9.2013, p. 33.
([6]) OJ C 36, 29.1.2016, p. 123.
([7]) OJ C 93, 24.3.2017, p. 93.
([8]) OJ C 443, 22.12.2017, p. 83.
([9]) Texts adopted, P8_TA(2016)0024.
([10]) Texts adopted, P8_TA(2017)0493.

— having regard to its resolutions of 7 September 2006 on EU-China relations ([11]), of 5 February 2009 on trade and economic relations with China ([12]), of 14 March 2013 on EU-China relations ([13]), of 9 October 2013 on the EU-China negotiations for a bilateral investment agreement ([14]) and on EU-Taiwan trade relations ([15]), and of 16 December 2015 on EU-China relations ([16]), and to its recommendation of 13 December 2017 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Hong Kong, 20 years after handover ([17]),

— having regard to its human rights resolutions of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks ([18]), of 14 June 2012 on the human rights situation in Tibet ([19]), of 12 December 2013 on organ harvesting in China ([20]), of 15 December 2016 on the cases of the Larung Gar Tibetan Buddhist Academy and of Ilham Tohti ([21]), of 16 March 2017 on EU priorities for the UN Human Rights Council sessions in 2017 ([22]), of 6 July 2017 on the cases of Nobel laureate Liu Xiabo and Lee Ming-che ([23]) and of 18 January 2018 on the cases of human rights activists Wu Gan, Xie Yang, Lee Ming-che and Tashi Wangchuk, and the Tibetan monk Choekyi ([24]),

— having regard to the EU arms embargo introduced after the Tiananmen crackdown of June 1989, as supported by Parliament in its resolution of 2 February 2006 on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP ([25]),

— having regard to the nine rounds of talks held from 2002 to 2010 between high-ranking representatives of the Chinese Government and the Dalai Lama, to China's White Paper on Tibet entitled 'Tibet's Path of Development Is Driven by an Irresistible Historical Tide' and published by China's State Council Information Office on 15 April 2015, and to the 2008 Memorandum and the 2009 Note on Genuine Autonomy, both presented by the representatives of the 14th Dalai Lama,

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

— having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on International Trade and the Committee on the Environment, Public Health and Food Safety (A8-0252/2018),

A. whereas the 19th EU-China Summit in 2017 advanced a bilateral strategic partnership, which has a global impact, and highlighted joint commitments to addressing global challenges, common security threats and the promotion of multilateralism; whereas there are many areas where constructive cooperation could bring mutual benefits, including in international fora such as the UN and G20; whereas the EU and China have confirmed their intention to step up cooperation on the implementation of the 2015 Paris Agreement in combating climate change, cutting back on fossil fuels, promoting clean energy and reducing pollution; whereas further cooperation and coordination between the two sides in this sector is needed, including in the field of research and the exchange of best practices; whereas China has adopted a carbon emissions trading scheme based on the EU's ETS; whereas the EU's vision for multilateral governance is one of a rules-based order and based on universal values such as democracy, human rights, the rule of law, transparency and accountability; whereas in the current geopolitical context, it is more important than ever to promote multilateralism and a rules-based system; whereas the EU expects its relationship with China to be one of reciprocal benefit in both political and economic terms; whereas it expects China to assume responsibilities in line with its global impact and to support the rules-based international order from which it, too, benefits;

([11]) OJ C 305 E, 14.12.2006, p. 219.
([12]) OJ C 67 E, 18.3.2010, p. 132.
([13]) OJ C 36, 29.1.2016, p. 126.
([14]) OJ C 181, 19.5.2016, p. 45.
([15]) OJ C 181, 19.5.2016, p. 52.
([16]) OJ C 399, 24.11.2017, p. 92.
([17]) Texts adopted, P8_TA(2017)0495.
([18]) OJ C 131 E, 8.5.2013, p. 121.
([19]) OJ C 332 E, 15.11.2013, p. 69.
([20]) OJ C 468, 15.12.2016, p. 208.
([21]) Texts adopted, P8_TA(2016)0505.
([22]) Texts adopted, P8_TA(2017)0089.
([23]) Texts adopted, P8_TA(2017)0308.
([24]) Texts adopted, P8_TA(2018)0014.
([25]) OJ C 288 E, 25.11.2006, p. 59.

Wednesday 12 September 2018

B. whereas cooperation between the EU and China on foreign policy, security and defence, and in the fight against terrorism is extremely important; whereas cooperation between the two sides was essential in securing the Iranian nuclear deal; whereas China's stance played a key role in creating space for negotiations in the North Korean crisis;

C. whereas largely ignored in Europe, the Chinese leadership has gradually and systematically stepped up its efforts to translate its economic weight into political influence, notably through strategic infrastructure investments and new transport links, as well as strategic communication aimed at influencing European political and economic decision-makers, the media, universities and academic publishers and the wider public in order to shape perceptions about China and convey a positive image of the country, by building up 'networks' of supportive European organisations and individuals across societies; whereas China's surveillance of the large number of mainland students now studying across Europe is cause for concern as are its efforts to control people in Europe who have fled China;

D. whereas the 16+1 format between China on one hand, and 11 Central and Eastern European Countries (CEEs) and five Balkan countries on the other, was established in 2012 in the aftermath of the financial crisis and as part of Chinese sub-regional diplomacy to develop large-scale infrastructure projects and strengthen economic and trade cooperation; whereas planned Chinese investment and funding in these countries is substantial, but not as important as EU investment and engagement; whereas European countries participating in this format should consider giving greater weight to the notion of one voice for the EU in its relations with China;

E. whereas China is the fastest-growing market for EU food products;

F. whereas China's Belt and Road Initiative (BRI), including China's Arctic Policy, is the most ambitious foreign policy initiative the country has ever adopted, comprising geopolitical and security-related dimensions and therefore going beyond the claimed scope of economic and trade policy; whereas BRI was further strengthened with the establishment of the Asian Infrastructure Investment Bank (AIIB) in 2015; whereas the EU insists on a multilateral governance structure and on non-discriminatory implementation of the BRI; whereas the European side wishes to guarantee that any connectivity project under BRI will honour the obligations stemming from the Paris accord as well as ensure that other international environmental, labour and social standards and the rights of indigenous people are upheld; whereas the Chinese infrastructure projects could create large debts for the European governments to Chinese state-owned banks offering loans on non-transparent terms and create few jobs in Europe; whereas some BRI-related infrastructure projects have already placed third governments in a state of over-indebtedness; whereas so far the lion's share of all BRI-related contracts have been awarded to Chinese companies; whereas China is using some of its industrial standards in BRI-related projects in a discriminatory way; whereas BRI-related projects must not be awarded in a non-transparent tender; whereas within the BRI, China is using a multiplicity of channels; whereas 27 national EU ambassadors to Beijing have recently compiled a report that sharply criticises the BRI project, denouncing it as being designed to hamper free trade and put Chinese companies at an advantage; whereas BRI is regrettably devoid of any kind of human rights safeguards;

G. whereas China's diplomacy has increasingly emerged as a stronger player from the 19th Party Congress and this year's National People's Congress (NPC), with at least five high-ranking officials in charge of the country's foreign policy and a substantial boost to the budget of the Ministry of Foreign Affairs; whereas a newly created State International Development Cooperation Agency will be in charge of coordinating China's growing budget for foreign aid;

H. whereas China introduced limits on terms of office in the 1980s in response to the excesses of the Cultural Revolution; whereas on 11 March 2018 the NPC voted almost unanimously in favour of abrogating the limit of two consecutive terms for the posts of President and Vice-President of the People's Republic of China;

I. whereas the Chinese top leadership, while claiming non-interference in other countries' internal affairs, regularly calls into question Western countries' political system in its official communications;

J. whereas on 11 March 2018, the NPC endorsed the establishment of a National Supervisory Commission, a new party-controlled body designed to institutionalise and expand control over all civil servants in China, listing it as a state body within China's Constitution;

K. whereas in 2014, the State Council of China announced detailed plans to create a Social Credit System with the aim of rewarding behaviour that the Party considers financially, economically and socio-politically responsible, while sanctioning non-compliance with its policies; whereas the project of social credit scoring will likely also have an impact on foreigners living and working in China, including EU citizens, and entail consequences for EU and other foreign companies operating in the country;

L. whereas it is clear that in some regions of China, the livelihoods of the rural population will deteriorate because of variations in temperature and precipitation and through other climate extremes; whereas relocation planning has become an effective adaptation policy option to reduce climate-induced vulnerability and poverty ([26]);

M. whereas the human rights situation in China has continued to deteriorate with the government stepping up its hostility toward peaceful dissent, the freedom of expression and religion, and the rule of law; whereas civil society activists and human rights defenders are being detained, prosecuted and sentenced on the basis of vague charges such as 'subverting state power' and 'picking quarrels and provoking trouble', and are often detained incommunicado at undisclosed locations, without access to medical care or legal representation; whereas detained human rights defenders and activists are sometimes held in 'residential surveillance in a designated location', a method used to cut off detainees from contact, during which torture and ill-treatment are frequently reported; whereas China continues to deny free speech and the freedom to inform, and a high number of journalists, bloggers and independent voices have been imprisoned; whereas in its strategic framework on human rights and democracy, the EU has pledged that human rights, democracy, and rule of law will be promoted 'in all areas of the EU's external actions without exception' and that the EU will 'place human rights at the centre of its relations with all third countries including strategic partners'; whereas the EU-China summits have to be used to bring about concrete results in the field of human rights, namely the release of jailed human rights defenders, lawyers and activists;

N. whereas EU diplomats have at times been prevented by the Chinese authorities from observing trials or visiting human rights defenders, work that is in line with the EU Guidelines on Human Rights Defenders;

O. whereas China has set up a sprawling state architecture of digital surveillance, ranging from predictive policing to the arbitrary collection of biometric data in an environment devoid of privacy rights;

P. whereas the Chinese Government has passed a slew of new laws, in particular, the State Security Law, passed on 1 July 2015, the Counterterrorism Law, the Cybersecurity Law and the Overseas NGO Management Law (ONGO Law), that designate public activism and peaceful criticism of the government as state security threats, strengthen the censorship, surveillance and control of individuals and social groups and deter individuals from campaigning for human rights;

Q. whereas the ONGO Law, which came into force on 1 January 2017, is one of the biggest challenges to international NGOs (INGOs) because this law regulates all activities in China funded by INGOs and provincial security officers are primarily responsible for implementing the ONGO Law;

R. whereas the new regulations on religious affairs that took effect on 1 February 2018 are more restrictive towards religious groups and activities and force them to fall more closely into line with party policies; whereas the new rules threaten persons associated with religious communities that do not have legal status in the country with the imposition of fines when they travel abroad for the purpose of religious education, in the broad sense, and even more so for pilgrimages, which are subject to fines amounting to a multiple of the lowest salary; whereas freedom of religion and conscience has reached a new low since the start of the economic reforms and the opening up of China in the late 1970s; whereas religious communities have been facing increasing repression in China, with Christians, both in underground and state-sanctioned churches, being targeted through the harassment and detention of believers, the demolition of churches and the crackdown on Christian gatherings;

([26]) Y. Zhen, J. Pan, X. Zhang, 'Relocation as a policy response to climate change vulnerability in Northern China', ISSC and UNESCO 2013, *World Social Science Report 2013, Changing Global Environments*, pp. 234-241.

S. whereas the situation in Xinjiang, where 10 million Muslim Uighurs and ethnic Kazakhs live, has rapidly deteriorated, in particular since President Xi's ascension to power, as absolute control of Xinjiang has been elevated to a top priority, driven by both periodic terrorist attacks in or allegedly connected to Xinjiang by Uighurs and the strategic location of the Xinjiang Uighur Autonomous Region for the BRI; whereas an extrajudicial detention programme has been established, holding tens of thousands of people who are forced to undergo political 're-education', as well as the development of a sophisticated network of invasive digital surveillance, including facial recognition technology and data collection, mass deployment of police, and strict restrictions on religious practices and the Uighur language and customs;

T. whereas the situation in Tibet has deteriorated over the past few years, in spite of economic growth and infrastructure development, with the Chinese Government curtailing a wide range of human rights under the pretext of security and stability, and engaging in relentless attacks against Tibetan identity and culture; whereas the surveillance and control measures have been on the increase over the past few years as well as arbitrary detentions, acts of torture and ill-treatment; whereas the Chinese Government has created in Tibet an environment in which there are no limits to state authority, a climate of fear is pervasive, and every aspect of public and private life is tightly controlled and regulated; whereas in Tibet, any acts of non-violent dissent or criticism of state policies with regard to ethnic or religious minorities can be considered as 'splittist' and therefore criminalised; whereas access to the Tibet Autonomous Region today is more restricted than ever for foreigners, including EU citizens, particularly for journalists, diplomats and other independent observers, and even more difficult for EU citizens of a Tibetan background; whereas no progress has been made in the resolution of the Tibetan crisis in the last few years as the last round of peace talks took place in 2010; whereas the deterioration of the humanitarian situation in Tibet has led to an increase of self-immolation cases with a total number of 156 since 2009;

U. whereas the People's Republic of China (PRC) State Council issued a white paper on the practice of the 'one country, two systems' policy in Hong Kong on 10 June 2014, stressing that the autonomy of the Hong Kong Special Administrative Region (SAR) is ultimately subject to the central PRC Government's authorisation; whereas over the years the people of Hong Kong have witnessed mass demonstrations in favour of democracy, media freedom and the full implementation of the Basic Law; whereas Hong Kong's traditional open society has paved the way for the development of a genuine and independent civil society that actively and constructively takes part in the public life of the SAR;

V. whereas the contrasting political developments of the PRC and Taiwan, with an increasingly authoritarian and nationalist party-state regime on one side and a multi-party democracy on the other, raises the danger of an escalation of the cross-strait relations; whereas the EU adheres to the 'one China' policy as regards Taiwan, and supports the 'one country, two systems' principle as regards Hong Kong;

W. whereas after over three years of talks, China and the Association of Southeast Asian Nations (ASEAN) agreed in August 2017 on a one-page framework as a basis for future discussions on a Code of Conduct (CoC) for all parties in the South China Sea; whereas the disputed Chinese land reclamation has largely been completed in the Spratly Islands, but continued last year in the Paracel Islands further north;

X. whereas China too is becoming a more active and important external player in the Middle East due to its obvious economic, security and geopolitical interests;

Y. whereas China is increasingly providing Official Development Aid (ODA) and is emerging as a major actor in development policy, providing a much-needed boost to development policy but at the same time raising concerns about local ownership of projects;

Z. whereas China's presence and investments in Africa have been greatly increasing and this has led to an exploitation of natural resources often without any consultation of local populations;

1. Reasserts that the EU-China Comprehensive Strategic Partnership is one of the most important partnerships for the EU and that there is still much more potential for deepening this relationship and for further cooperation in the international arena; stresses the importance of strengthening cooperation and coordination in the field of global governance and international institutions, notably at UN and G20 level; stresses that in the context of a complex, globalised and multipolar world where China has become a significant economic and political actor, the EU has to maintain opportunities for a constructive dialogue and cooperation and to promote all necessary reforms in areas of common interest; reminds China of its international obligations and responsibilities in terms of contributing to peace and global security, as a permanent member of the UN Security Council;

2. Recalls that the EU-China Comprehensive Strategic Partnership is founded on a shared commitment to openness and working together as part of a rules-based international system; stresses that both sides have committed to establishing a transparent, just and equitable system of global governance, sharing the responsibility for promoting peace, prosperity and sustainable development; recalls that the EU's engagement with China should be principled, practical and pragmatic, staying true to its interests and values; is concerned that the increase in China's global economic and political weight over the past decade has put the shared commitments at the core of EU-China relations to the test; underlines China's responsibilities as a global power and calls on the authorities to ensure in all circumstances respect for international law, democracy, human rights and fundamental freedoms, in accordance with the UN Charter and the Universal Declaration on Human Rights and other international instruments signed or ratified by China; calls on the Council, the European External Action Service (EEAS) and the Commission to ensure that EU-China cooperation is grounded in the rule of law, universality of human rights, the international human rights commitments undertaken by both sides and the commitment to progress towards the achievement of the highest standard of human rights protection; stresses that reciprocity, a level playing field and fair competition across all areas of cooperation should be strengthened;

3. Stresses that addressing global and regional challenges, such as security, disarmament, non-proliferation, counter-terrorism and cyberspace, cooperation on peace, climate change, energy, oceans and resource efficiency, deforestation, wildlife trafficking, migration, global health, development and combatting the destruction of cultural heritage sites and the looting and trafficking of illegal antiquities all require genuine partnership between the EU and China; urges that the EU capitalise on China's commitment to tackling global problems such as climate change and further extend successful cooperation in peacekeeping with China, as one of the biggest contributors to the UN budget and an increasing contributor of troops to UN peacekeeping operations, to other areas of joint interest while promoting multilateralism and a global governance based on respect for international law, including international humanitarian and human rights law; welcomes in this regard the successful counter-piracy cooperation since 2011 in the Gulf of Aden; calls on the EU and its Member States to proactively promote the EU's economic and political interests and to defend EU values and principles; stresses that multilateralism is one of the core EU values with regard to global governance and that it must be actively safeguarded when dealing with China;

4. Notes that the High Representative's and the Commission's Joint Communication 'Elements for a new EU Strategy on China', together with the Council conclusions of 18 July 2016, provide the policy framework for EU engagement with China over the coming years;

5. Underlines that the Council has concluded that in conducting their relations with China, Member States, the High Representative and the Commission will cooperate to ensure consistency with EU law, rules and policies, and that the overall outcome is beneficial for the EU as a whole;

6. Recalls that as it continues to grow and integrate into the global economy through its 'going out' policy as announced in 2001, China seeks to increase its access to the European market for Chinese goods and services and to technology and know-how in order to support plans such as 'Made in China 2025', and to strengthen its political and diplomatic influence in Europe; stresses that these ambitions have intensified in particular in the aftermath of the 2008 global financial crisis, shaping new dynamics in EU-China relations;

7. Calls on those Member States participating in the 16+1 format to ensure that their participation in this format enables the EU to have one voice in its relationship with China; calls on those Member States to carry out sound analysis and scrutiny of suggested infrastructure projects involving all the stakeholders and to ensure no compromising of national and European interests for short-term financial support and long- term commitments to Chinese involvement in strategic infrastructure projects and potentially greater political influence, which would undermine the EU's common positions on China; is aware of China's increasing influence on the infrastructure and markets of the EU candidate countries; underlines the necessity of transparency of the format by inviting the EU institutions to its meetings and keeping them fully briefed on its activities in order to ensure that relevant aspects are coherent with EU policy and legislation and give all sides mutual benefits and opportunities;

8. Notes the Chinese interest in strategic infrastructure investments in Europe; concludes that the Chinese Government is using the BRI as a very effective narrative framework for elements of its foreign policy and that EU public diplomacy efforts need to be strengthened in the light of this development; supports the call on China to adhere to the principles of transparency in public procurement as well as environmental and social standards; calls on all EU Member States to support EU public diplomacy responses; suggests that data on all Chinese infrastructure investments in EU Member States and countries in process of EU accession negotiations be shared with the EU institutions and other Member States; recalls that such investments are part of an overall strategy to have Chinese state-controlled or state-funded companies take control of banking and the energy sector, as well as other supply chains; underlines six overarching challenges of the BRI: a multilateral approach to BRI governance; very little local labour employed, receiving country and third-country contractor involvement extremely limited (about 86 percent of BRI projects involve Chinese contractors), construction materials and equipment imported from China, lack of transparency on tenders, and the potential use of Chinese standards instead of international standards; insists that the BRI must include human rights safeguards, and believes that it is of the utmost importance to develop synergies and projects in full transparency and with the involvement of all the stakeholders and in line with EU legislation, while complementing EU policies and projects in order to deliver benefits for all countries along the planned routes; welcomes the setting-up of the EU-China Connectivity Platform, which promotes cooperation in transport infrastructure across the Eurasian continent; notes with satisfaction that several infrastructure projects have been identified, and underlines that projects should be implemented on the basis of key principles such as promotion of economically, socially and environmentally sustainable projects, geographic balance, and a level playing field among investors and project promoters, as well as transparency;

9. Takes positive note that the EU policy on China forms part of a rounded policy approach to the Asia-Pacific region, taking full advantage and account of the EU's close relations with partners such as the United States, Japan, South Korea, the ASEAN countries, Australia and New Zealand;

10. Stresses that EU-China cooperation should be more people-oriented and deliver more real benefits to citizens in order to build mutual trust and understanding; calls on the EU and China to live up to the promises made on the occasion of the 4th EU-China High Level People-to-People Dialogue in 2017, and to promote more interactions among people, for instance by intensifying cultural cooperation in the field of education, training, youth and gender equality and joint initiatives in the field of people-to-people exchange;

11. Draws attention to the need for greater support to students and scholars from China who are in Europe, so that they are less vulnerable to being pressured by Chinese authorities to surveil one another and to become tools of the Chinese state, as well as the importance of looking very carefully at substantial mainland funding to academic institutions across Europe;

12. Welcomes the outcome of the 4th EU-China High Level People-to-People Dialogue that took place on 13 and14 November 2017 in Shanghai; stresses that the High Level People-to-People Dialogue should help build mutual trust and consolidate intercultural understanding between EU and China;

13. Welcomes the 2018 EU-China Tourism Year (ECTY); highlights that besides its economic significance, it is a fine example of EU cultural diplomacy in the framework of the EU-China strategic partnership, as well as a way to develop a better understanding between European and Chinese peoples; underlines that the 2018 EU-China Tourism Year coincides with the European Year of Cultural Heritage and that an increasing number of Chinese tourists highly value the cultural richness of Europe;

14. Calls on the EU Member States to urgently and decisively step up collaboration and unity on their China policies, including in the UN fora, in view of the EU's failure, for the first time ever, to make a joint statement on China's human rights records at the UN Human Rights Council in Geneva in June 2017; strongly suggests taking advantage of Europe's much greater collective bargaining power with China, and that Europe defends its democracies so as to better face up to China's systematic efforts to influence its politicians and civil society, in order to shape an opinion more conducive to China's strategic interests; in that regard calls on the larger Member States to use their political and economic weight towards China to promote the EU's interests; is concerned that China is also attempting to influence educational and academic institutions and their curricula; proposes that the EU and the Member States foster high-quality European thinktanks on China in order to ensure the availability of independent expert advice for strategic orientations and decision-making;

15. Underlines that the promotion of human rights and the rule of law must be at the core of the EU's engagement with China; firmly condemns the ongoing harassment, arbitrary arrest and prosecution of human rights defenders, lawyers, journalists, bloggers, academics and labour rights defenders and their families without due process, including foreign nationals both in mainland China and abroad; underlines that a vibrant civil society and the work of human rights defenders are key to an open and prosperous society; stresses the importance for the EU to robustly act to promote full respect for human rights in the context of its relationship with China, focusing on both immediate results such as to end the government's crackdown on human rights defenders, civil society actors and dissidents, to end all judicial harassment and intimidation against them, to immediately and unconditionally release all political prisoners, including EU citizens and medium/long-term goals such as legal and policy reforms in line with international human rights law. and to develop, implement and continue to adapt a strategy to maintain visibility of EU action on human rights in China, including a strategy on public communications; insists that EU and Member State diplomats must not be prevented or obstructed from implementing the EU Guidelines on Human Rights Defenders; commits that the EU must prioritise providing protection and support for human rights defenders at risk;

16. Calls on the EU and its Member States to pursue a more ambitious, united and transparent policy with regard to human rights in China and to substantially consult and engage with civil society, in particular ahead of high-level meetings and human rights dialogues; underlines that the EU at the 35th round of the EU-China Human Rights Dialogue emphasised the deteriorating situation for civil and political rights in China, including restrictions on freedom of expression; calls on China to act upon the issues raised at the Human Rights Dialogue, to fulfil its international obligations and to respect its own constitutional safeguards for upholding the rule of law; insists on maintaining a regular, high-level and results-oriented human rights dialogue; is concerned that the evaluation of human rights dialogues with China have never been public and has never been open to independent groups from China; calls on the EU to set clear benchmarks for progress, to ensure more transparency and to involve independent Chinese voices in the discussion; calls on the EU and its Member States to disclose, collect and address all forms of visa harassment (delayed or denied visa issuance/access with no reasons given and pressure applied by Chinese authorities during the application process in forms of 'interviews' with Chinese interlocutors unwilling to identify themselves) regarding scholars, journalists or members of civil society organisations;

17. Is seriously worried about the findings of the FCCC's 2017 report that the Chinese Government has intensified its attempts to deny or restrict the access of foreign journalists to large parts of the country while increasing the use of the visa renewal process to pressure unwanted correspondents and news organisations; urges the EU and its Member States to demand from the Chinese authorities reciprocity in press freedom, and warns against the pressure foreign correspondents are experiencing at home as Chinese diplomats reach out to media headquarters to criticise the work of reporters in the field;

18. Notes that the PRC is the EU's second-largest trading partner and that the EU is the PRC's largest trading partner; stresses the constant growth in trade between the two but considers the balance of trade in goods to be skewed in the PRC's favour; calls for a cooperative approach and a constructive attitude in order to effectively address matters of concern and exploit the great potential of EU-PRC trade; calls on the Commission to intensify cooperation and dialogue with the PRC;

19. Notes the findings of recent investigations that since 2008, China has acquired assets in Europe worth USD 318 billion; notes that this figure does not include several mergers, investments and joint ventures;

20. Notes that the PRC is a major global trade player and that the country's large market could in principle represent, particularly in the current global trade context, a good opportunity for the EU and for European businesses; recalls that Chinese companies, including state-owned enterprises, are benefiting from wide open markets in the EU; acknowledges the remarkable results of the PRC in lifting hundreds of millions of citizens out of poverty over the past four decades;

21. Notes that EU outward foreign direct investment (FDI) in the PRC has steadily decreased since 2012, particularly in the traditional manufacturing sector, with a parallel increase in investment in high-tech services, utilities, and agricultural and construction services, while the PRC's investment in the EU has grown exponentially over the past few years; acknowledges that since 2016 the PRC has become a net investor in the EU; takes note of the fact that in 2017, 68 % of Chinese investments into Europe came from state-owned enterprises; is concerned about state-orchestrated acquisitions that might hinder European strategic interests, public security objectives, competitiveness and employment;

22. Welcomes the Commission's proposal on an FDI screening mechanism in the areas of security and public order, which represents one of the EU's endeavours to adapt to a changing global environment, without specifically targeting any one of the EU's international trade partners; cautions that the mechanism should not lead to protectionism in disguise; calls, nonetheless, for its swift adoption;

23. Welcomes the commitments made by President Xi Jinping to further open up the Chinese market to foreign investors and improve the investment environment, to complete the revision of the negative list on foreign investment and lift restrictions for European companies, and to strengthen the protection of intellectual property rights and level the playing field by making the PRC's market more transparent and better regulated; calls for the fulfilment of these commitments;

24. Reiterates the importance of ceasing all discriminatory practices against foreign investors; recalls, in this respect, that such reforms will benefit both Chinese and European businesses, especially micro, small and medium enterprises (MSMEs);

25. Calls on the Commission to promote the Union's new General Data Protection Regulation (GDPR) as a gold standard in its trade relations with China; points out the need for a systematic dialogue with China and other WTO partners on regulatory requirements relating to the digitisation of our economies and its multifaceted impact on: trade, production chains, cross-border digital services, 3D printing, consumption patterns, payments, taxes, the protection of personal data, property rights issues, the provision and protection of audiovisual services, the media and people-to-people contacts;

26. Calls on the PRC to accelerate the process of joining the WTO Government Procurement Agreement and to submit an accession offer so as to give European companies access to its market on an equivalent basis to the access that Chinese companies already enjoy in the EU; regrets the fact that the Chinese public procurement market remains largely closed to foreign suppliers, with European businesses suffering from discrimination and a lack of access to the Chinese market; calls on the PRC to allow non-discriminatory access to European businesses and workers on public procurement; calls on the Council to swiftly adopt the International Procurement Instrument; calls on the Commission to be vigilant against contracts awarded to foreign enterprises suspected of dumping practices and to take action where necessary;

27. Calls for coordinated cooperation with the PRC on the Belt and Road Initiative on the basis of reciprocity, sustainable development, good governance, and open and transparent rules, in particular as regards public procurement; regrets, in this respect, the fact that the Memorandum of Understanding signed by the European Investment Fund and the PRC's Silk Road Fund (SRF) and that signed by the European Investment Bank (EIB), the Asian Development Bank, the Asian Infrastructure Investment Bank, the European Bank for Reconstruction and Development, the New Development Bank and the World Bank have not yet improved the business environment for European enterprises and workers; regrets the absence of professional sustainable impact assessments in various projects relating to Belt and Road, and underlines the importance of investment quality, particularly with regard to positive effects on employment, labour rights, environmentally sound production, and the mitigation of climate change, in line with multilateral governance and international standards;

28. Supports the ongoing negotiations on a comprehensive EU-PRC Investment Agreement, which were launched in 2013, and invites the PRC to engage more in this process; calls on both parties to renew their efforts to advance the negotiations, which are aimed at achieving a genuine level playing field for European businesses and workers, and to ensure reciprocity in market access, striving for specific provisions on SMEs and public procurement; calls on both parties, moreover, to seize the opportunity provided by the investment agreement to increase their cooperation in the area of environmental and labour rights, and to include a sustainable development chapter in the text;

29. Recalls that EU companies face a growing number of restrictive market access measures in the PRC owing to joint venture obligations in several sectors of industry and further discriminatory technical requirements, including forced data localisation and source code disclosure, and regulatory rules for foreign-owned business; welcomes, in this regard, the Notice on Several Measures on Promoting Further Openness and Active Utilisation of Foreign Investment, issued by the PRC's State Council in 2017, but regrets the absence of a timeline for achieving its goals; calls on the Chinese authorities, therefore, to swiftly materialise these commitments;

30. Calls for both the EU and its Member States and China to intensify cooperation to build up circular economies, as this urgent need has become even more visible following China's legitimate decision to ban imports of plastic waste from Europe; calls on both partners to intensify economic and technological cooperation in order to prevent global production chains, trade and transport, and tourism services from causing an unacceptable build-up of plastic pollution in our oceans;

31. Calls on the PRC to strive to play a responsible role on the global stage, with complete cognisance of the responsibilities arising from its economic presence and performance in third countries and on global markets, including by lending its active support to the multilateral rules-based trading system and the WTO; believes, in the present context of global value chains, that heightening international trade tensions should be resolved through negotiations, while reiterating the need to pursue multilateral solutions; calls, in this respect, for the fulfilment of obligations enshrined in the PRC's Accession Protocol to the WTO and the protection of its operative mechanisms; underlines the notification and transparency obligations stemming from WTO agreements as regards subsidies, and expresses concerns about the current practice of the direct or indirect subsidisation of Chinese companies; calls for coordination with major EU trading partners on joint efforts and action to tackle and eliminate state-induced market distortions affecting global trade;

32. Regrets the fact that the PRC, despite the completion of the procedure for reforming the European anti-dumping duties calculation methodology, has not yet withdrawn its case against the EU at the WTO appellate body;

33. Expresses concern at the escalating tariff measures being taken by China and the United States;

34. Expresses concern at the number of restrictions that European companies, and MSMEs in particular, continue to face in the PRC, including the 2017 Foreign Investment Catalogue and the 2017 Free Trade Zone Negative List, as well as in sectors covered by the 'Made in China 2025' plan; calls for the rapid reduction of these restrictions in order to fully harness the potential of cooperation and synergies between Industry 4.0 schemes in Europe and the 'Made in China 2025'strategy, in view of the need to restructure our production sectors towards intelligent manufacturing, including cooperation in the development and definition of respective industrial standards in multilateral fora; recalls the importance of reducing government subsidies in the PRC;

35. Calls on the PRC to stop making market access increasingly conditional on forced technology transfers, as stated in the European Union Chamber of Commerce's 2017 position paper on China;

36. Calls for the resumption of negotiations on the Environmental Goods Agreement (EGA), by building on the fruitful collaboration between the EU and the PRC in the fight against climate change and the strong joint commitment towards the implementation of the Paris Agreement; stresses the trade potential of technological cooperation on clean technologies;

37. Notes with concern the conclusions of the Commission's report on the protection and enforcement of intellectual property rights in third countries, which singles out the PRC as the chief concern; reiterates the need to ensure protection for the European knowledge-based economy; calls on the PRC to fight the illicit use of European licences by Chinese companies;

38. Calls on the Commission to provide for a European Union presence at the China International Import Expo to be held in Shanghai in November 2018, and to provide SMEs, in particular, with the opportunity to showcase their work; calls on the Commission to reach out to chambers of commerce, particularly in Member States that are currently less involved in trade with China, in order to promote this opportunity;

39. Expresses concern about the PRC's state measures that caused trade distortions, including industrial overcapacity in raw material sectors such as the steel and aluminium sectors, among others; recalls the commitments made at the first ministerial meeting of the Global Forum on Steel Excess Capacity in 2017 to refrain from providing market-distorting subsidies, but regrets the failure of the Chinese delegation to deliver data on capacity; calls on the PRC to fulfil its commitment to identify and disclose data on its subsidies and support measures for the steel and aluminium industries; recognises the link between global industrial overcapacity and the surge in protectionist trade measures, and continues to urge multilateral cooperation in order to address the structural concerns behind overcapacity; welcomes the proposed tripartite action by the US, Japan and the EU at WTO level;

40. Highlights the importance of an ambitious EU-PRC agreement on geographical indications (GIs), based on the highest international standards, and welcomes the EU-PRC 2017 joint announcement on the list of 200 Chinese and European GIs, for which protection will be the subject of negotiations; considers, however, that given that negotiations were launched in 2010, the list is a very modest outcome, and regrets the lack of progress in this regard; calls for an early conclusion of negotiations and urges both parties to consider the opportunity of the upcoming EU-PRC Summit as a good occasion to score effective progress to this end; reiterates the need to cooperate further in the field of sanitary and phytosanitary (SPS) measures in order to reduce burdens on EU exporters;

41. Welcomes China's decision to delay by one year the implementation of new certifications for imported food and drink, which would have dramatically reduced food imports from the EU; welcomes, moreover, the delay in implementation of new standards for electric vehicles and calls for substantive dialogue and increased coordination regarding such initiatives;

42. Recommends that the EU and the Chinese Government launch a joint initiative within the G20 to establish a Global Forum on Aluminium Excess Capacity, with a mandate to address the entire value chain of the bauxite, alumina and aluminium industry, including raw material prices and environmental aspects;

43. Calls on the Commission to actively monitor the Chinese trade distortion measures, which are affecting EU companies' positions in global markets, and to take appropriate action in the WTO and other fora, including through dispute settlement;

44. Notes that a new Chinese foreign investment law is in the process of being drafted; urges the Chinese parties concerned to strive for transparency, accountability, predictability and legal certainty, and to take into account the proposals and expectations of the current EU-China dialogue on the trade and investment relationship;

45. Express concerns about the new cybersecurity law, which includes, inter alia, new regulatory barriers for foreign companies that sell telecommunications and IT equipment and services; regrets the fact that such recently adopted measures, together with the establishment of Chinese Communist Party groups within private companies, including foreign firms, and measures such as the NGO law, make the overall business environment in the PRC more hostile for foreign and private economic operators;

46. Notes that in 2016 the PRC's banking system surpassed that of the euro area as the world's largest; calls on the PRC to allow foreign banking enterprises to compete on an equal footing with domestic institutions and to cooperate with the EU in the area of financial regulation; welcomes the PRC's decision to reduce tariffs on 187 consumer goods and the removal of foreign ownership caps for banks;

47. Recalls its 2015 report on relations between the EU and the PRC, in which it called for the launch of negotiations for a bilateral investment agreement with Taiwan; points out that the Commission has on more than one occasion announced the launch of negotiations on investment with Hong Kong and Taiwan, but deems it regrettable that no such negotiations have actually begun; reiterates its support for a bilateral investment agreement with Taiwan and Hong Kong; recognises that both partners could also act as a springboard to mainland China for EU businesses;

48. Calls on the Commission to coordinate with the Member States and under the consultation of Parliament to formulate a unified European position and common economic strategy towards the PRC; calls on all Member States to consistently adhere to this strategy;

49. Underlines the potential consequences of the proposed social credit system for the business environment, and calls for its implementation in a transparent, fair and equitable manner;

50. Welcomes the legislative progress in the EU on Regulation (EU) 2017/821 on supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas, and similar conflict minerals legislation in China aimed at ensuring that the trade in these minerals does not finance armed conflict; emphasises the need to prevent conflict minerals from being processed in our mobile phones, cars and jewellery; calls on both the Commission and the Chinese Government to set up structured cooperation to support the implementation of the new legislation and to effectively prevent global, Chinese and EU smelters and refiners from using conflict minerals, to protect mine workers, including children, from being abused, and to require EU and Chinese companies to ensure that they import these minerals and metals from responsible sources only;

51. Notes that at the 19th Party Congress held in October 2017 and during the last session of the NPC, General Secretary and President Xi Jinping strengthened his position of power within the party, paving the way for the unlimited extension of his mandate, and increased the control of the party organs over the state apparatus and the economy, including the setting up of party cells in foreign enterprises; notes that the corresponding overhaul of the political system of the PRC is accompanied by a further shift in political focus towards a policy based on close surveillance in all areas;

52. Stresses that the creation of the National Supervisory Commission, whose legal status is equal to that of the courts and the public prosecutor, is a drastic step towards merging party and state functions, as it establishes a State supervisory body that takes its orders from and shares offices and staff with the Party's Central Commission for Discipline Inspection (CCDI); is concerned about the far-ranging personal consequences of this extension of the party supervision to a large number of people, as it means that the anti-corruption campaign can be expanded to prosecute not just party members but also civil servants, from managers of state-owned companies to university professors and directors of village schools;

53. Observes that while the Social Credit System is still under construction, blacklists of non-compliant individuals and legal entities, as well as 'red lists' for outstanding individuals and companies, form the core of the current stage of implementation, whereby the main focus is on punishing offenders on the blacklists and rewarding those on the red lists; notes that in early 2017 China's Supreme People's Court stated that more than six million Chinese nationals had been banned from flying as a result of social misdeeds; firmly rejects the public naming and shaming of blacklisted persons as an integral part of the Social Credit System; underlines the importance and necessity of a dialogue between the EU institutions and their Chinese counterparts on all serious societal consequences of the present central planning and local experiments with the Social Credit System;

54. Expresses concern at China's massive cyberspace surveillance systems and calls for the adoption of a regulation on enforceable privacy rights; condemns the ongoing crackdown on internet freedom by the Chinese authorities, in particular the freedom to access foreign websites, and regrets the policy of self-censorship adopted by some Western companies operating in China; recalls that eight out of the world's 25 most popular websites are blocked in China, including websites from major IT firms;

55. Remarks that Xi's declaration about the vital importance of 'long-term stability' in Xinjiang to the success of BRI has resulted in the intensification of longstanding strategies of control augmented by a variety of technological innovations and a rapid increase in expenditure on domestic security, and the use of counter-terrorism measures to criminalise dissent and dissident individuals via the application of a broad definition of terrorism; is concerned by the state's implementation of measures to ensure the 'comprehensive supervision' of the region via installation of China's 'Skynet' electronic surveillance in major urban areas, installations of GPS trackers in all motor vehicles, use of facial recognition scanners at checkpoints and at train and petrol stations, and a blood-collecting effort by Xinjiang's police to further expand China's DNA database; expresses its deepest concern at the sending of thousands of Uyghurs and ethnic Kazakhs to political 're-education camps' based on analysis of the data harvested through a system of 'predictive policing', including for having travelled abroad or being adjudged to be too religiously devout; judges that Xi's proclamation that BRI will 'benefit people across the whole world' as it will be based on the 'Silk Road spirit' of 'peace and cooperation, openness and inclusiveness' is far removed from the reality confronting Uyghurs and ethnic Kazakhs in Xinjiang; urges the Chinese authorities to free those reportedly detained for their beliefs or cultural practices and identities;

56. Stresses that the institutional and financial strengthening of China's diplomacy reflects the high priority given by Xi Jinping to foreign policy as part of his vision to turn China into a global power by 2049; notes that the shifting of responsibility for foreign affairs, made during the last session of the NPC, proves the growing role of foreign policy in the Party's decision-making process; underlines the fact that the establishment of the State International Development Cooperation Agency expresses the great importance that Xi's leadership attaches to bolstering its global security interests through economic means, for example by 'better serving' BRI; concludes, therefore, that over the next five years China will be more present and more engaged overseas, with diplomatic and economic initiatives to which the EU and its Member States must find common answers and strategies;

57. Stresses the importance of ensuring peace and security in the South and East China Seas for stability in the region; underlines the importance of ensuring freedom and safety of navigation in the region for many Asian and European states; notes that structures completed over the last year on land features in both the Spratlys and Paracels in the South China Sea include large hangars along 3 km-long airstrips, hardened shelters for missile platforms, large underground storage areas, many administrative buildings, military jamming equipment, large networks of high frequency and over-the-horizon radar and sensor arrays, and that this points to a phase of consolidation and further build-up of far-reaching surveillance and military capabilities, while further militarisation of the islands through placement of even more advanced military platforms might be reserved as potential retaliation to fresh legal actions or expanded international naval presence; calls on China and ASEAN to speed up consultations on a Code of Conduct for the peaceful resolution of disputes and controversies in this area; insists that the issue should be solved according to international law under the United Nations Convention on the Law Of the Sea (UNCLOS); underlines that the EU and its Member States, as contracting parties to UNCLOS), acknowledge the award rendered by the Arbitral Tribunal; reiterates its call on China to accept the Tribunal's award; underlines that the EU would like to maintain the international order based upon the rule of law;

58. Is strongly concerned about the shrinking space for civil society since Xi Jinping rose to power in 2012, especially in view of the Overseas NGO Management Law which entered into force on 1 January 2017, putting all foreign NGOs, including thinktanks and academic institutions, under an increased administrative burden and economic pressure and under the strict control of a Supervisory Unit affiliated with the Ministry of Public Security, with a strongly negative impact on their operations and funding; expects that European NGOs enjoy in China the same liberties that China's NGOs enjoy in the EU; calls on the Chinese authorities to repeal restrictive legislation such as the Overseas NGO Law, which is inconsistent with the right to freedom of association, opinion and expression;

59. Insists that the Chinese authorities must guarantee that all those in detention must be treated in accordance with international norms and provided with access to legal counsel and medical treatment, in line with the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

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

61. Condemns the use of the death penalty, recalling that China has executed more people than all other countries combined and in 2016 the country carried out about 2 000 death sentences; urges China to shed light on the scale of executions in the country and to ensure judicial transparency; calls for the EU to increase its diplomatic efforts and demand respect for human rights and the abolition of the death penalty;

62. Is strongly concerned that the main content of the new religious regulations will result in all religions and non-religious ethical associations, whether authorised or unauthorised, being given certain labels by the Chinese Government; underlines the fact that there are many congregations of the house churches in China who refuse to join the party- and state-sanctioned Three-Self Patriotic Movement Committee and the Christian Council for theological reasons; calls on the Chinese Government to allow the many house churches which are willing to register to do so directly with the government's Department of Civil Affairs, so that their rights and interests as social organisations will be protected;

63. Urges China to review its policies in Tibet; calls on China to review and amend the laws, regulations and measures passed in recent years that severely limit the exercise of civil and political rights of Tibetans, including their freedom of expression and their religious freedom; urges the Chinese leadership to pursue development and environmental policies that respect the economic, social and cultural rights of Tibetans and are inclusive of local populations, in line with the United Nations Sustainable Development Goals; calls on the Chinese government to investigate the ongoing cases of enforced disappearances, torture and ill-treatment of Tibetans and to respect their rights to freedom of association, peaceful assembly and freedom of religion and belief, in line with international human rights standards; stresses that the degradation of human rights in Tibet must be systematically raised at each EU-China Summit; calls for the resumption of a constructive and peaceful dialogue between the Chinese authorities and representatives of the Tibetan people; urges China to give EU diplomats, journalists and citizens unfettered access to Tibet in reciprocity to the free and open access to the entire territories of the EU Member States that Chinese travellers enjoy; calls on the Chinese authorities to allow Tibetans in Tibet to travel freely and to respect their right to freedom of movement; urges the Chinese authorities to allow independent observers, including the United Nations High Commissioner for Human Rights, to access Tibet; urges the EU institutions to take the issue of access to Tibet into serious consideration in the discussions on the EU-China visa facilitation agreement;

64. Notes that the Annual Report 2017 on the Hong Kong Special Administrative Region (SAR) by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission concludes that despite some challenges, overall the 'one country, two systems' principle worked well, that the rule of law prevailed and free speech and freedom of information are generally respected, but that this report also voices concerns about the gradual erosion of the 'one country, two systems' principle, giving rise to legitimate questions about its implementation and Hong Kong's high degree of autonomy in the long term; underlines that the Annual Report observes that two negative trends regarding free speech and freedom of information became more pronounced, namely self-censorship when reporting on China's domestic and foreign policy developments and pressure on journalists; fully supports the encouragement of the EU to the Hong Kong SAR and the Central Government authorities to resume electoral reform in line with the Basic Law and to reach agreement on an electoral system that is democratic, fair, open and transparent; underlines that the people of Hong Kong have a legitimate right to continue to rely on a judiciary which is trusted, the prevalence of the rule of law and low levels of corruption, transparency, human rights, freedom of opinion, and high standards of public health and safety; underlines that the full respect of Hong Kong's autonomy could provide the model for a process of deep democratic political reforms in China and the gradual liberalisation and opening of Chinese society;

65. Calls for the EU and its Member States to do their utmost to urge the PRC to refrain from further military provocation towards Taiwan and endangering peace and stability in the Taiwan Strait; emphasises that all cross-strait disputes should be settled by peaceful means on the basis of international law; expresses its concern about the unilateral decision by China to start using new flight routes above the Taiwan Strait; encourages the resumption of official dialogues between Beijing and Taipei; reiterates its consistent support for Taiwan's meaningful participation in international organisations, such as the World Health Organisation (WHO) and the International Civil Aviation Organisation (ICAO), where Taiwan's continuous exclusion is not in line with the EU's interests;

66. Recalls that as North Korea's biggest trade partner and main source of food and energy, China continues to play an instrumental role in addressing North Korea's globally threatening provocations together with the international community; welcomes, therefore, China's recent inclination to uphold some of the international sanctions against Pyongyang, including suspending coal imports from North Korea and restricting financial activities of North Korean individuals and businesses, as well as trade restrictions on textiles and seafood; also welcomes Beijing's efforts to establish dialogue with Pyongyang; urges the EU to speak with unity on China in order to play a constructive role in supporting the upcoming inter-Korean summit as well as the North Korea-US summit, with a view to actively assisting with the verifiable denuclearisation of North Korea and the establishment of permanent peace on the Korean peninsula;

67. Commends China for adhering to the sanctions against North Korea; calls on China to constructively contribute to the resolving of the situation in the Korean peninsula and to continue applying sanctions against North Korea until it has made significant progress in giving up its nuclear weapons, changing its rhetoric vis-à-vis South Korea and Japan and starting to uphold human rights;

68. Underlines the importance of China's efforts to achieve peace, security and stability in the Korean peninsula;

69. Welcomes China's contributions to United Nations and African Union peacekeeping; remarks that the EU aims to reinforce its engagement with China on foreign policy and security issues by encouraging China to mobilise its diplomatic and other resources to support international security, and to contribute to peace and security in the EU's neighbourhood based on international law; notes that the cooperation with China in the field of export control, disarmament, non-proliferation issues and the denuclearisation of the Korean peninsula is essential to ensure stability in the East Asia region;

70. Welcomes China's aim to develop into a sustainable economy; stresses that the EU can support China's economic reform programme with its know-how; underlines that China is a key partner for the EU with regard to tackling climate change and global environmental challenges; aims to work together with China to speed up the implementation of the Paris Climate Agreement;

71. Welcomes the reforms undertaken by China since the launch of its 'ecological civilisation' approach; considers the special status granted to environmental NGOs in courts, audits of the environmental impact of the work of officials, and high investment in electro-mobility and clean energy as reforms in the right direction;

72. Welcomes China's 2016 action plan to tackle antimicrobial resistance; stresses the importance of cooperation between China, which accounts for half the world's annual antimicrobial drug consumption, and the EU in tackling this global threat; insists that animal welfare provisions should be included in bilateral EU-China trade agreements;

73. Takes note of China's decision to ban imports of solid waste, which highlights the importance of the process of designing, producing, repairing, reusing and recycling products, with a particular emphasis on the production and use of plastic; recalls China's recent attempt to ban exports of rare earth elements, and asks the Commission to take into consideration the interdependence of the global economies when prioritising EU policies;

74. Believes that there would be scope, an interest in and a need for the EU and ASEAN to work together to develop a joint circular economy strategy; believes China could play a key role in taking this initiative forward in ASEAN;

75. Argues that China and the European Union will benefit from promoting sustainability in their economies and from developing a multi-sector sustainable and circular bioeconomy;

76. Welcomes the agreement to increase cooperation on research and innovation in flagship initiatives such as those on food, agriculture and biotechnologies, environment and sustainable urbanisation, surface transport, safer and greener aviation and biotechnologies for environment and human health that were agreed upon during the 3rd EU-China Innovation Cooperation Dialogue in June 2017 and the corresponding Roadmap for EU-China science and technology (S&T) cooperation from October 2017; calls on the EU and China to continue these efforts and to put the results of the research and development projects into practice;

77. Points out that the EU and China are heavily dependent on fossil fuels and together account for around a third of total global consumption, which places China at the top of the World Health Organisation (WHO) ranking for deadly outdoor air pollution; stresses that increased trade in bioeconomy products made from renewable materials can help reduce the fossil dependency of China's and the Union's economies; calls for the EU and China to deepen their relations in other areas of mitigation of greenhouse gas emissions such as electric mobility, renewable energies and energy efficiency, to continue and broaden the EU-China Roadmap on energy cooperation beyond 2020, and to intensify joint efforts on developing instruments for green finance, especially climate finance; calls for China and the EU to explore and engage in the advance planning and development of cross-border electricity transmission lines, using high-voltage direct current technology to make renewable energy sources more accessible;

78. Encourages the EU and China to continue their partnership on sustainable urbanisation, including in areas such as clean transport, air quality improvement, the circular economy and ecodesign; stresses the need for further environmental protection measures, bearing in mind that more than 90 % of cities do not comply with the national standard of PM 2.5 air pollution concentration and that in China more than one million people die each year from diseases linked to air pollution;

79. Underlines the mutual interest of the EU and China in promoting low-carbon development and addressing greenhouse gas (GHG) emissions in transparent, public and well-regulated energy markets; believes in the value of strategic EU-China partnerships as necessary for the implementation of the Paris Agreement and for the effective combating of climate change; calls on the EU and China to use their political weight to advance the implementation of the Paris Agreement as well as of the 2030 Agenda on Sustainable Development and the Sustainable Development Goals (SDGs), and urges a cooperative approach at the Conference of Parties of the UNFCCC as well as at the High-level Political Forum of the UN; calls on both sides to adopt a joint statement on climate action to demonstrate their shared commitment to a strong implementation of the Paris Agreement and active participation in the 2018 Talanoa Dialogue as well as at COP24; encourages both sides to play a responsible role in international negotiations by contributing to the objective to limit global warming through their respective internal climate policies, as well as by making financial contributions to reach the goal of providing USD 100 billion annually by 2020 for mitigation and adaptation;

80. Welcomes the launch of the nationwide emissions trading system in China in December 2017; takes note of the successful cooperation during the preparation phase between China and the EU enabling the launch; recognises the willingness of the Chinese leadership to reduce GHG emissions, and looks forward to the results of the ongoing work on monitoring, reporting and verification, which is key to the good functioning of the system; stresses the importance of economy-wide action on climate change, and welcomes the intention to expand its coverage to include industrial sectors and improve the trading arrangements of the system; calls on the EU and China to continue their partnership within the cooperation project for the development of China's carbon market, for it to become an effective instrument that creates meaningful incentives for emission reduction and further aligning it to the EU emissions trading system; calls on both sides to further promote carbon pricing mechanisms in other countries and regions, by using their own experiences and expertise and by exchanging best practice as well as engaging in efforts to build up cooperation between existing carbon markets in order to work towards a global level playing field;

81. Hopes that China will uncouple economic growth from ecological degradation, by incorporating biodiversity protection into its ongoing global strategies, facilitating the achievement of the UN 2030 Agenda for Sustainable Development and the SDGs, and implementing the ivory trade ban effectively; acknowledges the work done by the EU-China Bilateral Coordination Mechanism (BCM) on Forest Law Enforcement and Governance (FLEG) to tackle illegal logging globally; urges China, however, to investigate the significant undocumented trade in timber between the FLEGT Voluntary Partnership Agreement signatory states and China;

82. Recommends the adoption of mandatory Chinese policy guidelines on responsible overseas forestry investments to be implemented jointly with the supplier countries, involving Chinese companies in tackling the illegal timber trade;

83. Welcomes the fact that China and the EU have signed a Memorandum of Understanding (MOU) on water policy, with the aim of enhancing dialogue on the development and enforcement of legislation to protect water; strongly supports the September 2017 Turku Declaration signed by the EU and China, which stressed that good water governance should give priority to ecology and green development, to putting water conservation in a prominent position and to restoring water ecosystems; underlines that the MOU on establishing an EU-China Water Policy Dialogue not only enriches the contents of China-EU strategic partnership, but also specifies the direction, scope, methodology and financial arrangements for cooperation;

84. Recognises the key role of the Commission-funded cooperation project between European and Chinese organisations, implemented in 2014-2017 under the auspices of the Instrument for Nuclear Safety Cooperation (INSC), in assessing the standards and arrangements for radiological and nuclear emergency management in China and in enhancing the capabilities of the Chinese Nuclear Power Technology Research Institute in the area of severe accident management guidelines;

85. Encourages Chinese and European investors to adopt better global standards of social and environmental responsibility and to improve the safety standards of their extractive industries worldwide; reiterates that, with regard to negotiations on a Comprehensive Agreement on Investment (CAI) with China, the European Union must lend support to sustainable development initiatives by encouraging responsible investment and promoting core environmental and labour standards; asks the Chinese and European authorities to put in place incentives to encourage Chinese and European mining companies to conduct their activities in developing countries in conformity with international human rights standards and to encourage investment in capacity-building for knowledge and technology transfer and local recruitment;

86. Welcomes the announcement by China in the context of the One Planet Summit in December 2017 to make the environmental impacts of companies in China and of Chinese investment abroad more transparent; is concerned that infrastructure projects such as the One Belt One Road (OBOR) Initiative by China might have a negative impact on the environment and climate and could lead to the increased use of fossil fuels in other countries involved or affected by the infrastructure development; calls for the EU institutions and Member States to perform environmental impact assessments and to include sustainability clauses in any cooperation project within the OBOR framework; insists on the establishment of a joint committee, composed of representatives of involved countries and third parties, to supervise the impact on the environment and climate; welcomes the initiative of the Commission and the EEAS to draw up an EU-Asia connectivity strategy in the first half of 2018; insists that this strategy should include strong commitments to sustainability, environmental protection and climate action;

87. Welcomes China's progress in enhancing food safety standards, key features in protecting Chinese consumers and preventing food fraud; stresses the improvement of consumer empowerment as an important step in the rise of a consumer culture in China;

88. Encourages the Chinese and European police and law enforcement services to take common action to control the export of illegal drugs and to share intelligence on drug trafficking by exchanging information to identify individuals and criminal networks; notes that, according to the study entitled 'European Drug Report 2017: Trends and Developments' published by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), much of the supply of new psychoactive substances to Europe originates in China, with new substances being produced in bulk by chemical and pharmaceutical companies in China, from where they are shipped to Europe, where they are processed into products, packaged and sold;

89. Acknowledges that families and individuals have migrated in response to drought and other natural disasters, and that, in response, the Chinese authorities have planned several large-scale relocation projects; is concerned by reports from the Ningxia region pointing out numerous problems with the new towns, and reprisals for people who refused to move; expresses its concern about the fact that environmental defenders are being detained, prosecuted and sentenced and that registered domestic environmental NGOs are facing increasing scrutiny by the Chinese supervisory authorities;

90. Asks China to further expand its law enforcement efforts to stop illegal fishing, as Chinese fishing boats continue to poach in foreign waters, including Korea's Western Sea, the East China Sea, the South China Sea, the Indian Ocean, and even South America;

91. Asks Chinese exporters and European importers to cut toxic residues in Chinese-made clothes by establishing proper chemical management regulations and by phasing out the use of lead, nonylphenol ethoxylates (NPEs), phthalates, perfluorinated chemicals (PFCs), formaldehyde and other toxic products found in textiles;

92. Instructs its President to forward this resolution to the Council, the European External Action Service, the Commission, the governments and parliaments of the Member States and the accession and candidate countries, the Government of the People's Republic of China, the Chinese National People's Congress, the Taiwanese Government and the Taiwanese Legislative Yuan.

Thursday 13 September 2018

P8_TA(2018)0344

Uganda, arrest of parliamentarians from the opposition

European Parliament resolution of 13 September 2018 on Uganda, arrest of parliamentarians from the opposition (2018/2840(RSP))

(2019/C 433/13)

The European Parliament,

— having regard to its previous resolutions on Uganda,

— having regard to the joint local statement of 17 August 2018 by the European Union Delegation, the Heads of Mission of Austria, Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Sweden and the UK and the Heads of Mission of Norway and Iceland on the by-election held in the municipality of Arua,

— having regard to the Universal Declaration of Human Rights of 10 December 1948, to which Uganda is a signatory,

— having regard to the 1966 International Covenant on Civil and Political Rights, ratified by Uganda on 21 June 1995,

— having regard to the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

— having regard to the African Charter on Democracy, Elections and Governance (ACDEG),

— having regard to the statement from the Ugandan Human Rights Commission on emerging human rights issues in the country following the by-election held in the municipality of Arua on 15 August 2018,

— having regard to the report on Uganda of the Working Group on the Universal Periodic Review of the Human Rights Council,

— having regard to the ACP-EU Partnership Agreement (the Cotonou Agreement) and in particular to Article 8(4) thereof on non-discrimination,

— having regard to the Constitution of the Republic of Uganda of 1995, amended in 2005,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the by-election held on 15 August 2018 in the municipality of Arua in north-west Uganda, which resulted in the election of independent opposition candidate Kassiano Wadri, was marked by violence;

B. whereas the President of Uganda, Yoweri Museveni, and independent MP Robert Kyagulanyi Ssentamu, also known as Bobi Wine, together with several other politicians, campaigned in Arua on 13 August 2018 in the framework of a highly charged by-election, triggered by the assassination of a parliamentarian in June;

C. whereas Bobi Wine, a popular musician, has emerged as an influential critic of President Museveni after winning a seat in the Ugandan Parliament in 2017;

D. whereas on 13 August 2018 at the end of the day Bobi Wine's driver, Yasin Kawuma, was shot dead in unclear circumstances, and as President Museveni left Arua supporters of Kassiano Wadri allegedly attacked the presidential car with stones;

E. whereas police arrested two journalists from the NTV Uganda television channel, Herbert Zziwa and Ronald Muwanga, as they were reporting live from the area where Mr Kawuma was killed;

Thursday 13 September 2018

F. whereas both Mr Wine and Mr Wadri, together with several others, were arrested shortly after; whereas Mr Wine was accused of possession of firearms;

G. whereas 33 people, including Mr Wadri and four members of parliament (Robert Kyagulanyi, Francis Zaake, Gerald Karuhanga and Paul Mwiru), were charged with treason the day after the election and Mr Wine was charged by a military court with possession of illegal firearms;

H. whereas the protests triggered in Arua, Kampala and Mityana by these arrests have been violently quashed by the Ugandan security forces; whereas use of tear gas and live ammunition has been reported;

I. whereas on 20 August 2018 James Akena, a photographer working for Reuters who was covering the #freeBobiWine political protests in Kampala, was beaten by soldiers, arrested and detained for several hours;

J. whereas there are reports that Mr Wine and other persons detained were tortured while in custody; whereas, after initially denying these allegations, the authorities have vowed to investigate them;

K. whereas Mr Wine was later charged with treason in a civilian court, following the decision of the military court not to proceed with the charges of illegal possession of firearms;

L. whereas Mr Wine was subsequently released on bail, and has left Uganda to seek treatment in the US;

M. whereas the former UN High Commissioner for Human Rights, Zeid Ra' ad al-Hussein, has urged the Government of Uganda to conduct a thorough, independent and impartial investigation into the serious allegations of human rights violations, including extrajudicial killings, excessive use of force and torture and other forms of ill-treatment, and to bring those responsible to justice;

N. whereas Kizza Besigye, the leader of Forum for Democratic Change (FDC) and four times a presidential candidate, was detained on multiple occasions by the police or the military between 2001 and 2017, the most recent occasion being on 25 September 2017;

O. whereas arrests and intimidation of opposition political figures happen routinely in Uganda;

1. Expresses its deep concern at the arrest of opposition parliamentarians in connection with the Arua by-election;

2. Stresses that it is vital for Ugandan democracy that the President and Government of Uganda respect the independence of the country's Parliament as an institution and the independence of the mandate of its members and ensure that all members of parliament can freely pursue their elected mandates;

3. Calls on the Ugandan authorities to drop what appear to be trumped-up charges against Bobi Wine and to stop the crackdown against opposition politicians and supporters;

4. Urges the Ugandan authorities to immediately launch an effective, impartial and independent investigation into the killing of Yasin Kawuma and the reports of deaths and excessive use of force during the protests; expects a swift and independent investigation into the allegations of torture and mistreatment of those arrested in Arua; stresses the need to bring those responsible to justice;

5. Reiterates its commitment to freedom of expression, and reaffirms the key role played by the media in a democratic society; notes with concern that journalists covering the demonstrations and the riots that broke out have been beaten along with participants, and that two journalists were arrested; calls on the Ugandan authorities to create an environment where journalists can carry out without hindrance their work of informing about political developments in the country;

6. Reminds the Ugandan authorities of their obligation to guarantee, protect and promote fundamental rights, including the civil and political rights of the country's citizens, among them freedom of speech and freedom of assembly;

7. Reminds the Government of Uganda of its international obligations, in particular concerning respect for fundamental freedoms and the rule of law and the handling of court cases, especially with regard to the right to a fair and impartial trial;

8. Urges the law enforcement bodies to protect basic freedoms without any form of intimidation, thereby complying with Article 24 of the Ugandan Constitution, which stipulates that 'no person shall be subject to any form of torture or cruel, inhuman or degrading treatment or punishment';

9. Calls on the Ugandan security forces to show restraint when policing protests, to desist from using live bullets, to act lawfully and with full respect for human rights law, and to allow journalists to freely carry out their work of information;

10. Appeals at the same time to protesters to act in a law-abiding way and to exercise their rights and freedoms within the law;

11. Calls on the EU to take advantage of the political leverage provided by development aid programmes, especially budget support programmes, with a view to enhancing the defence and promotion of human rights in Uganda;

12. Commends the work accomplished by the Ugandan Human Rights Commission following the arrests, killings and torture arising from the Arua by-election, including reporting, visits to detention centres, investigating the whereabouts of missing persons, and interventions to guarantee the rights of prisoners, medical treatment and family visits;

13. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to closely monitor the situation in Uganda; stresses that the European Parliament should be informed of any further signs that opposition members of the Ugandan Parliament are being hindered or obstructed in their work as legislators;

14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament, and the African Union and its institutions.

Thursday 13 September 2018

P8_TA(2018)0345

Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo

European Parliament resolution of 13 September 2018 on Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo (2018/2841(RSP))

(2019/C 433/14)

The European Parliament,

— having regard to its previous resolutions on Myanmar and on the situation of Rohingya people, notably those adopted on 14 June 2018 ([1]), 14 December 2017 ([2]), 14 September 2017 ([3]), 7 July 2016 ([4]) and 15 December 2016 ([5]),

— having regard to the statement by the spokesperson of the European External Action Service (EEAS) of 3 September 2018 on the sentencing of Wa Lone and Kyaw Soe Oo in Myanmar and that of 9 July 2018 on the prosecution of two Reuters journalists in Myanmar,

— having regard to the Council conclusions of 16 October 2017 and of 26 February 2018 on Myanmar,

— having regard to Council decisions (CFSP) 2018/655 of 26 April 2018 ([6]) and (CFSP) 2018/900 of 25 June 2018 ([7]) imposing further restrictive measures on Myanmar, strengthening the EU's arms embargo and targeting the Myanmar army and border guard police officials,

— having regard to the report of the Independent International Fact-Finding Mission on Myanmar of the United Nations Human Rights Council of the 24 August 2018, which will be presented at the 39th session of the UN Human Rights Council from 10-28 September 2018,

— having regard to the statement of 3 September 2018 by the UN High Commissioner for Human Rights, Michelle Bachelet,

— having regard to the final report and recommendations of the Kofi Annan-led Advisory Commission on Rakhine State,

— having regard to the International Covenant on Civil and Political Rights of 1966,

— having regard to international humanitarian law, the Geneva Conventions and the Protocols thereto and the Rome Statute of the International Criminal Court (ICC),

— having regard to the Universal Declaration of Human Rights (UDHR) of 1948,

— having regard to the Charter of the Association of South-East Asian Nations (ASEAN),

— having regard to the UN Security Council report of the Secretary-General on conflict-related sexual violence of 23 March 2018,

— having regard to the decision of Pre-Trial Chamber I of the ICC of 6 September 2018,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

([1]) Texts adopted, P8_TA(2018)0261.
([2]) Texts adopted, P8_TA(2017)0500.
([3]) Texts adopted, P8_TA(2017)0351.
([4]) OJ C 101, 16.3.2018, p. 134.
([5]) OJ C 238, 6.7.2018, p. 112.
([6]) OJ L 108, 27.4.2018, p. 29.
([7]) OJ L 160 I, 25.6.2018, p. 9.

A. whereas on 12 December 2017 two journalists, Wa Lone and Kyaw Soe Oo, were arbitrarily arrested and detained for allegations of reporting serious human rights violations carried out by the Tatmadaw (Myanmar Armed forces) in Rakhine State;

B. whereas the journalists Wa Lone and Kyaw Soe Oo were subsequently charged under the Official Secrets Acts of 1923; whereas on 3 September 2018 they were sentenced by a court in Myanmar to seven years of imprisonment; whereas this landmark case further undermines freedom of expression, democracy and the rule of law in Myanmar;

C. whereas diplomats of the European Union and EU Member States have been among the many international observers present at every court hearing since the journalists' arrest on 12 December 2017 and have continuously raised the matter with the Government of Myanmar;

D. whereas civil society actors, including journalists, lawyers and human rights defenders who express views critical of the Myanmar authorities, notably the Tatmadaw and other Myanmar security forces and the acts carried out by them in Rakhine State, are reportedly arbitrarily arrested, detained or harassed; whereas media coverage of violence in Rakhine State is tightly controlled by the military and the government;

E. whereas Rohingya human rights activist Wai Nu, who was imprisoned from the age of 18 until she was 25 years old, remains one of the many examples of activists targeted by the Myanmar authorities;

F. whereas former child solider Aung Ko Htwe is serving two years and six months in prison in connection with a media interview he gave about his experiences in the Myanmar military; whereas he was charged under Section 505(b) of Myanmar's Penal Code, a vaguely worded provision which has frequently been used to curtail freedom of expression;

G. whereas tens of journalists have been reportedly arrested and detained since 2016; whereas the Myanmar authorities use a number of repressive laws, including the Official Secrets Act, to arrest, detain, silence or harass civil society actors, journalists, lawyers and human rights defenders who express views critical of the Government of Myanmar or its security forces; whereas Myanmar ranked 159th out of 198 countries in the Freedom House 2017 Freedom of the Press rankings;

H. whereas the report of the UN-mandated Independent International Fact-Finding Mission on Myanmar (IIFFMM) of 24 August 2018 concludes that the most serious human rights violations and gravest crimes under international law, including genocide, crimes against humanity and war crimes, were committed in Kachin, Rakhine and Shan States by the Tatmadaw, the Myanmar police force, NaSaKa (previously the Border Area Immigration Control Headquarters), the Myanmar border guard police and non-state armed groups; whereas the report also states that the Arakan Rohingya Salvation Army launched coordinated attacks on a military base and several security force outposts across northern Rakhine State to mount pressure on Rohingya communities; whereas the report further calls for senior military commanders in Myanmar and those responsible for atrocity crimes against Rohingya people to be investigated and prosecuted internationally; whereas Myanmar has rejected these findings;

I. whereas the IIFFMM report states that Myanmar's State Counsellor, Nobel Peace Prize and Sakharov Prize laureate Aung San Suu Kyi has failed to use her de facto position as Head of Government or her moral authority to stem or prevent the unfolding events in Rakhine State; whereas the civilian authorities have also contributed to the commission of atrocity crimes through their acts and omissions, specifically by spreading false narratives, denying the Tatmadaw's wrongdoing, blocking independent investigations and overseeing the destruction of evidence;

J. whereas on 8 September 2018 the ICC confirmed that the Court may exercise jurisdiction over the alleged deportation of Rohingya people from Myanmar to Bangladesh;

K. whereas social media platforms have been used in Myanmar to spread smear campaigns and conspiracy theories targeting Rohingya and Muslims in the country;

Thursday 13 September 2018

L. whereas Rohingya represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine State; whereas conservative estimates place the death toll at 10 000; whereas since August 2017, more than 7 00 000 Rohingya people have fled for safety to Bangladesh, of which approximately 5 00 000 are children, many of whom travelled alone after their parents were killed or after being separated from their families;

1. Strongly condemns the arbitrary arrest and sentencing of journalists Wa Lone and Kyaw Soe Oo for reporting on the situation in Rakhine State; calls on the authorities of Myanmar to release them immediately and unconditionally and to drop all charges against them and all persons arbitrarily detained, including political prisoners, human rights defenders, journalists and media workers, simply for exercising their rights and freedoms;

2. Condemns all acts of intimidation, harassment or restriction of freedom of expression, notably by the Myanmar military and security forces: underlines that media freedom and critical journalism are essential pillars of democracy, promoting good governance, transparency and accountability and calls on the authorities of Myanmar to ensure adequate conditions for journalists and media workers to carry out their work without fear of intimidation or harassment, undue arrest or prosecution;

3. Reiterates its call on the Government of Myanmar to reverse its decision to discontinue its cooperation with the UN Special Rapporteur on the situation of human rights in Myanmar and to grant domestic and international media organisations, human rights defenders, independent observers and humanitarian organisations, in particular the UN Special Rapporteur, full and unhindered access to Rakhine State and to ensure the safety and security of media personnel;

4. Expresses deep concerns regarding the abuse of repressive legal provisions restricting freedom of speech; calls on the authorities of Myanmar to repeal, review or amend all laws, including the 1923 Official Secrets Act, which are not in line with international standards and which criminalise and violate the rights to freedom of expression, peaceful assembly and association; calls on the Government of Myanmar to ensure that all legislation is in compliance with international standards and obligations;

5. Strongly condemns the widespread and systematic attacks against Rohingya people committed in Rakhine State by the Tatmadaw and other Myanmar security forces, which according to the IIFFMM amount to genocide, crimes against humanity and war crimes – the most serious of human rights abuses and violations; is deeply concerned at the increasing gravity and scale of human rights violations accommodated by the Government of Myanmar;

6. Reiterates its continued support for the Rohingya people; calls once again upon the Government of Myanmar and the security forces to put an immediate stop to ongoing violations, killings, destruction of property and sexual violence against Rohingya people and ethnic minorities in northern Myanmar and to ensure that security and the rule of law prevail in Myanmar, notably in Rakhine, Kachin and Shan States; reminds the Myanmar authorities of their international obligations to investigate and prosecute those responsible; urges the Government of Myanmar and State Counsellor Aung San Suu Kyi to condemn unequivocally all incitement of hatred and to combat social discrimination and hostilities against Rohingya people and other minority groups;

7. Takes note of the findings of the IIFFMM and supports its recommendations; welcomes the recent ruling that the ICC may exercise jurisdiction over the alleged deportation of Rohingya people from Myanmar to Bangladesh; recognises, however, that a referral from the UN Security Council (UNSC) to the ICC for an investigation of the full scope of human rights violations is still needed; calls on the ICC Chief Prosecutor to open a preliminary investigation in this regard; calls on the UNSC to refer the situation in Myanmar to the ICC without a delay; supports the calls of the IIFFMM and ASEAN Parliamentarians for Human Rights (APHR) for the military generals responsible to be investigated and prosecuted;

8. Calls on the EEAS and the Member States to seek accountability in multilateral fora for the perpetrators of crimes in Myanmar; calls for the EU and the Member States to take the lead in the UNSC on the requested reaction to refer the situation to the ICC, as well as to take the lead in the UN General Assembly and at the upcoming 39th session of the UN Human Rights Council, and to increase their efforts towards the urgent establishment of an international, impartial, and independent accountability mechanism to support investigations into alleged atrocity crimes and the prosecution of those responsible;

9. Reiterates its call on the UNSC to impose a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supplies, sales or transfers, including transit and transhipment of all weapons, munitions and other military and security equipment, as well as the provision of training or other military or security assistance; urges the UNSC to adopt targeted individual sanctions, including travel bans and asset freezes, against those who appear responsible for serious crimes under international law;

10. Calls on the Commission to consider an investigation under the mechanisms provided for in the Everything But Arms agreement, with a view to reviewing the trade preferences that benefit Myanmar;

11. Welcomes the Council's adoption on 26 April 2018 of a legal framework for targeted restrictive measures against officials responsible for serious human rights violations and strengthening the EU's arms embargo and a first list of designations established on 25 June 2018; urges the Council to impose travel bans, targeted financial sanctions and asset freezes against the Myanmar officials identified by the IIFFMM as responsible for atrocity crimes;

12. Recalls that thousands of Rohingya people, many of whom are children, are internally displaced and in dire need of humanitarian assistance and protection; calls for immediate, unhindered and unfettered access throughout the entire country for delivery of humanitarian aid; insists that the Government of Myanmar guarantee safe, voluntary and dignified return, with full UN oversight, for those who want to return to their land;

13. Calls for the EU, its Member States and the international community to address the need for increased and long-term humanitarian assistance to the Rohingya people in Bangladesh and their host communities;

14. Recalls that rape and sexual violence have been a recurrent feature of the targeting of the civilian population in Kachin, Rakhine and Shan States; calls for the EU, in particular the Commission's Civil Protection and Humanitarian Aid Operations department (ECHO), and EU Member States to secure improvements in the protection from gender-based violence of Rohingya girls and women;

15. Recalls the need for the provision of medical and psychological assistance in refugee camps, particularly assistance tailored for vulnerable groups including women and children; calls for greater support services for victims of rape and sexual assault;

16. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, State Counsellor Aung San Suu Kyi, the Government and Parliament of Bangladesh, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the EU Member States, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN High Commissioner for Refugees and the UN Human Rights Council.

Thursday 13 September 2018

P8_TA(2018)0346

Cambodia, notably the case of Kem Sokha

European Parliament resolution of 13 September 2018 on Cambodia, notably the case of Kem Sokha (2018/2842(RSP))

(2019/C 433/15)

The European Parliament,

— having regard to its previous resolutions on Cambodia, in particular those of 14 September 2017 ([1]) and 14 December 2017 ([2]),

— having regard to the Council conclusions on Cambodia of 26 February 2018,

— having regard to the statement by the spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 30 July 2018 on the general elections in Cambodia,

— having regard to the evaluation mission of the Commission and the European External Action Service (EEAS) to Cambodia of 5 to 11 July 2018,

— having regard to the 2008 EU Guidelines on Human Rights Defenders,

— having regard to the statement by the spokesperson of the EEAS of 16 November 2017 on the dissolution of the Cambodian National Rescue Party,

— having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,

— having regard to the local EU statement of 22 February 2017 on the political situation in Cambodia, and the statements by the spokesperson of the EU Delegation of 25 August 2017 and 3 September 2017 on restrictions of political space in Cambodia,

— having regard to UN Human Rights Council Resolution 36/32 of 29 September 2017 and the Report of the Secretary-General of 2 February 2018,

— having regard to the report of the Committee on the Human Rights of Parliamentarians and the decisions of the Governing Council of the Inter-Parliamentary Union of March 2018,

— having regard to UN General Assembly Resolution A/RES/53/144 of 8 March 1999 on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms,

— having regard to the 1991 Paris Peace Accords, in which a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories, is enshrined in Article 15,

— having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,

— having regard to the Cambodian Constitution, in particular Article 41 thereof, in which the rights and freedoms of expression and assembly are enshrined, Article 35 on the right to political participation and Article 80 on parliamentary immunity,

([1]) Texts adopted, P8_TA(2017)0348.
([2]) Texts adopted, P8_TA(2017)0497.

— having regard to the Universal Declaration of Human Rights of 10 December 1948,

— having regard to the International Covenant on Civil and Political Rights of 1966,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas on 3 September 2017, Kem Sokha, the President of the Cambodia National Rescue Party (CNRP), was arrested, and whereas on 16 November 2017, the Supreme Court announced the dissolution of the CNRP, at the end of a one-day hearing; whereas the Supreme Court has also banned 118 CNRP politicians from being politically active for five years;

B. whereas the ruling Cambodian People's Party (CPP) obtained 100 % of the contested seats in the National Assembly election held on 29 July 2018 and in the Senate election held on 25 February 2018;

C. whereas the right to political participation is enshrined in Article 35 of the Cambodian Constitution; whereas the amended 2017 Law on Political Parties includes numerous restrictions on the participation of opposition parties, including the dissolution of parties if its leaders have a criminal record;

D. whereas the 2018 elections in Cambodia were de facto non-competitive and failed to meet minimum international standards for democratic elections; whereas the European Union and the United States of America suspended their financial assistance to the Cambodian National Election Committee and declined to observe the elections;

E. whereas the decision to dissolve the CNRP was a significant step towards the creation of an authoritarian state; whereas the political structure of Cambodia can no longer be considered a democracy;

F. whereas the Cambodian Government took wide-ranging measures to ensure that the ruling CPP would run virtually unopposed in the elections for both the Senate and the National Assembly;

G. whereas, following his arrest on 3 September 2017, Kem Sokha was charged with treason under Article 443 of the Cambodian Criminal Code, despite his parliamentary immunity; whereas statements by the Cambodian Government jeopardised his right to a fair trial and the presumption of innocence; whereas he faces up to 30 years in prison if found guilty; whereas the President of the Court, Dith Munty, is a member of the standing committee of the ruling party;

H. whereas on 28 August 2018, the Cambodian authorities released 14 members of the CNRP after they had received a royal pardon; whereas this pardon is linked to the releases granted to half a dozen activists and journalists;

I. whereas Kem Sokha was detained without trial for more than one year; whereas the UN Working Group on Arbitrary Detention declared Mr Sokha's pre-trial detention to be 'arbitrary' and 'politically motivated'; whereas he was released on bail on 10 September 2018; whereas he is unable to leave the vicinity of his house and is not allowed to communicate with other members of the opposition or the media;

J. whereas the arrest and detention of Kem Sokha occurred amid widespread and systematic repression of political and electoral rights in Cambodia; whereas there has been a steady increase in the number of cases of arrest and detention of members of the political opposition and political commentators; whereas the previous President of the CNRP, Sam Rainsy, was convicted of criminal defamation and now lives in exile;

K. whereas the Cambodian authorities have also cracked down on journalists and reporters covering the attacks on the opposition parties; whereas 69-year-old award-winning filmmaker James Ricketson is one of the victims of these attacks on the media; whereas Mr Ricketson was arrested for flying a drone over an opposition party rally in June 2017; whereas Mr Ricketson has been sentenced to six years in prison in the capital, Phnom Penh, on charges of espionage;

Thursday 13 September 2018

L. whereas there has been a severe crackdown on the independent media; whereas social media networks have also come under attack; whereas in May 2018, the Government issued a regulation restricting the rights to freedom of expression, press and publication and empowering the Government to police social media networks to uncover and silence online dissent in Cambodia;

M. whereas trade unionists, human rights activists and civil society organisations are operating in an increasingly restricted space in Cambodia and face harassment, acts of intimidation and arbitrary arrest; whereas the 2015 amended Law on Association and Non-Governmental Organisations (LANGO) severely restricts freedom of association and expression, including by establishing government control and censorship over the work of NGOs; whereas the Trade Union Law restricts freedom of association and creates unnecessary obstacles and burdens in relation to registration procedures and the operations of trade unions;

N. whereas five human rights defenders affiliated with the Cambodian Human Rights and Development Association (ADHOC), Nay Vanda, Ny Sokha, Yi Soksan, Lim Mony, and Ny Chakrya, face charges of bribing a witness and being an accomplice to bribery of a witness; whereas the five human rights defenders spent 14 months in pre-trial detention before their release on bail;

O. whereas Cambodia benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), namely the Everything But Arms (EBA) scheme; whereas the EU has allocated up to EUR 410 million to Cambodia for development cooperation for the financial period 2014-2020, of which EUR 10 million is for supporting the electoral reform process in Cambodia and is currently suspended;

P. whereas the UN Secretary-General recalled in his July statement that an inclusive and pluralistic political process remains essential for safeguarding the progress made by Cambodia in consolidating peace;

Q. whereas conflicts over sugar plantations have not yet been resolved; whereas there is continuing concern about evictions from land, persistent impunity for such acts and the dire situation of the affected communities; whereas the Government of Cambodia has not signed up to the EU Terms of Reference for the Sugar Cane Audit Process;

1. Notes that Kem Sokha was released from prison on bail under strict conditions; denounces the fact that Kem Sokha has been placed under house arrest; calls for all charges against Kem Sokha to be dropped and for his immediate and full release; calls, furthermore, for other politically motivated charges and rulings against opposition politicians, including Sam Rainsy, to be dropped immediately;

2. Is worried about the condition of Kem Sokha's health, and calls on the Cambodian authorities to allow him to receive appropriate medical treatment; asks the Government to allow Kem Sokha to meet foreign diplomats, UN officials and human rights observers;

3. Expresses its conviction that the elections in Cambodia cannot be considered to be free and fair; expresses serious concerns at the conduct and results of the 2018 elections in Cambodia, which failed to produce a credible process and were widely condemned by the international community;

4. Calls on the Cambodian Government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions on pluralism and freedom of association and expression; calls, furthermore, on the Cambodian Government to repeal all recent amendments to the Constitution, the Penal Code, the Law on Political Parties, the Trade Union Law, the Law on NGOs and all other pieces of legislation limiting freedom of speech and political freedoms that are not fully in line with Cambodia's obligations and international standards;

5. Stresses that a credible democratic process requires an environment in which political parties, civil society and the media are able to carry out their legitimate roles without fear, threats or arbitrary restrictions; calls on the Government to take the necessary measures to ensure that the dissolution of CNRP is swiftly reversed;

6. Reiterates its call on the Cambodian Government to put an end to all forms of harassment, abuse and politically motivated criminal charges against members of the political opposition, human rights defenders, trade unionists and labour rights advocates, land rights and other civil society activists, and journalists, among others; calls on the Government of Cambodia to release, without delay, all citizens who have been detained for exercising their human rights, including James Ricketson, and to drop all charges against them;

7. Supports the decision to suspend EU electoral support to Cambodia; recalls the national and international obligations in relation to democratic principles and fundamental human rights to which Cambodia has committed itself; urges the Cambodian Government to engage in reforms in order to advance democracy and apply internationally recognised minimum standards for future electoral processes, including the organisation of multiparty, free and fair elections, the establishment of a genuinely independent National Election Committee and the involvement of NGOs and the independent media in election monitoring and reporting;

8. Reminds the Cambodian Government that it must fulfil its obligations and commitments in relation to the democratic principles and fundamental human rights, which are an essential component of the EU-Cambodia Cooperation Agreement and the conditions under EBA;

9. Welcomes the recent EU EBA fact-finding mission to Cambodia and invites the Commission to report the conclusions to Parliament as soon as possible; calls on the Commission to consider possible consequences in the context of the trade preferences Cambodia enjoys, including launching an investigation under the mechanisms provided for in the framework of EBA;

10. Calls on the EEAS and the Commission to compile a list of individuals responsible for the dissolution of the opposition and other serious human rights violations in Cambodia with a view to imposing possible visa restrictions and asset freezes on them;

11. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to closely monitor the situation in Cambodia; calls on the EEAS and the Member States to take action and lead the efforts at the forthcoming 39th session of the UN Human Rights Council towards the adoption of a strong resolution addressing the human rights situation in Cambodia;

12. Calls on the Cambodian Government to renew the Memorandum of Understanding (MoU) with the UN Office of the High Commissioner for Human Rights (OHCHR) in Cambodia upon its expiry on 31 December 2018;

13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Secretary-General of ASEAN, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia.

Thursday 13 September 2018

P8_TA(2018)0350

July 2018 fires at Mati in the Attica Region, Greece and the EU response

European Parliament resolution of 13 September 2018 on the July 2018 fires in Mati in the Attica region of Greece and the EU's response (2018/2847(RSP))

(2019/C 433/16)

The European Parliament,

— having regard to Article 174 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Commission proposal for a decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (COM(2017)0772),

— having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund([1]),

— having regard to the UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, adopted through Decision 1/CP.21 at the 21st Conference of the Parties to the UNFCCC (COP 21) and 11th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 11) held in Paris, France, from 30 November to 11 December 2015,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas the July 2018 fires in Mati in the Attica region of Greece tragically left 99 dead and hundreds injured;

B. whereas the fires in question have destroyed homes, with several hundred people having to be evacuated, severely damaged local and regional infrastructure and the environment, with an impact on agriculture, and affected economic activities, including in the tourism and hospitality sectors;

C. whereas situations of extreme drought and forest fires have increased in frequency, severity and complexity and have an impact all over Europe, and are exacerbated by climate change;

D. whereas investment in combating climate change is an urgent measure in preventing the catastrophes of droughts and fires;

E. whereas Greece, Sweden and Latvia all requested EU support through the Union Civil Protection Mechanism in the summer of 2018 due to fires;

1. Expresses its sincere condolences to the families of those who lost their lives in the fires in the Attica region;

2. Expresses its sympathy to all the inhabitants who have been affected by the fires in the Attica region;

3. Pays tribute to the dedication of the firefighters, coastguards, volunteers and others who risked their lives to extinguish the wildfires and rescue their fellow citizens;

([1]) OJ L 311, 14.11.2002, p. 3.

4. Highlights the role of the Union Civil Protection Mechanism in supplying aircraft, vehicles, medical personnel and firefighters from across the European Union;

5. Recalls that various EU funds, such as the EU Solidarity Fund, can be used to restore vital infrastructure and for clean-up operations after a natural disaster;

6. Reiterates the importance of support under EU cohesion funds for fire prevention and emergency response and calls on the Member States to take full advantage of this funding and to inform the public about the risk of forest fires;

7. Stresses the need for more scientific research in risk assessment mechanisms, prevention and early detection systems and other means of combating these phenomena, and for improved sharing of experiences and best practices among regions and Member States;

8. Stresses that a document published by the World Meteorological Organisation on 1 August 2018([2]) provides evidence that the heat wave in Europe in 2018 is linked to climate change; urges the Commission and the Member States to set targets and implement climate policies that will meet the commitments made under the Paris COP 21 agreement;

9. Stresses the need to ensure flood prevention in the areas affected by forest fires in order to avoid further disasters;

10. Calls on the Commission to take account of forest fire risk and ecosystem-based forest and landscape management when evaluating current EU measures such as the EU forest strategy and the EU strategy on adaptation to climate change, and to adjust these strategies if any gaps are identified;

11. Calls for the Council and the Commission to finalise with Parliament the interinstitutional negotiations on the new Union Civil Protection Mechanism and the creation of rescEU by the end of 2018;

12. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the governments of the Member States and the regional authorities of the areas affected by the fires.

([2]) https://public.wmo.int/en/media/news/july-sees-extreme-weather-high-impacts

Thursday 13 September 2018

P8_TA(2018)0351

The threat of demolition of Khan al-Ahmar and other Bedouin villages

European Parliament resolution of 13 September 2018 on the threat of demolition of Khan al-Ahmar and other Bedouin villages (2018/2849(RSP))

(2019/C 433/17)

The European Parliament,

— having regard to its previous resolutions on the Israeli-Palestinian conflict,

— having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Federica Mogherini of 7 September 2018 on the latest developments regarding the planned demolition of Khan al-Ahmar,

— having regard to the EU Guidelines on International Humanitarian Law,

— having regard to the joint statement by France, Germany, Italy, Spain and the United Kingdom of 10 September 2018 on the village of Khan al-Ahmar,

— having regard to the Fourth Geneva Convention of 1949, in particular Articles 49, 50, 51 and 53 thereof,

— having regard to the Six-Month Report on Demolitions and Confiscations of EU-funded structures in the West Bank including East Jerusalem, January-June 2018, published by the European External Action Service (EEAS) on 24 August 2018,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas on 5 September 2018 the Israeli High Court of Justice rejected the petitions by the residents of Khan al-Ahmar; whereas the High Court determined that the relevant authorities are authorised to exercise the relocation plan of the residents to Jahalin West; whereas the High Court allowed the Israeli authorities to proceed with the plans for the demolition of Khan al-Ahmar;

B. whereas Khan al-Ahmar is one of the 46 Bedouin communities that the UN considers to be at high risk of forcible transfer in the central West Bank; whereas this community is made up of 32 families and 173 persons in total, including 92 minors; whereas the Israeli army has issued demolition orders for all structures in the village;

C. whereas in 2010 the Israeli High Court ruled that the entire cluster of structures of Khan al-Ahmar had been built illegally, in violation of the planning and zoning laws, and therefore had to be demolished; whereas the High Court also emphasised that the Israeli authorities needed to find a suitable alternative for the school and for the residents of the community; whereas the state of Israel has stated in writing what it will provide to those families that will proceed to Jahalin West (Abu Dis), with the prospect of developing a second relocation site east of Jericho; whereas the community of Khan al-Ahmar has refused to be displaced;

D. whereas the forcible transfer of residents of an occupied territory, unless the security of the population or imperative military reasons so demand, is prohibited under the Fourth Geneva Convention, and constitutes a grave breach of international humanitarian law;

E. whereas Israeli authorities impose an extremely restrictive building regime on the Palestinian residents of Area C in the West Bank; whereas this regime makes legal Palestinian building activities nearly impossible in the area, and is used as a means to evict Palestinians and expand settlement activities; whereas Israeli settlements are illegal under international law and constitute a major obstacle to peace efforts; whereas under international law, any third party, including the EU Member States, has a duty not to recognise, aid or assist settlements in an occupied territory, as well as a duty to effectively oppose them;

F. whereas Khan al-Ahmar is located in the E1 corridor area in the occupied West Bank; whereas preserving the status quo in this area is of fundamental importance for the viability of the two-state solution and for the establishment of a contiguous and viable Palestinian state in the future; whereas Parliament has repeatedly opposed all actions that undermine the viability of the two-state solution and urged both sides to demonstrate, through policies and actions, a genuine commitment to a two-state solution in order to rebuild trust;

G. whereas 10 EU Member States are supporting humanitarian programmes in Khan al-Ahmar, including the construction of a primary school, and an estimated EUR 3 15 000 worth of EU-funded humanitarian assistance is now at risk;

H. whereas, according to the Office of the EU Representative in Palestine, destruction and seizure of Palestinian property in the occupied West Bank, including East Jerusalem, has continued in the first half of 2018; whereas the demolition of Khan al-Ahmar risks setting a negative precedent for dozens of other Bedouin communities across the West Bank;

1. Joins the VP/HR, France, Germany, Italy, Spain and the United Kingdom in their call for the Israeli government to shelve the relocation plan that would lead to the demolition of Khan al-Ahmar and the forcible transfer of its population to another location; considers it of the utmost importance that the EU continue to speak with one voice on this matter;

2. Warns the Israeli authorities that the demolition of Khan al-Ahmar and the forcible transfer of its residents would constitute a grave breach of international humanitarian law;

3. Expresses its concern at the impact of the demolition of Khan al-Ahmar, which would further threaten the viability of the two-state solution and undermine prospects for peace; reiterates that protecting and preserving the viability of the two-state solution is the immediate priority for EU policies and action on the Israeli-Palestinian conflict and the Middle East peace process;

4. Insists that – should the demolition and eviction of Khan al-Ahmar take place – the EU's response must be commensurate with the seriousness of this development and consistent with its long-standing support to the community of Khan al-Ahmar; calls on the VP/HR to step up the EU's engagement with the Israeli authorities with regard to full respect for the rights of the Palestinian population in Area C and to demand compensation from Israel for the destruction of EU-funded infrastructure;

5. Calls on the Israeli Government to put an immediate end to its policy of threats of demolition and actual eviction against the Bedouin communities living in the Negev and in Area C in the occupied West Bank; stresses that the demolition of houses, schools and other vital infrastructure in the occupied Palestinian territory is illegal under international humanitarian law;

6. Recalls that Israel bears full responsibility for providing the necessary services, including education, healthcare and welfare, for the people living under its occupation, in line with the Fourth Geneva Convention;

7. Remains firmly convinced that the only lasting solution to the conflict in the Middle East is that of two democratic states, Israel and Palestine, living side by side in peace within secure and recognised borders, on the basis of the 1967 border and with Jerusalem as the capital of both states; condemns any unilateral decision or action that may undermine the prospects of this solution;

8. Calls on the Israeli authorities to immediately halt and reverse their settlement policy; calls for the EU to remain steadfast on the issue;

9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for the Middle East Peace Process, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the United Nations Special Coordinator for the Middle East Peace Process, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.

Thursday 13 September 2018

P8_TA(2018)0352

A European Strategy for Plastics in a circular economy

European Parliament resolution of 13 September 2018 on a European strategy for plastics in a circular economy (2018/2035(INI))

(2019/C 433/18)

The European Parliament,

— having regard to the Commission communication of 16 January 2018 entitled 'A European Strategy for Plastics in a Circular Economy (COM(2018)0028),

— having regard to the Commission report of 16 January 2018 on the impact of the use of oxo-degradable plastic, including oxo-degradable plastic carrier bags, on the environment (COM(2018)0035),

— having regard to the Commission communication and the staff working document of 16 January 2018 on the implementation of the circular economy package: options to address the interface between chemical, product and waste legislation (COM(2018)0032),

— having regard to the Commission's Ecodesign Working Plan 2016-2019 (COM(2016)0773), particularly the objective of establishing more product-specific and horizontal requirements in areas such as durability, reparability, upgradeability, design for disassembly, and ease of reuse and recycling,

— having regard to the Commission communication of 2 December 2015 entitled 'Closing the loop – An EU action plan for the Circular Economy' (COM(2015)0614),

— having regard to Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment ([1]),

— having regard to Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste ([2]),

— having regard to Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste ([3]),

— having regard to Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste ([4]),

— having regard to Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags ([5]),

— having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ([6]) (hereafter 'the Ecodesign Directive') and the implementing regulations and voluntary agreements adopted under that directive,

([1]) OJ L 150, 14.6.2018, p. 93.
([2]) OJ L 150, 14.6.2018, p. 100.
([3]) OJ L 150, 14.6.2018, p. 109.
([4]) OJ L 150, 14.6.2018, p. 141.
([5]) OJ L 115, 6.5.2015, p. 11.
([6]) OJ L 285, 31.10.2009, p. 10.

— having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environmental Action Programme to 2020 ([7]),

— having regard to the Council conclusions of 18 December 2017 on eco-innovation: enabling the transition towards a circular economy,

— having regard to Special Eurobarometer No 468 of October 2017 on attitudes of European citizens towards the environment,

— having regard to the Paris Agreement on climate change and the 21st Conference of the Parties (COP21) to the UNFCCC,

— having regard to the United Nations resolution entitled 'Transforming our World: The 2030 Agenda for Sustainable Development', adopted at the UN Sustainable Development Summit on 25 September 2015,

— having regard to its resolution of 9 July 2015 on resource efficiency: moving towards a circular economy ([8]),

— having regard to its resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies ([9]),

— having regard to its resolution of 16 January 2018 on international ocean governance: an agenda for the future of our oceans in the context of the 2030 SDGs ([10]),

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

— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Fisheries (A8-0262/2018),

A. whereas plastic is a valuable material, widely used across all value chains, which has a useful place in our society and economy, if used and managed responsibly;

B. whereas the way in which plastics are produced, used and disposed of today has devastating environmental, climate and economic drawbacks and potential negative health impacts on both humans and animals; whereas the key challenge is thus to produce and use plastics in a responsible and sustainable way in order to reduce the generation of plastic waste and to reduce the use of hazardous substances in plastics, where possible; whereas research and innovation into new technologies and alternatives play an in important role in this regard;

C. whereas these drawbacks generate wide public concern, with 74 % of EU citizens expressing disquiet at the health impacts of plastics and 87 % saying they are preoccupied by their environmental effects;

D. whereas the current political momentum should be used to shift to a sustainable circular plastics economy that gives priority to the prevention of plastic waste generation in line with the waste hierarchy;

E. whereas several Member States have already put in place national legislative measures for banning microplastics which are intentionally added to cosmetics;

F. whereas European countries have a history of exporting plastic waste, including to countries where inadequate waste management and recycling systems cause environmental damage and risk the health of local communities, particularly that of waste handlers;

([7]) OJ L 354, 28.12.2013, p. 171.
([8]) OJ C 265, 11.8.2017, p. 65.
([9]) Texts adopted, P8_TA(2017)0287.
([10]) Texts adopted, P8_TA(2018)0004.

G. whereas plastic waste is a global issue and international cooperation is needed to combat the challenge; whereas the EU is committed to meeting the UN Sustainable Development Goals, several of which are relevant to the sustainable consumption and production of plastics to limit their marine and terrestrial impacts;

H. whereas global annual production of plastics reached 322 million tonnes in 2015, and is expected to double over the next 20 years;

I. whereas in the EU, 25.8 million tonnes of plastic waste are generated each year;

J. whereas in the EU only 30 % of plastic waste is collected for recycling; whereas only 6 % of plastic placed on the market is made from recycled plastic;

K. whereas landfilling (31 %) and incineration (39 %) rates of plastic waste remain high;

L. whereas around 95 % of the value of plastic packaging material currently leaks away from the economy, leading to an annual loss of between EUR 70 billion and EUR 105 billion;

M. whereas the EU has a 2030 plastic packaging recycling target of 55 %;

N. whereas plastic recycling entails significant climate benefits in terms of a reduction in CO_2 emissions;

O. whereas, globally, between 5 and 13 million tonnes of plastic end up in the world's oceans every year and, to date, over 150 million tonnes of plastic are estimated to be present in the oceans;

P. whereas between 1 50 000 and 5 00 000 tonnes of plastic waste enter the seas and oceans of the EU every year;

Q. whereas, according to studies cited by the UN, if nothing is done, there will be more plastic than fish in the oceans by 2050;

R. whereas plastic account for 85 % of beach litter and over 80 % of marine litter;

S. whereas practically every type of plastic material can be found in the ocean from the Great Pacific garbage patch, containing at least 79 000 tonnes of plastic floating in an area of 1.6 million square kilometres, to the Earth's remotest areas such as the deep ocean floor and the Arctic;

T. whereas marine litter also adversely affects economic activities and the human food chain;

U. whereas 90 % of all seabirds swallow plastic particles;

V. whereas the full impact of plastic waste on flora, fauna and human health is not yet understood; whereas the catastrophic consequences on marine life have been documented, with over 100 million marine animals killed each year due to plastic debris in the ocean;

W. whereas solutions for tackling marine plastics cannot be isolated from an overall plastics strategy; whereas Article 48 of the Fisheries Control Regulation ([11]), which contains measures designed to promote the retrieval of lost fishing gear, is a step in the right direction, but is too limited in scope, given that Member States are allowed to exempt the vast majority of fishing vessels from this obligation and implementation of the reporting requirements remains poor;

([11]) OJ L 343, 22.12.2009, p. 1.

X. whereas European Territorial Cooperation (ETC) funding is being considered for projects in the Adriatic Sea, such as new governance tools and good practices to mitigate and, if possible, eliminate the abandonment of fishing gear, as well as giving fishing fleets a new role as sea sentinels;

Y. whereas the Member States are signatories to the International Convention for the Prevention of Pollution from Ships (MARPOL) and should aim for full implementation of its provisions;

Z. whereas ghost fishing occurs when lost or abandoned, non-biodegradable fishing nets, traps and lines catch, entangle, injure, starve and cause the death of marine life; whereas the phenomenon of 'ghost fishing' is brought about by the loss and abandonment of fishing gear; whereas the Fisheries Control Regulation requires the mandatory marking of gear and the notification and retrieval of lost gear; whereas some fishermen therefore bring back to port, on their own initiative, lost nets retrieved from the sea;

AA. whereas although it is difficult to accurately assess the precise contribution of aquaculture to marine litter, it is estimated that 80 % of marine debris is plastic and micro-plastic, and that somewhere between 20 % and 40 % of that marine plastic litter is partly linked to human activities at sea, including commercial and cruise ships, with the rest originating on land, and whereas, according to a recent FAO study ([12]), around 10 % comes from lost and discarded fishing gear; whereas lost and discarded fishing gear is one component of marine plastic litter and an estimated 94 % of the plastic that enters the ocean ends up on the sea floor, hence the need to use the European Maritime and Fisheries Fund (EMFF) in order for fishermen to partake directly in 'fishing for marine litter'schemes, by providing them with payment or other financial and material incentives;

AB. whereas between 75 000 and 3 00 000 tonnes of microplastics are released into the EU environment each year, including micro-plastics which are intentionally added to plastic products, micro-plastics released during the use of products and those produced by the degradation of plastic products;

AC. whereas micro-plastics and nano-sized particles create specific public policy challenges;

AD. whereas micro-plastics are found in 90 % of bottled water;

AE. whereas the Commission's request to ECHA to examine the scientific basis to restrict the use of intentionally added micro-plastics to consumer- or professional-use products, is welcomed;

AF. whereas the Commission's request to ECHA to prepare a proposal for a possible restriction on oxo-degradable plastic is welcomed;

AG. whereas according to Article 311 of the Treaty on the Functioning of the European Union (TFEU), the introduction of new own resources is subject to a special legislative procedure requiring unanimity among Member States and consultation of Parliament;

General remarks

1. Welcomes the Commission's communication entitled 'A European Strategy for Plastics in a Circular Economy' (COM(2018)0028) as a step forward in the EU's transition from a linear towards a circular economy; recognises that plastic plays a useful role in our economy and in our daily lives but at the same time has significant drawbacks; considers that the key challenge therefore is to manage plastics in a sustainable way throughout the whole value chain and thus change the way in which we produce and use plastics, so that value is retained in our economy, without harming the environment, climate and public health;

([12]) Abandoned, lost or otherwise discarded fishing gear

2. Stresses that prevention, as defined in the Waste Framework Directive, of plastic waste upfront should be the first priority in line with the waste hierarchy; considers, furthermore, that substantially boosting our plastics recycling performance is also key for supporting sustainable economic growth as well as protecting the environment and public health; calls on all stakeholders to consider the recent Chinese import ban on plastic waste as an opportunity for investing in plastic waste prevention, including by stimulating reuse and circular product design, and for investing in state-of-the-art facilities for collection, sorting and recycling in the EU; believes that exchanging best practices in this regard is important, in particular for SMEs;

3. Is convinced that the plastics strategy should also serve as a lever for stimulating new, smart, sustainable and circular business, production and consumption models covering the entire value chain in line with UN Sustainable Development Goal number 12 on sustainable consumption and production and by internalising external costs; calls on the Commission to foster clear linkages between the Union's waste, chemicals and product policies to this end, including by the development of non-toxic material cycles as laid down in the 7th Environmental Action Programme;

4. Calls on the Commission to establish a post-2020 policy for the circular economy and bio-economy based on a strong research and innovation pillar, and to ensure that the necessary commitments will be available in the new multiannual financial framework (MFF); stresses in particular the importance of research to develop innovative solutions and to understand the impact of macro-, micro- and nano-plastics on ecosystems and on human health;

5. Emphasises that plastics are diverse and have a variety of applications, and that a tailored, often product-specific, approach is thus required for the various value chains, with a diverse mix of solutions taking into account the environmental impact, existing alternatives, local and regional demands and ensuring that functional needs are met;

6. Stresses that joint and coordinated actions by all stakeholders across the entire value chain, including consumers, are necessary in order to succeed and achieve an outcome that is advantageous for the economy, the environment, the climate and health;

7. Emphasises that the reduction of waste generation is a shared responsibility and that converting general concern about plastic waste into public responsibility remains an important challenge; highlights the fact that developing new consumption patterns by stimulating the behavioural change of consumers is key in this regard; calls for increased consumer awareness-raising about the impact of plastic waste pollution, the importance of prevention and proper waste management and of existing alternatives;

From design for recycling to design for circularity

8. Calls on the competent authorities in the Member States to ensure that the entire product and waste acquis is fully and swiftly implemented and enforced; points out that in the EU only 30 % of plastic waste is collected for recycling, leading to an enormous waste of resources; stresses that plastics will no longer be accepted in landfills by 2030 and that Member States have to manage their plastic waste according to the provisions laid down in Directive 2008/98/EC; reiterates that Member States should make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy; stresses the importance of separate collection and sorting facilities to enable high-quality recycling and boost the uptake of quality secondary raw materials;

9. Calls on all industry stakeholders to start taking concrete actions now to ensure that all packaging plastics are reusable or recyclable in a cost-effective manner at the latest by 2030, to couple their brand identity to sustainable and circular business models and to use their marketing power to promote and drive sustainable and circular consumption patterns; calls on the Commission to monitor and evaluate the developments, promote best practices and to verify environmental claims to avoid "greenwashing";

10. Believes that civil society should be duly involved and informed so that they are able to hold industry to its commitments and obligations;

11. Urges the Commission to fulfil its obligation to revise and reinforce the essential requirements in the Packaging and Packaging Waste Directive by end of 2020, taking into account the relative properties of different packaging materials on the basis of life-cycle assessments, addressing in particular prevention, and design for circularity; calls on the Commission to come forward with clear, implementable and effective requirements, including on "reusable and recyclable plastic packaging in a cost-effective manner", and on excessive packaging;

12. Calls on the Commission to make resource efficiency and circularity overarching principles, including the important role that circular materials, products and systems can play, also for non-packaging plastic items; considers that this can be achieved inter alia by Extended Producer Responsibility, by developing product standards, by conducting lifecycle assessments, by broadening the eco-design legislative framework to cover all main plastic product groups, by adopting eco-labelling provisions and by implementing the Product Environmental Footprint method;

Creating a genuine single market for recycled plastics

13. Notes that there are various reasons for the low uptake of recycled plastics in the EU, as a result of inter alia low fossil fuel prices partly due to subsidies, lack of trust and shortage of high-quality supply; emphasises that a stable internal market for secondary raw materials is necessary to ensure the transition to a circular economy; calls on the Commission to tackle the barriers facing this market and to create a level playing field;

Quality standards and verification

14. Calls on the Commission to come forward swiftly with quality standards in order to build trust and incentivise the market for secondary plastics; urges the Commission, when developing these quality standards, to take into account various grades of recycling which are compatible with the functionality of different products, while safeguarding public health, food safety and the environment; calls on the Commission to ensure the safe use of recycled materials in food contact materials and to spur innovation;

15. Asks the Commission to take into consideration best practices with independent third-party certification and to encourage the certification of recycled materials, as verification is essential in order to boost the confidence of both industry and consumers in recycled materials;

Recycled content

16. Calls on all industry players to convert their public commitments to increase the uptake of recycled plastics into formal pledges and to deliver concrete actions;

17. Believes that mandatory rules on recycled content may be needed in order to drive the uptake of secondary raw materials insofar as markets for recycled materials are not yet functioning; calls on the Commission to consider introducing requirements for minimum recycled content for specific plastic products put on the EU market, while respecting food safety requirements;

18. Calls on the Member States to consider introducing a reduced value-added tax (VAT) for products containing recycled content;

Circular procurement

19. Stresses that procurement is an essential instrument in the transition towards a circular economy as it has the power to boost innovation in business models and to foster resource-efficient products and services; highlights the role of local and regional authorities in this regard; calls on the Commission to set up an EU learning network on circular procurement in order to harvest the lessons learnt from pilot projects; believes that these voluntary actions should pave the way, based on a robust impact assessment, for binding EU rules and criteria on public circular procurement;

Thursday 13 September 2018

20. Calls on Member States to phase out all perverse incentives which work against achieving the highest possible levels of plastics recycling;

Waste-chemicals interface

21. Calls on the competent authorities in the Member States to optimise controls on imported materials and products in order to ensure and enforce compliance with EU chemicals and product legislation;

22. Points to the resolution of the European Parliament on implementation of the circular economy package: options to address the interface between chemical, product and waste legislation;

Prevention of plastic waste generation

Single-use plastics

23. Notes that there is no panacea to address the harmful effects to the environment of single-use plastics, and believes that a combination of voluntary and regulatory measures, as well as a change in consumer awareness, behaviour and participation, is therefore required to resolve this complex issue;

24. Takes note of actions already taken in some Member States and therefore welcomes the Commission's proposal on a specific legislative framework for reducing the impact of certain plastic products on the environment, in particular single-use plastics; considers that this proposal should contribute to a significant reduction in marine litter, of which more than 80 % is plastic, thereby contributing to the goal of the 2030 Agenda for Sustainable Development to prevent and significantly reduce marine pollution of all kinds;

25. Believes it is important that this framework offers an ambitious set of measures for the competent authorities in the Member States which is compatible with the integrity of the single market, producing a tangible and positive environmental and socio-economic impact and providing the necessary functionality to consumers;

26. Recognises that reducing and restricting single-use plastic products can create opportunities for sustainable business models;

27. Refers to the ongoing work under the ordinary legislative procedure on this proposal;

28. Stresses that there are various pathways to achieving high separate collection and recycling rates and a reduction in litter of plastic waste, including extended producer responsibility (EPR) schemes with modulated fees, deposit-refund schemes and increased public awareness; recognises the merits of established regimes in different Member States and the potential for exchanging best practices between Member States; underlines that the choice of a certain scheme remains within the remit of the competent authority in the Member State;

29. Welcomes the fact that Directive 94/62/EC stipulates that Member States must establish mandatory EPR schemes for all packaging by the end of 2024 and calls on the Commission to assess the possibility of extending this obligation to other plastic products in accordance with Articles 8 and 8a of Directive 2008/98/EC;

30. Takes note of the Commission's proposal on the system of own resources of the European Union (COM(2018)0325) for a contribution based on non-recycled plastic packaging waste; stresses that the steering effect of a possible contribution must be coherent with the waste hierarchy; underlines therefore that priority should be given to the prevention of waste generation;

31. Calls on the Commission and the Member States to join and support the international coalition to reduce plastic bag pollution launched at the COP 22 in Marrakesh in November 2016;

32. Believes that supermarkets play a crucial role in the reduction of single-use plastic in the EU; welcomes initiatives like plastic-free supermarket aisles which provide opportunities for supermarkets to test compostable biomaterials as alternatives to plastic packaging;

33. Welcomes the Commission's proposal for a directive on port reception facilities (COM(2018)0033), which aims to significantly reduce the burden and costs for fishermen of bringing fishing gear and plastic waste back to port; underlines the important role that fishermen could play, in particular by collecting plastic waste from the sea during their fishing activity, and bringing it back to port to undergo proper waste management; stresses that the Commission and the Member States should incentivise this activity, so that fishermen would not be charged a fee for treatment;

34. Regrets that the implementation of Article 48(3) of the Fisheries Control Regulation on retrieval and reporting obligations regarding lost fishing gear did not feature in the Commission's 2017 evaluation and implementation report; stresses the need for a detailed assessment of the implementation of the requirements of the Fisheries Control Regulation in terms of fishing gear;

35. Calls on the Commission, the Member States and the regions to support plans for the collection of litter at sea with the involvement, where possible, of fishing vessels, and to introduce port reception and disposal facilities for marine litter, as well as a recycling scheme for end-of-life nets; calls on the Commission and the Member States to use the recommendations found in the FAO Voluntary Guidelines on the Marking of Fishing Gear, liaising closely with the fishing sector to fight ghost fishing;

36. Calls on the Commission, the Member States and the regions to enhance data collection in the area of marine plastics by establishing and implementing an EU-wide mandatory digital reporting system for gear lost by individual fishing vessels in support of recovery action, using data from regional databases to share information on a European database managed by the Fisheries Control Agency or to develop SafeSeaNet into a user-friendly, EU-wide system, allowing fishermen to signal lost gear;

37. Stresses the need for Member States to make greater efforts to develop strategies and plans to reduce the abandonment of fishing gear at sea, for example through EMFF grants, Structural Funds and ETC support and the necessary degree of active regional involvement;

Bio-based plastics, biodegradability and compostability

38. Strongly supports the Commission in coming forward with clear additional standards, harmonised rules and definitions on bio-based content, biodegradability (a feedstock independent property) and compostability in order to tackle existing misconceptions and misunderstandings and to provide consumers with clear information;

39. Highlights the fact that fostering a sustainable bio-economy can contribute to decreasing Europe's dependency on imported raw materials; highlights the potential role for bio-based and biodegradable plastics, where shown to be beneficial from a life-cycle perspective; considers that biodegradability needs to be assessed under relevant real-world conditions;

40. Emphasises that biodegradable and compostable plastics can help support the transition to a circular economy, but cannot be considered a remedy against marine litter, nor should they legitimise unnecessary single-use applications; calls, therefore, on the Commission to develop clear criteria for useful products and applications composed of biodegradable plastics, including packaging and applications in agriculture; calls for further R&D investment in this issue; stresses that biodegradable and non-biodegradable plastics must be treated differently in view of proper waste management;

41. Emphasises that bio-based plastics offer potential for partial feedstock differentiation and calls for further R&D investment in this regard; acknowledges the existence of innovative bio-based materials already on the market; stresses the need for neutral and equal treatment of substitute materials;

42. Calls for a complete EU ban on oxo-degradable plastic by 2020, as this type of plastic does not properly biodegrade, is not compostable, negatively affects the recycling of conventional plastic and fails to deliver a proven environmental benefit;

Micro-plastics

43. Calls on the Commission to introduce a ban on micro-plastics in cosmetics, personal care products, detergents and cleaning products by 2020; furthermore calls on ECHA to assess and prepare, if appropriate, a ban on micro-plastics which are intentionally added to other products, taking into account whether viable alternatives are available;

44. Calls on the Commission to set minimum requirements in product legislation to significantly reduce the release of micro-plastics at source, in particular for textiles, tyres, paints and cigarette butts;

45. Takes note of the good practice of Operation Clean Sweep and various 'zero pellet loss' initiatives; believes there is scope to replicate these initiatives at EU and global level;

46. Calls on the Commission to look into the sources, distribution, fate and effects of both macro- and micro-plastics in the context of wastewater treatment and storm water management in the ongoing fitness check on the Water Framework Directive and the Floods Directive; calls, furthermore, on Member States' competent authorities and the Commission to ensure the full implementation and enforcement of the Urban Waste Water Treatment Directive and the Marine Strategy Framework Directive; calls, in addition, on the Commission to support research in sewage sludge treatment and water purification technologies;

Research and innovation

47. Welcomes the Commission's announcement that an additional EUR 100 million will be invested under the Horizon 2020 programme to drive investment towards resource-efficient and circular solutions, such as prevention and design options, diversification of feedstock and innovative recycling technologies such as molecular and chemical recycling, as well as the improvement of mechanical recycling; highlights the innovative potential of start-ups in this regard; supports the establishment of a Strategic Research Innovation Agenda on material circularity, with a specific focus on plastic and plastic-containing materials, beyond packaging, to guide future funding decisions in Horizon Europe; notes that adequate funding will be necessary to help leverage private investment; emphasises that public-private partnerships can help accelerate the transition to a circular economy;

48. Emphasises the strong potential for linking the digital agenda and the circular economy agenda; underlines the need to address regulatory barriers to innovation and calls on the Commission to examine possible EU innovation deals in line with achieving the goals set out in the plastics strategy and the broader circular economy agenda;

49. Calls on the Commission, the Member States and the regions to support the use of innovative fishing gear by encouraging fishermen to 'trade in' old nets and to adapt existing nets with net trackers and sensors linked to smart phone apps, radio frequency identification chips and vessel trackers so that skippers can keep more accurate track of their nets and retrieve them if necessary; acknowledges the role that technology can play in preventing plastic waste from entering the sea;

50. Calls for Horizon Europe to include a 'Mission Plastic Free Ocean' in order to use innovation to reduce the amount of plastics entering the marine environment and to collect plastics present in the oceans; reiterates its calls about combatting marine litter (including prevention, increasing ocean literacy, raising awareness about the environmental challenge of plastic pollution and other forms of marine litter, and clean-up campaigns such as fishing for litter and beach clean-ups) as referred to in the joint communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 November 2016 on 'International ocean governance: an agenda for the future of our oceans' (JOIN(2016)0049),; calls for an EU policy dialogue on marine litter between policy-makers, stakeholders and experts;

Global action

51. Calls on the EU to play a pro-active role in developing a Global Plastics Protocol and to ensure that the various commitments made at both the EU and global levels can be tracked in an integrated and transparent manner; calls on the Commission and the Member States to show active leadership in the working group established by the United Nations Environment Assembly in December 2017, to work on international responses for combating plastic marine litter and micro-plastics; emphasises that the issues of plastic pollution and waste management capacities must be a part of the EU's external policy framework, given that a great portion of plastic waste in the oceans originates from countries in Asia and Africa;

52. Calls on all EU institutions, together with the EU Eco-Management and Audit Scheme, to focus on prevention, scrutinise their internal procurement rules and plastic waste management practices and significantly reduce their generation of plastic waste, in particular by replacing, reducing and restricting single-use plastics;

o

o o

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

Thursday 13 September 2018

P8_TA(2018)0353

Options to address the interface between chemical, product and waste legislation

European Parliament resolution of 13 September 2018 on implementation of the circular economy package: options to address the interface between chemical, product and waste legislation (2018/2589(RSP))

(2019/C 433/19)

The European Parliament,

— having regard to Articles 191 and 192 of the Treaty on the Functioning of the European Union, relating to protecting human health and to preserving, protecting and improving the quality of the environment,

— having regard to Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste ([1]),

— having regard to Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment ([2]),

— having regard to Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste ([3]),

— having regard to Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste ([4]),

— having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency ([5]),

— having regard to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 ([6]),

— having regard to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC ([7]),

— having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ([8]),

— having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ([9]),

([1]) OJ L 150, 14.6.2018, p. 109.
([2]) OJ L 150, 14.6.2018, p. 93.
([3]) OJ L 150, 14.6.2018, p. 100.
([4]) OJ L 150, 14.6.2018, p. 141.
([5]) OJ L 396, 30.12.2006, p. 1.
([6]) OJ L 353, 31.12.2008, p. 1.
([7]) OJ L 158, 30.4.2004, p. 7.
([8]) OJ L 285, 31.10.2009, p. 10.
([9]) OJ L 354, 28.12.2013, p. 171.

— having regard to the Commission communication of 16 January 2018 on the implementation of the circular economy package: options to address the interface between chemical, product and waste legislation (COM(2018)0032),

— having regard to the Commission staff working document accompanying the Commission communication of 16 January 2018 on the implementation of the circular economy package: options to address the interface between chemical, product and waste legislation (SWD(2018)0020),

— having regard to the Commission communication of 16 January 2018 on a European Strategy for Plastics in a Circular Economy (COM(2018)0028),

— having regard to the Commission communication of 5 March 2018 entitled 'Commission General Report on the operation of REACH and review of certain elements – Conclusions and Actions (COM(2018)0116),

— having regard to the Commission communication of 30 November 2016 entitled 'Ecodesign Working Plan 2016-2019' (COM(2016)0773,

— having regard to the Commission communication of 2 December 2015 entitled 'Closing the loop – An EU action plan for the Circular Economy' (COM(2015)0614),

— having regard to the Commission communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe' (COM(2011)0571),

— having regard to its resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies ([10]),

— having regard to its resolution of 25 November 2015 on draft Commission Implementing Decision XXX granting an authorisation for uses of bis(2-ethylhexhyl) phthalate (DEHP) under Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([11]),

— having regard to its resolution of 9 July 2015 on resource efficiency: moving towards a circular economy ([12]),

— having regard to its resolution of 17 April 2018 on the implementation of the 7th Environment Action Programme ([13]),

— having regard to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

— having regard to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

— having regard to the Stockholm Convention on Persistent Organic Pollutants,

— having regard to the questions to the Council and to the Commission on implementation of the circular economy package: options to address the interface between chemical, product and waste legislation (O-000063/2018 – B8-0036/2018 and O-000064/2018 – B8-0037/2018),

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

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

([10]) Texts adopted, P8_TA(2017)0287.
([11]) OJ C 366, 27.10.2017, p. 96.
([12]) OJ C 265, 11.8.2017, p. 65.
([13]) Texts adopted, P8_TA(2018)0100.

A. whereas the 7th Environment Action Programme (EAP) provides for the development of a Union strategy for a non-toxic environment, to ensure the minimisation of exposure to chemicals in products, including imported products, with a view to promoting non-toxic material cycles, so that recycled waste can be used as a major, reliable source of raw material for the Union;

B. whereas Article 9 of Directive (EU) 2018/851 stipulates that the measures taken by Member States to prevent waste generation must reduce the generation of waste, in particular waste that is not suitable for preparing for reuse or recycling;

C. whereas Article 9 of Directive (EU) 2018/851 also stipulates that these measures must promote the reduction of the content of hazardous substances in materials and products, and ensure that any supplier of an article as defined in point 33 of Article 3 of REACH provides information pursuant to Article 33(1) of that Regulation to the European Chemicals Agency (ECHA), and that ECHA must establish and maintain a database for data to be submitted to it in this context, and provide access to this database to waste treatment operators and, upon request, to consumers;

D. whereas Article 10(5) of Directive (EU) 2018/851 stipulates that, where necessary to comply with the obligation of preparing for reuse, recycling and other recovery operations and to facilitate or improve recovery, Member States must take the necessary measures, before or during recovery, to remove hazardous substances, mixtures and components from hazardous waste with a view to their treatment in accordance with Articles 4 and 13 of Directive 2008/98/EC ([14]) on waste;

E. whereas Article 7(3) of Regulation (EC) No 850/2004 stipulates that disposal or recovery operations that may lead to recovery, recycling, reclamation or reuse of the substances listed in Annex IV (persistent organic pollutants (POPs)) must be prohibited;

General considerations

1. Welcomes the Commission communication and staff working document of 16 January 2018, as well as the consultation process, but expects swift action in order to tackle the 'interface' problems; supports the overarching vision put forward by the Commission, which is in line with the objectives of the 7th EAP;

2. Considers that the primary aim of the Commission should be to prevent hazardous chemicals from entering the material cycle, to achieve full consistency between the laws implementing waste and chemicals policies and to ensure better implementation of current legislation, while addressing those regulatory gaps that could act as barriers to a sustainable EU circular economy including, in particular, with respect to imported articles;

3. Stresses that in a truly circular economy products must be designed for upgradeability, durability, reparability, reusability and recyclability, and with minimal use of substances of concern;

4. Reiterates that moving towards a circular economy requires strict application of the waste hierarchy and, where possible, phasing out of substances of concern, in particular where safer alternatives exist or will be developed, so as to ensure the development of non-toxic material cycles, which will facilitate recycling and are essential for the sound development of a functioning secondary raw materials market;

5. Calls on the Commission to develop, without any further delay, a Union strategy for a non-toxic environment, as laid down in the 7th EAP;

([14]) OJ L 312, 22.11.2008, p. 3.

6. Calls on the Commission and the Member States, in close conjunction with ECHA, to step up their regulatory activities to promote the substitution of substances of very high concern and to restrict substances that pose unacceptable risks to human health or the environment in the context of REACH and specific sectoral or product legislation, so that recycled waste can be used as a major, reliable source of raw material within the Union;

7. Stresses the need to find local, national, regional and European solutions by involving all stakeholders, with a view to detecting chemicals of concern in recycling streams and removing them therefrom;

8. Calls on companies to fully embrace a forward-looking holistic approach to progressive chemicals management by seizing the opportunity to substitute toxic substances in products and supply chains, accelerating and leading the innovation of the market;

9. Stresses that the implementation of chemicals, product and waste legislation may present a challenge for small and medium-sized enterprises (SMEs); highlights that their specific case should be taken into account when taking actions, without compromising the level of protection of human health and the environment; points to the need for clear and easily accessible information to ensure that SMEs have the necessary prerequisites to fully comply with all legislation in the area;

10. Considers that, in the event of risk of overlapping legislation, it is imperative to clarify the interlinkages, to ensure coherence and to exploit possible synergies;

11. Underlines that it is of the utmost importance that transparency on the presence of substances of concern in consumer products be improved in order to establish public trust in the safety of secondary raw materials; points out that improved transparency would further reinforce incentives to phase out the use of substances of concern;

Insufficient information about substances of concern in products and waste

12. Considers that substances of concern are those that meet the criteria set out in Article 57 of REACH as substances of very high concern, substances prohibited under the Stockholm Convention (POPs), specific substances restricted in articles listed in Annex XVII to REACH and specific substances regulated under specific sectoral and/or product legislation;

13. Reiterates its call on the Commission to fulfil its commitments to protecting citizens' health and the environment from endocrine disrupting chemicals; expects the Commission to deliver, without any further delay, its strategy on endocrine disruptors to minimise exposure of EU citizens to endocrine disruptors beyond pesticides and biocides;

14. Stresses that all substances of concern should be tracked as soon as possible, and that information relating to these substances, including their composition and concentration, should be made fully available to all those involved in the supply chain, to recyclers and to the public, while taking into account existing systems and considering the option of sector-specific tracking solutions; welcomes, as a first step in this direction, the new provisions included in Article 9 of Directive (EU) 2018/851 on waste;

15. Calls, in this context, on the Member States and the Commission, in conjunction with ECHA, to increase their efforts to ensure that, by 2020, all relevant substances of very high concern, including substances that meet the equivalent level of concern criterion, such as endocrine disruptors and sensitisers, are placed on the REACH candidate list, as laid down in the 7th EAP;

16. Believes that, in line with the existing requirements for imports laid down by REACH, the tracking system should also encompass all products imported into the Union that may contain substances of concern; specifies, furthermore, the importance of addressing the issue of non-registered substances in imported articles; stresses that deeper collaboration related to imported articles is needed at international level, with actors such as the United Nations Environment Programme (UNEP), third countries facing similar challenges with imported articles, and exporting countries;

17. Notes that, in line with the conclusions of the Commission's second REACH review, the quality of the data on chemicals hazards, uses and exposure in the REACH registration dossiers should be improved;

18. Considers that, in line with Article 20(2) of REACH (completeness check of registration), ECHA should not grant market access to chemicals with incomplete and inadequate registration dossiers and should make sure that the necessary information is generated as soon as possible; recalls that it is crucial that the information provided for registration dossiers is accurate, adequate, reliable, relevant and trustworthy; calls on ECHA to step up its efforts in the context of Article 41 of REACH (compliance check of registration), so as to end the situation of non-compliant dossiers and to ensure that no market access is granted to chemicals with non-compliant registration dossiers; calls on registrants and the Member States to play their part in ensuring that REACH registration dossiers are compliant and kept up to date;

Addressing the presence of substances of concern in recycled materials

19. Stresses that the Union must ensure the same level of protection for human health and the environment, whether products are made of primary or recovered materials;

20. Reiterates that, in accordance with the waste hierarchy, prevention takes priority over recycling and that, accordingly, recycling should not justify the perpetuation of the use of hazardous legacy substances;

21. Considers that all primary and secondary raw materials should in principle be subject to the same rules; points out, however, that it is not always possible to ensure that materials from recycled products are totally identical to primary raw materials;

22. Points out that Union rules should ensure that materials recycling does not perpetuate the use of hazardous substances; notes with concern that legislation preventing the presence of chemicals in products, including imports, is scattered, is neither systematic nor consistent and applies only to very few substances, products and uses, often with many exemptions; regrets the lack of progress on developing a Union strategy for a non-toxic environment with the aim, among other things, of reducing exposure to substances of concern in products;

23. Highlights that the possibility to recycle materials containing substances of concern should only be envisaged when there are no substitute materials without substances of concern; considers that any such recycling should take place in closed or controlled loops without endangering human health, including workers' health, or the environment;

24. Hopes that innovative recycling practices will help to decontaminate waste containing substances of concern;

25. Considers that the issue of products containing legacy substances should be dealt with by means of an efficient registration, tracking and disposal system;

26. Believes, as more than 80 % of the environmental impact of a product is determined at the design stage, that the Ecodesign Directive and other product-specific legislation should be used in addition to REACH to introduce requirements to substitute substances of concern; stresses that the use of substances of a toxic nature or substances of concern, such as POPs and endocrine disrupters, should be specifically considered under the broadened ecodesign criteria, without prejudice to other harmonised legal requirements laid down at Union level concerning those substances;

27. Highlights that it is crucial to ensure a level playing field between EU-produced and imported articles; considers that EU-produced articles must not, under any circumstances, be disadvantaged; asks the Commission, therefore, to ensure the timely use of restrictions in REACH and other product legislation, so that EU-produced and imported products are subject to the same rules; stresses, in particular, that the phase-out or substitution of substances of very high concern resulting from the authorisation scheme under REACH should be matched by restrictions that apply concurrently; calls on the competent authorities in the Member States to increase controls on imported materials to ensure compliance with REACH and product legislation;

28. Stresses that enforcement of chemicals and product legislation at EU borders should be improved;

29. Takes the view that, in order to address the issue of the presence of substances of concern in recycled materials, it would be advisable to introduce a product passport as a tool to disclose materials and substances used in products;

Uncertainties about how materials can cease to be waste

30. Stresses that clear EU rules specifying the conditions that must be met to exit the waste regime are needed, and that harmonised end-of-waste criteria are required; considers that such clear EU rules must be designed so as to be practicable for SMEs as well;

31. Believes that measures should be taken at EU level to bring about more harmonisation in the interpretation and implementation by Member States of end-of-waste provisions laid down in the Waste Framework Directive, with a view to facilitating the use of recovered materials in the EU;

32. Calls on the Member States and the Commission to cooperate fully regarding the end-of-waste criteria;

Difficulties in the application of EU waste classification methodologies and impacts on the recyclability of materials (secondary raw materials)

33. Believes that the rules for classifying waste as hazardous or non-hazardous should be consistent with those for the classification of substances and mixtures under the CLP (classification, labelling and packaging) Regulation, taking into account the specifics of waste and the way in which it is handled, and welcomes, furthermore, the new technical guidance on waste classification; emphasises the need to further develop the classification framework for waste and chemicals to include hazard endpoints of high concern, such as high persistence, endocrine disruption, bioaccumulation or neurotoxicity;

34. Calls on the Commission, with respect to the classification of waste streams, to clarify the correct interpretation of the CLP Regulation to prevent misclassification of waste containing substances of concern;

35. Stresses that the lack of enforcement of EU waste legislation is unacceptable and must be addressed as a matter of priority, including through country reports contained within the Environmental Implementation Review, as a more consistent approach between chemicals and waste classification rules is needed;

36. Calls on the Commission to review the European List of Waste without delay;

o

o o

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

Thursday 13 September 2018

P8_TA(2018)0354

A European One Health Action Plan against Antimicrobial Resistance

European Parliament resolution of 13 September 2018 on a European One Health Action Plan against Antimicrobial Resistance (AMR) (2017/2254(INI))

(2019/C 433/20)

The European Parliament,

— having regard to Article 168 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the 2017 World Health Organisation (WHO) guidelines on use of medically important antimicrobials in food-producing animals,

— having regard to the report of the Federation of Veterinarians of Europe of 29 February 2016, providing replies to questions from the European Medicines Agency (EMA) and the European Food Safety Authority (EFSA) on antimicrobial use in food-producing animals ([1]),

— having regard to the Council conclusions of 17 June 2016 on the next steps under a One Health approach to combat antimicrobial resistance,

— having regard to the Council conclusions of 17 June 2016 on strengthening the balance in the pharmaceutical systems in the EU and its Member States,

— having regard to the Council conclusions of 6 June 2011 entitled 'Childhood immunisation: successes and challenges of European childhood immunisation and the way forward', adopted by the Health Ministers of the EU Member States,

— having regard to the Council conclusions of 6 December 2014 on vaccinations as an effective tool in public health,

— having regard to its resolution of 19 May 2015 entitled 'Safer healthcare in Europe: improving patient safety and fighting antimicrobial resistance' ([2]),

— having regard to its resolution of 11 December 2012 entitled 'The Microbial Challenge – Rising threats from Antimicrobial Resistance' ([3]),

— having regard to Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC ([4]),

— having regard to the Commission communication of 29 June 2017 on a European One Health Action Plan against Antimicrobial Resistance (COM(2017)0339),

— having regard to its resolution of 26 November 2015 on a new animal welfare strategy for 2016-2020 ([5]),

— having regard to the WHO Global Vaccine Action Plan (GVAP), endorsed by the 194 Member States of the World Health Assembly in May 2012,

([1]) Federation of Veterinarians of Europe, 'Antimicrobial use in food-producing animals: Replies to EFSA/EMA questions on the use of antimicrobials in food-producing animals in EU and possible measures to reduce antimicrobial use', 2016.
([2]) OJ C 353, 27.9.2016, p. 12.
([3]) OJ C 434, 23.12.2015, p. 49.
([4]) OJ L 293, 5.11.2013, p. 1.
([5]) OJ C 366, 27.10.2017, p. 149.

Thursday 13 September 2018

— having regard to the WHO European Vaccine Action Plan (EVAP) 2015-2020,

— having regard to the general interest paper entitled 'The Role of the European Food Safety Authority (EFSA) in the Fight against Antimicrobial Resistance (AMR)', published in the journal Food Protection Trends in 2018,

— having regard to the Commission Roadmap for a strategic approach to pharmaceuticals in the environment and the current draft of the strategic approach ([6]),

— having regard to the UN Political Declaration of the high-level meeting of the General Assembly on antimicrobial resistance of 21 September 2016,

— having regard to the World Bank report of March 2017 entitled 'Drug-Resistant Infections: A Threat to Our Economic Future',

— having regard to the proposal for a regulation of the European Parliament and of the Council on veterinary medicinal products (COM(2014)0558),

— having regard to the Organisation for Economic Co-operation and Development (OECD) report of September 2015 entitled 'Antimicrobial Resistance in G7 Countries and Beyond: Economic Issues, Policies and Options for Action',

— having regard to the EMA/EFSA Joint Scientific Opinion on measures to reduce the need to use antimicrobial agents in animal husbandry in the European Union, and the resulting impacts on food safety (RONAFA opinion),

— having regard to the Seventieth World Health Assembly resolution of 29 May 2017 on improving the prevention, diagnosis and clinical management of sepsis,

— having regard to the European Centre for Disease Prevention and Control (ECDC)-EFSA-EMA first joint report (JIACRA I), published in 2015, and second joint report (JIACRA II), published in 2017, on the integrated analysis of the consumption of antimicrobial agents and occurrence of antimicrobial resistance in bacteria from humans and food-producing animals,

— having regard to its resolution of 2 March 2017 on EU options for improving access to medicines ([7]),

— having regard to the ECDC's 2016 report on the surveillance of antimicrobial resistance in Europe,

— having regard to the European Union summary report on antimicrobial resistance in zoonotic and indicator bacteria from humans, animals and food in 2016, produced by the ECDC and EFSA ([8]),

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

— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Agriculture and Rural Development (A8-0257/2018),

A. whereas the excessive and incorrect use of antibiotics, particularly in livestock farming (antibiotics used for prophylaxis and as growth activators), and poor infection control practices in both human and veterinary medicine have progressively rendered antimicrobial resistance (AMR) a massive threat to human and animal health;

([6]) https://ec.europa.eu/info/consultations/public-consultation-pharmaceuticals-environment_en#add-info
([7]) Texts adopted, P8_TA(2017)0061.
([8]) http://www.efsa.europa.eu/en/press/news/180227

B. whereas it is estimated that at least 20 % of healthcare-associated infections (HAIs) can be prevented through sustained and multifaceted infection prevention and control programmes ([9]);

C. whereas prudent antibiotic use and infection prevention and control in all healthcare sectors, including animal health, are cornerstones for the effective prevention of the development and transmission of antibiotic-resistant bacteria;

D. whereas 50 % of antibiotic prescriptions written for humans are ineffective and 25 % of consumption in humans is not well administrated; whereas 30 % of hospitalised patients use antibiotics and whereas multidrug-resistant bacteria pose a particular threat in hospitals and nursing homes and among patients whose care requires devices such as ventilators and blood catheters;

E. whereas antibiotics continue to be used in animal husbandry for disease prevention and to compensate for poor hygiene rather than being prescribed in cases of need, which contributes to the emergence of antimicrobial-resistant bacteria in animals which can then be transmitted to humans;

F. whereas the existence of a correlation between resistance to antibiotics detected in food-producing animals (e.g. broiler chickens) and the fact that a large proportion of bacterial infections in humans come from the handling, preparation and consumption of the meat of these animals has also been confirmed by the EU agencies ([10]);

G. whereas the misuse of antibiotics is eroding their efficacy and leading to the spread of highly resistant microbes that are especially resistant to last-line antibiotics; whereas according to data provided by the OECD, an estimated 7 00 000 deaths worldwide may be caused by AMR every year; whereas 25 000 of these deaths occur in the EU and the rest outside the EU, meaning that cooperation in development policy and coordination and monitoring of AMR at international level are crucial;

H. whereas AMR could cause up to 10 million deaths per year in 2050 if no action is taken; whereas 9 million of these estimated deaths would occur outside the EU in developing countries, particularly in Asia and Africa; whereas infections and resistant bacteria spread easily and there is therefore an urgent need for global action;

I. whereas vaccinations and rapid diagnostic tools (RDTs) have the potential to limit antibiotic abuse; whereas RDTs enable healthcare professionals to quickly diagnose a bacterial or viral infection and therefore to reduce the misuse of antibiotics and the risk of resistance developing ([11]);

J. whereas the continued spread of highly resistant bacteria could make it impossible to provide good healthcare in the future when it comes to invasive operations or well established treatments for some groups of patients requiring radiotherapy, chemotherapy and transplants;

K. whereas bacteria are constantly evolving, the research and development (R&D) and regulatory environments are complex, certain specific infections are rare, and expected returns on new antimicrobials remain limited;

([9]) https://ecdc.europa.eu/sites/portal/files/media/en/publications/Publications/healthcare-associated-infections-antimicrobial-use-PPS.pdf

([10]) EFSA, ECDC, 'The European Union Summary report on antimicrobial resistance in zoonotic and indicator bacteria from human, animal and food in 2014', 2016.

([11]) World Health Organisation, 'Global guidelines on the prevention of surgical site infection', 2016. Available at: http://www.who.int/gpsc/ssi-guidelines/en/

Thursday 13 September 2018

L. whereas HAIs are due to a lack of prevention measures which result in antibiotic-resistant bacteria and poor hygiene practices, particularly in hospitals; whereas the ECDC estimates that approximately 4 million patients acquire a HAI every year in the EU and that approximately 37 000 deaths a year result directly from these infections; whereas the number of deaths could be even higher than this; whereas the previous figure of 25 000 deaths in the Union per year has proven to be a serious underestimate;

M. whereas the lack of access to effective antibiotics in developing countries still causes more deaths than AMR; whereas actions to address AMR that focus too heavily on restricting access to antibiotics may exacerbate the already serious crisis of the lack of access to medicines, which today causes more than one million deaths per year in children under five; whereas actions to address AMR must aim to ensure sustainable access to medicines for all, meaning access for those in need but excess for none;

N. whereas several Member States are experiencing rapidly rising levels of multi-resistant fungi leading to a sharp increase in the length of hospitalisations and increased mortality rates for infected patients; whereas the American Centre for Disease Control and Prevention has raised awareness of the issue; whereas this specific issue is conspicuously absent in the European One Health Action Plan against AMR;

O. whereas active screening programmes using RDTs have been proven to contribute significantly to the management of HAIs and to limiting their spread within hospitals and between patients ([12]);

P. whereas the use of antibiotic compounds in non-clinical consumer products has been shown to increase the risk of generating drug-resistant bacteria strains ([13]);

Q. whereas good hand hygiene, in the form of effective hand washing and drying, can contribute to preventing AMR and the transmission of infectious diseases;

R. whereas the use of medical devices can prevent surgical site infections and therefore prevent and control the development of AMR ([14]);

S. whereas there are successful examples of programmes that have improved global access to drugs in HIV, tuberculosis (TB) and malaria;

T. whereas nosocomial infections pose a major threat to preserving and guaranteeing basic healthcare throughout the world;

U. whereas if the current trend continues, AMR could cause more deaths than cancer by 2050 ([15]);

V. whereas the ECDC and EFSA have reiterated that AMR constitutes one of the greatest threats to public health ([16]);

W. whereas drug-resistant TB is the leading cause of death from AMR;

([12]) Celsus Academie voor Betaalbare Zorg, 'Cost-effectiveness of policies to limit antimicrobial resistance in Dutch healthcare organisations', January 2016. Available at: https://goo.gl/wAeN3L
([13]) http://ec.europa.eu/health/ph_risk/committees/04_scenihr/docs/scenihr_o_021.pdf
([14]) World Health Organisation, 'Global guidelines on the prevention of surgical site infection', 2016. Available at: http://www.who.int/gpsc/ssi-guidelines/en/
([15]) https://amr-review.org/sites/default/files/160525_Final%20paper_with%20cover.pdf
([16]) http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2018.5182/epdf

X. whereas in its report of March 2017, the World Bank warned that by 2050, drug-resistant infections could cause global economic damage on a par with the 2008 financial crisis;

Y. whereas AMR must be seen and understood as a threat to human, animal and planetary health and as a direct threat to the achievement of several of the Sustainable Development Goals (SDGs) outlined in the 2030 Agenda for Sustainable Development, including, but not limited to, SDG 1, SDG 2, SDG 3 and SDG 6;

Z. whereas the objectives of the One Health approach are to ensure that treatments for human and animal infections remain effective, to stem the emergence and spread of AMR and to enhance the development and availability of new effective antimicrobials in the EU and the rest of the world;

AA. whereas the Council conclusions on the next steps under a One Health approach to combat antimicrobial resistance ([17]) ask the Commission and the Member States to align the strategic research agendas of existing EU R&D initiatives on new antibiotics, alternatives and diagnostics within a One Health Network on AMR;

AB. whereas the Charter of Fundamental Rights of the European Union recognises the fundamental right of citizens to health and medical treatment; whereas the right to health is the economic, social and cultural right to universal minimum standards of healthcare, to which all natural persons are entitled;

AC. whereas a key pillar of any EU-wide strategy for AMR must be to ensure the continued training of healthcare professionals in the latest developments in research and best practices in relation to the prevention and spread of AMR;

AD. whereas the World Health Assembly estimates that sepsis – a syndromic response to infectious diseases – causes approximately 6 million deaths worldwide every year, most of which are preventable;

AE. whereas as per their joint mandate, the ECDC, EFSA and the EMA are currently working to provide outcome indicators for AMR and the consumption of antimicrobials among food-producing animals and humans;

AF. whereas nature provides us with a plethora of powerful antibiotics, which could be harnessed to a far greater degree than is presently the case;

AG. whereas the latest EMA data show that action to reduce veterinary antimicrobial use has been inconsistent across the EU ([18]); whereas some Member States have achieved significant reductions in the use of veterinary antimicrobials over a short period of time thanks to ambitious national policies, as illustrated by a series of fact-finding missions carried out by the Commission's Health and Food Audits and Analysis Directorate ([19]);

AH. whereas AMR is a cross-border threat to health, but the situation varies greatly from one Member State to another; whereas the Commission must therefore identify and act in areas that bring high European added value, while respecting the powers of the Member States, which are responsible for determining their own health policies;

AI. whereas effective action against AMR must be part of a broader international initiative engaging as many international institutions, agencies and experts as possible, as well as the private sector;

([17]) http://www.consilium.europa.eu/en/press/press-releases/2016/06/17/epsco-conclusions-antimicrobial-resistance/
([18]) http://www.ema.europa.eu/ema/index.jsp?curl=pages/news_and_events/news/2017/10/news_detail_002827.jsp&mid=WC0b01ac058004d5c1
([19]) http://ec.europa.eu/food/audits-analysis/audit_reports/index.cfm

Thursday 13 September 2018

AJ. whereas the main causes of AMR are inappropriate use and abuse of antimicrobials, weakness of systems for the quality assurance of medicines, use of antimicrobials in livestock to promote growth or prevent diseases, deficiencies in the prevention and control of infections, and weaknesses in surveillance systems, among others;

AK. whereas patients should have access to healthcare and treatment options, including complementary and alternative treatments and medicines, in accordance with their own choices and preferences;

AL. whereas it is estimated that the cost of taking global action on AMR is up to USD 40 billion over a 10-year period;

AM. whereas AMR-related challenges will increase in the years ahead and effective action is reliant on continued, cross-sectoral investments in public and private research and innovation (R&I) so that better tools, products and devices, new treatments and alternative approaches can be developed following a One Health approach;

AN. whereas under the Fifth to Seventh Framework Programmes (FP5-FP7), more than EUR 1 billion has been invested in AMR research, and under Horizon 2020 (H2020), a cumulative budget of over EUR 650 million has already been mobilised so far; whereas the Commission has committed to invest more than EUR 200 million in AMR for the last three years of Horizon 2020;

AO. whereas different funding instruments under H2020 will deliver research results on AMR, in particular:

— the Innovative Medicines Initiative (IMI), with a focus on all aspects of antibiotic development including research into AMR mechanisms, drug discovery, drug development, and economics and stewardship, with seven ongoing projects under the umbrella of the ND4BB programme with a total budget of more than EUR 600 million of Commission funding and in-kind contributions from companies;

— the European and Developing Countries Clinical Trials Partnership (EDCTP), with a focus on the development of new and improved drugs, vaccines, microbicides and diagnostics against HIV/AIDS, TB and malaria, with 32 ongoing projects worth more than EUR 79 million;

— the Joint Programming Initiative on AMR (JPIAMR) with its focus on consolidation of otherwise fragmented national research activities and with ongoing projects worth EUR 55 million;

— the European Research Council (ERC), with its 'investigator-driven' or 'bottom-up' research projects;

— the InnovFin Infectious Diseases Financial Facility (IDFF) for close-to-market projects, with seven loans totalling EUR 125 million granted so far;

— the SME Instrument and Fast Track to Innovation (FTI) which support SMEs in developing novel solutions and tools to prevent, diagnose and treat infectious diseases and improve infection control, with 36 AMR-related projects and a budget of EUR 33 million;

AP. whereas more than 20 new classes of antibiotics were developed until the 1960s, but only one new class of antibiotics has been developed since despite the spread and progress of new resistant bacteria; whereas, moreover, there is clear evidence of resistance to new agents within existing classes of antibiotics;

AQ. whereas there are positive spillover effects of new antimicrobials on public health and science;

AR. whereas the use of antibiotics for zootechnical purposes – as growth promoters, for example – represents misuse of these health products and is denounced by all international health organisations, which recommend its prohibition in the fight against AMR; whereas the use of antibiotics as growth promoters in food-producing animals has been banned in the EU since 2006;

AS. whereas numerous diseases caused by microbes can be combated effectively not with antibiotics, leading to drug resistance, but through early diagnosis combined with new and existing medicines and other treatment methods and practices permitted in the EU, thereby saving the lives of millions of people and animals EU-wide;

AT. whereas the gap between growing AMR and the development of new antimicrobial agents is widening; whereas drug-resistant diseases could cause 10 million deaths a year worldwide by 2050; whereas it is estimated that every year in the EU at least 25 000 people die of infections caused by resistant bacteria, at an annual cost of EUR 1.5 billion, while only one novel class of antibiotics has been developed in the past 40 years;

AU. whereas if antibiotics reserved exclusively for human use are to continue to be effective and the risks of AMR against these crucial antibiotics are to be minimised, the use of certain antibiotic families must be banned in veterinary medicine; whereas the Commission should specify which antibiotics or groups of antibiotics are to be reserved for the treatment of certain infections in humans;

AV. whereas the political declaration endorsed by Heads of State at the United Nations General Assembly in New York in September 2016 and the Global Action plan in May 2015 signalled the world's commitment to taking a broad, coordinated approach to address the root causes of antimicrobial resistance across multiple sectors;

AW. whereas the oft-cited figures of 25 000 AMR-related deaths in the EU per year and related costs of over EUR 1.5 billion date back to 2007 and whereas continuously updated information on the real burden of AMR is required; emphasises that the magnitude of the problem is evidence of the clear need for a European One Health Action Plan Against AMR;

The EU as a best-practice region

1. Believes that in order to take sufficient steps to tackle AMR, the One Health principle must play a central role, reflecting the fact that the health of people and animals and the environment are interconnected and that diseases are transmitted from people to animals and vice versa; stresses, therefore, that diseases have to be tackled in both people and animals, while also taking into special consideration the food chain and the environment, which can be another source of resistant microorganisms; underlines the important role of the Commission in coordinating and monitoring national action plans implemented by Member States and the importance of cross-administrative cooperation;

2. Stresses the need for a time frame for the European One Health Action Plan; calls on the Commission and the Member States to include measurable and binding AMR objectives with ambitious targets, both in the European One Health Action Plan and in national action plans, to enable benchmarking;

3. Stresses that the correct and prudent use of antimicrobials is essential to limiting the emergence of AMR in human healthcare, animal husbandry and aquaculture; stresses that there are considerable differences in the way Member States handle and address AMR, making the coordination of national plans with specific objectives set crucial; highlights that the Commission plays a key role in coordinating and monitoring national strategies; underlines the need for a cross-sectoral (particularly in the next EU research and innovation framework programme (FP9)) and cross-media implementation of the concept of One Health, which has not yet been sufficiently achieved in the Commission's action plan; insists that the use of antibiotics for preventive purposes in veterinary medicine should be strictly regulated, in accordance with the provisions of the forthcoming regulation on veterinary medicinal products;

Thursday 13 September 2018

4. Recommends that the newly-created One Health Network and the EU Joint Action on Antimicrobial Resistance and Healthcare-Associated Infections (EU-JAMRAI) should also involve other key relevant stakeholders in addition to Member States;

5. Calls on the Commission to conduct and publish a mid-term evaluation and ex-post evaluation of the One Health Action Plan and to involve all relevant stakeholders in the evaluation procedure;

6. Stresses that joint EU action to tackle the increasing threat to human and animal health and the environment posed by antibiotic-resistant bacteria can only succeed if it is based on standardised data; calls on the Commission, therefore, to develop and propose appropriate procedures and indicators to measure and compare progress in the fight against AMR and to ensure the submission and evaluation of standardised data;

7. Notes that the recently adopted EU indicators helping Member States to monitor their progress in combating AMR only focus on antibiotic consumption and do not reflect appropriateness of use; calls on the ECDC to amend the EU indicators accordingly;

8. Calls on the Commission to collect data on and report the volume of antibiotics produced by manufacturers;

9. Calls on the Commission and the Member States to align surveillance, monitoring and reporting of AMR patterns and pathogens and to submit this data to the Global Antimicrobial Resistance Surveillance System (GLASS); underlines, furthermore, that the systematic collection of all relevant and comparable data on the volume of sales is of the utmost importance; calls on the Commission to draft, in consultation with the EMA, EFSA and the ECDC, an EU priority pathogen list (PPL), taking into account the WHO's global PPL, for both humans and animals, thereby clearly establishing future R&D priorities; asks the Commission, furthermore, to encourage and support Member States in putting in place and monitoring national targets for the surveillance and reduction of AMR/HAIs;

10. Calls on the Commission to develop standardised surveys for the collection of data on HAIs and to examine the risks to large human and animal populations during epidemics and pandemics;

11. Highlights that better sharing of local, regional and national information and data on emerging issues in human and animal health together with the use of early warning systems can assist Member States in adopting appropriate containment measures to limit the spread of resistant organisms;

12. Calls for the expansion of the role and the human and financial resources of all the relevant EU agencies in the fight against AMR and HAIs; believes that close collaboration between EU agencies and EU-funded projects is paramount;

13. Urges the Commission and the Member States to submit regular and accurate reports on the number of confirmed cases of AMR in humans along with correct and up-to-date AMR mortality statistics;

14. Emphasises that monitoring animal husbandry for agriculture and the food industry, infection prevention, health education, biosecurity measures, active screening programmes and control practices are critical in the control of all infectious microorganisms as they reduce the need for antimicrobials and consequently opportunities for microorganisms to develop and spread resistance; stresses the need for mandatory reporting to public health authorities of all patients who are found to be infected with or identified as carriers of highly resistant bacteria; stresses the need for guidelines on isolation of hospitalised carriers and the creation of a multidisciplinary professional taskforce reporting directly to national ministries of health;

15. Highlights the need for an EU system for the collection of data on the correct use of all antibiotics; asks for the development of protocols for the prescription and use of antibiotics at EU level, recognising the responsibility of veterinarians and primary care doctors, among others, in this matter; asks, furthermore, for the compulsory collection, at national level, of all antibiotic prescriptions and for their registration in a database controlled and coordinated by experts in infections, so as to disseminate knowledge on how best to use them;

16. Deplores the fact, in this context, that the Commission did not propose a strategic approach to the pollution of water with pharmaceuticals sooner, as required by the Water Framework Directive ([20]); urges the Commission and the Member States, therefore, to draw up an EU strategy for tackling drug residues in water and the environment without delay, devoting sufficient attention to monitoring, data collection and better analysis of the impact of AMR on water resources and the aquatic ecosystem; draws attention to the usefulness of an integrated chain approach to drug residues and AMR in the environment ([21]);

17. Stresses that pollution of water and soil by human and veterinary antibiotic residues is a growing problem and that the environment itself is a potential source of new resistant micro-organisms; calls on the Commission, therefore, to pay significantly more attention to the environment as part of the One Health concept;

18. Recalls that the oft-cited figures of 25 000 AMR-related deaths in the EU per year and related costs of over EUR 1.5 billion date back to 2007 and that continuously updated information on the real burden of AMR is required;

19. Recalls that health is a factor of productivity and competitiveness, and is one of the issues of most concern for citizens;

20. Calls on the Commission to expand its funding to EUCAST, which deals with the technical aspects of phenotypic in vitro antimicrobial susceptibility testing and functions as the breakpoint committee of the EMA and the ECDC;

21. Urges the Commission to allocate additional funding specifically for research into non-therapeutic feed alternatives for application in animal husbandry in the 2021-2027 Multiannual Financial Framework (MFF);

22. Supports, as a minimum, the Council's response to the draft Codex Alimentarius Code of Practice to Minimise and Contain Antimicrobial Resistance, and its principles 18 and 19 on the responsible and prudent use of antimicrobials;

23. Encourages a focus on compliance with infection control guidelines, integrating infection rate reduction targets and supporting good practices to help to address patient safety in the hospital environment;

24. Calls on the Commission, the ECDC and the Member States to encourage the use of single-use handtowels in hygiene-sensitive locations, such as healthcare institutions, food processing facilities and nurseries;

([20]) Article 8(c) of Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy (OJ L 226, 24.8.2013, p. 1).

([21]) As formulated in the Netherlands by the Ministry of Infrastructure and Public Works, the National Institute for Public Health and the Environment (RIVM), the water industry and water boards.

25. Recalls that food is one of the possible vehicles for transmission of resistant bacteria from animals to human beings and, furthermore, that drug-resistant bacteria can circulate in populations of human beings and animals through water and the environment; takes note of the risks of infection with resistant organisms by contaminated crops treated with antimicrobial agents or by manure, and farmyard run-offs into groundwater; points out, in this context, that the spread of such bacteria is influenced by trade, travel and both human and animal migration;

26. Calls on the Commission and the Member States to develop public health messages to raise public awareness and in doing so promote a change in behaviour towards the responsible use and handling of antibiotics, particularly prophylactic use; underlines the importance of promoting 'health literacy', since it is crucial that patients understand healthcare information and are able to follow treatment instructions accurately; stresses that preventive measures, including good hygiene, should be scaled up to reduce the human demand for antibiotics; stresses that awareness of the perils of self-medication and over-prescription should be a core component of a preventive strategy;

27. Calls on the Member States to develop public health messages to raise public awareness of the link between infections and personal hygiene; emphasises that an effective means to reduce the use of antimicrobials is to stop infections from spreading in the first place; encourages the promotion of self-care initiatives in this regard;

28. Calls on the Commission and the Member States to develop strategies to support patients' adherence to and compliance with antibiotic and other appropriate treatments as prescribed by medical professionals;

29. Urges the Commission to propose guidelines, following the One Health approach, setting out best practices for the development of harmonised quality standards to be implemented in EU-wide curricula in order to foster interdisciplinary education, infection prevention and training programmes for healthcare professionals and the public, to ensure the proper conduct of health professionals and veterinary practitioners in relation to the prescription, dosage, use and disposal of antimicrobials and AMR-contaminated materials ([22]) and to ensure the establishment and deployment of multidisciplinary antibiotic stewardship teams in hospital settings;

30. Emphasises that one third of prescriptions are made out in the primary care sector and therefore that this sector should be considered a priority in use protocols; stresses the need for specialists in infectious diseases in the elaboration of these protocols and in their control and follow-up; calls on the Commission to draft guidelines for the use of these protocols in the field of human health; calls on the Member States to review all existing protocols, especially for prophylactic use during surgery; welcomes current projects at national level, such as the PIRASOA programme, as examples of good practice with regard to rational use in primary care and hospitals; encourages the development of mechanisms through which to share best practices and protocols;

31. Is aware that health professionals often need to make quick decisions on therapeutic indication for antibiotic treatment; notes that rapid diagnostic tests can help to support effective and accurate decision-making;

32. Encourages Member States to prevent the spread of infection by resistant bacteria by implementing active screening programmes with rapid diagnostic technologies in order to quickly identify patients infected with multi-drug resistant bacteria and to put in place appropriate infection control measures (such as patient isolation, cohorting and reinforced hygiene measures);

33. Is aware that the cost of RDTs may exceed the price of antibiotics; calls on the Commission and the Member States to propose incentives for the industry to develop effective, inexpensive and efficient testing methods and the use of RDTs; stresses that RDTs are only available nationwide in 40 % of OECD countries; calls on health insurance carriers to cover the extra cost arising from the use of RDTs, given the long-term benefits of preventing the unnecessary use of antimicrobials;

([22]) Article 78 of the forthcoming regulation on veterinary medicinal products.

34. Calls on the Commission and the Member States to restrict the sale of antibiotics by the human and animal health professionals who prescribe them and to remove any incentives – financial or otherwise – for the prescription of antibiotics, while continuing to ensure sufficiently rapid access to emergency veterinary medicine; stresses that many antimicrobials are used in both humans and animals, that some of these antimicrobials are critical for preventing or treating life-threatening infections in humans, and that their use on animals should therefore be banned; stresses that these antimicrobials should be reserved for the treatment of humans alone in order to preserve their efficacy in the treatment of infections in humans for as long as possible; considers that Member States should be allowed to implement or maintain stricter measures regarding the restriction of sales of antibiotics;

35. Calls on the Commission and the Member States to take firm action against the illegal sale of antimicrobial products or their sale without a doctor's or veterinarian's prescription in the EU;

36. Highlights the value of vaccines and diagnostic tools in combating AMR and HAIs; recommends the integration of targets for life-long vaccination and infection control in the population, particularly in high-risk groups, as a key element of national action plans on AMR; stresses the importance, furthermore, of accessible information and awareness raising among the general public to boost the vaccination rate in human and veterinary healthcare and thus tackle diseases and AMR cost-effectively;

37. Stresses that the European One Health Action Plan against AMR observes that immunisation by means of vaccination is a cost-effective health intervention in efforts to combat AMR ([23]) and that, in the Action Plan, the Commission announces incentives to promote the use of diagnostics, antimicrobial alternatives and vaccines ([24]), but that the relatively higher costs of diagnosis, antimicrobial alternatives and vaccination compared with conventional antibiotics are an obstacle to increasing the vaccination rate, as the Action Plan aims to do ([25]); underlines that various Member States already regard vaccination as an important policy measure, both to prevent outbreaks of animal diseases across borders and to restrict further risks of contagion for the EU agricultural market, and have therefore introduced it as such;

38. Calls on Member States to step up efforts to prevent and control infections that can lead to sepsis; calls on Member States to include targeted measures to improve the prevention, early identification and diagnosis, and clinical management of sepsis in their national AMR action plans;

39. Calls on the Commission to explore how best to leverage the potential of the European Reference Networks for rare diseases and to assess their possible role in AMR research;

40. Highlights that the pollution of the environment by human and animal antibiotic residues, particularly by livestock farming, hospitals and households, is an emerging problem that requires coherent policy measures to prevent the spread of AMR among ecosystems, animals and people; encourages further research into transmission dynamics and the relative impact of this pollution on AMR; calls, therefore, for the development of synergies between the One Health approach and existing environmental monitoring data, in particular in the form of monitoring watch lists under the Water Framework Directive, in order to improve knowledge of the occurrence and spread of antimicrobials in the environment;

41. Notes that bacteria exposed to herbicides respond differently to clinically relevant antibiotics; notes the frequency of changes in resistance to antibiotics induced by the use of approved herbicides and antibiotics and that the effects of these changes escape regulatory oversight;

42. Calls on the Commission to take appropriate steps to address the release of pharmaceuticals, including antimicrobials, into the environment through wastewater and wastewater treatment plants, as a major factor in the emergence of AMR;

([23]) European Commission, 'A European One Health Action Plan against Antimicrobial Resistance (AMR)', June 2017, p. 10.
([24]) Ibid., p. 12.
([25]) Ibid., p. 15.

43. Calls for a review of the environmental risk assessments as part of the marketing authorisation process for antimicrobials, as well as for older products already on the market; calls for strict adherence to the EU Good Manufacturing Practices (GMPs) and green procurement rules as regards the production and distribution of pharmaceuticals and the release of antibiotics into the environment;

44. Urges the Commission and the Member States to address the issue of rapidly rising levels of multi-drug resistant fungi by reviewing the use of fungicides in the agricultural and industrial sector;

45. Calls on the Commission and the Member States to phase out the use of antimicrobial compounds or chemicals in non-clinical settings, such as in everyday cleaning products and other consumer goods;

46. Stresses the urgent need for in-depth research into the impact of the presence of antimicrobial substances in food crops and animal feed on the development of AMR, and into the microbial community in soil;

47. Points out, in this connection, that a thorough ex-ante assessment of the social costs of an 'end of pipe' approach is necessary;

48. Calls on the Commission and the Member States to revise their codes of good agricultural practice and relevant best available techniques under the Industrial Emissions Directive ([26]) to include provisions for the handling of manure containing antibiotics/microorganisms resistant to antimicrobials;

49. Calls on the Commission and the Member States to encourage the development of sustainable medicinal products with a low impact on the environment and water, and to encourage further innovation in the pharmaceutical industry in this area;

50. Stresses that not all Member States possess sufficient resources to develop and implement comprehensive national AMR strategies; urges the Commission to provide Member States with clear information about the EU resources available to tackle AMR and to make more dedicated funding available for this purpose;

51. Calls on the Commission to review and revise the best available techniques reference documents (BREFs) under the Industrial Emissions Directive that relate to emissions from plants manufacturing antibiotics;

52. Urges the Commission to effectively deploy available legislation in all AMR-related areas to ensure that the threat is being tackled in all policies;

53. Underlines the importance of a life cycle assessment approach, from production and prescription to the management of pharmaceutical waste; asks the Commission to address the issue of the disposal of antibiotics, where alternatives to incineration, such as gasification, should be explored;

54. Calls on the Commission and the Member States to ensure that environmental issues are introduced into the pharmacovigilance system for human pharmaceuticals and strengthened for veterinary pharmaceuticals, particularly in relation to AMR;

55. Calls on the Commission and Member States to set quality standards (threshold values) or risk assessment requirements to ensure that manure, sewage sludge and irrigation water contain safe concentrations of relevant antibiotics and AMR microorganisms before they can be spread on agricultural fields;

56. Calls on the Commission to launch, in cooperation with the Member States, an EU-wide information campaign for consumers and businesses on aquaculture in general, and in particular on the differences between the stringent and comprehensive standards on the EU market and the standards applicable to products imported from third countries, with a particular emphasis on the problems caused for food safety and public health by the introduction into the Union of particularly resistant micro-organisms and AMR;

([26]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

57. Calls for the phasing out of the routine prophylactic and metaphylactic use of antimicrobials in groups of farm animals and calls for the use of last-resort antibiotics to be banned altogether in food-producing animals; emphasises that good animal husbandry, hygiene practices, farm management and investments in these areas contribute to the prevention of infections and thereby to the reduction of the use of antibiotics; urges the Commission to present a new EU strategy on animal welfare as advocated by the European Parliament, with the long-term aim of creating an animal welfare law; urges the Commission to implement the points outstanding from the EU Strategy for the Protection and Welfare of Animals 2012-2015 without delay;

58. Underlines that good farm management, bio-security and animal husbandry systems underpin the health and welfare of food-producing animals and, when applied appropriately, minimise susceptibility to bacterial disease and the need for antibiotic use in animals;

59. Believes that adequate funding for on-farm investments, such as in quality housing, ventilation, cleaning, disinfection, vaccination and bio-security, must be encouraged and should not be undermined in the future common agricultural policy (CAP); recognises, in that respect, the importance of awareness among members of the farming community of animal welfare, animal health and food safety; notes the importance of promoting and applying good practices at all stages of the production and processing of food products and the importance of safe and nutritionally balanced feed, specific feeding strategies, feed composition, feed formulations and feed processing;

60. Calls on the Commission and the Member States — including in the context of the reform of the CAP — to bring about more synergies and, in accordance with the findings set out in its One Health Action Plan against AMR, to provide effective financial incentives and support for livestock farmers who can demonstrate that they have significantly reduced their use of antibiotics and achieved a high vaccination rate among their animals or livestock;

61. Stresses that good sanitation and hygiene on farms is fundamental; asks the Commission to develop guidelines on the use of antibiotics in animals and on the hygiene conditions of farms; calls on the Member States to draw up specific plans and to strengthen control over sanitary conditions;

62. Recalls the preventative measures to be used before resorting to antimicrobial treatment of entire groups (metaphylaxis) of food-producing animals:

— using good, healthy breeding stock that grows naturally, with suitable genetic diversity,

— conditions that respect the behavioural needs of the species, including social interactions and hierarchies,

— stocking densities that do not increase the risk of disease transmission,

— isolation of sick animals away from the rest of the group,

— (for chickens and smaller animals) subdivision of flocks into smaller, physically separated groups,

— implementation of existing rules on animal welfare already in cross compliance as set out in statutory management requirements (SMRs) 11, 12, 13 of Annex II to Regulation (EU) No 1306/2013 ([27]);

([27]) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008, OJ L 347, 20.12.2013, p. 549), applying rules laid down in Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ L 221, 8.8.1998, p. 23); Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs (OJ L 340, 11.12.1991, p. 33); Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves (OJ L 340, 11.12.1991, p. 28).

63. Believes that requirements to ensure that labelling makes reference to antibiotic use would improve consumer knowledge and enable consumers to make a more informed choice; calls on the Commission to create a harmonised system for labelling based on animal welfare standards and good animal husbandry practices as already envisaged in 2009 ([28]),

64. Draws attention, furthermore, to recent scientific findings (February 2018) that show that extended-spectrum beta-lactamases (ESBLs) are only transferred to people from livestock farming and meat consumption to a limited extent and that the transmission of ESBLs mainly occurs from person to person ([29]);

65. Stresses that high-density farming may involve antibiotics being improperly and routinely fed to livestock and poultry on farms to promote faster growth, and that they are also widely used for prophylactic purposes, to prevent disease spreading as a result of the cramped, confined and stressful conditions in which the animals are kept, and which inhibit their immune systems, and to compensate for the unsanitary conditions in which they are raised;

66. Considers that our understanding of the spread of AMR from animals in farms to humans is already quite solid and that this has not been properly recognised in the Action Plan; notes that the Action Plan merely calls for further investigation and for closing the knowledge gaps on the issue, which might possibly postpone much-needed action;

67. Calls on the Commission and Member States to distinguish between livestock and pets, particularly in the development of mechanisms to monitor and assess the use of antimicrobials in veterinary medicine, and in the development of measures to address their use;

68. Stresses that comprehensive monitoring of antibiotics in farming has been developed in cooperation with veterinarians, which comprehensively documents the use of antibiotics and further improves their application; regrets that there is, as yet, no comparable system in relation to human medicine;

69. Notes that the existence of a correlation between resistance to antibiotics found among food-producing animals (e.g. broiler chickens) and a large proportion of bacterial infections in humans, which comes from the handling, preparation and consumption of the meat of these animals, has also been confirmed by EU agencies ([30]);

70. Stresses that research shows that interventions that restrict antibiotic use in food-producing animals are associated with a reduction in the presence of antibiotic-resistant bacteria in these animals ([31]);

71. Calls on the Commission and the Member States, in the light of this recent research ([32]), to take care and maintain a sense of proportion when adopting measures, and to carefully assess and classify antibiotics and antimicrobial resistance in all relevant legislation so as not to restrict unnecessarily the availability of remedies to combat certain protozoa, such as coccidia, in European livestock farming and thus unintentionally cause an increase in the risks of contamination of human beings with dangerous bacteria such as salmonella and microbes from food;

72. Regrets that the European One Health Action Plan against AMR lacks any allocation of resources and that it is not making more ambitious use of legislative tools; calls on the Commission to be more ambitious in any future action plan it develops and to make more determined efforts to implement it in its entirety;

([28]) https://ec.europa.eu/food/sites/food/files/animals/docs/aw_other_aspects_labelling_ip-09-1610_en.pdf

([29]) Mevius, D. et al., 'ESBL-Attribution-Analysis (ESBLAT). Searching for the sources of antimicrobial resistance in humans', 2018. Available at: http://www.1health4food.nl/esblat

([30]) The European Centre for Disease Prevention and Control, and the European Food Safety Authority: https://ecdc.europa.eu/sites/portal/files/media/en/publications/Publications/antimicrobial-resistance-zoonotic-bacteria-humans-animals-food-EU-summary-report-2014.pdf

([31]) http://www.thelancet.com/pdfs/journals/lanplh/PIIS2542-5196(17)30141-9.pdf

([32]) Mevius, D. et al., 'ESBL-Attribution-Analysis (ESBLAT). Searching for the sources of antimicrobial resistance in humans', 2018. Available at: http://www.1health4food.nl/esblat

73. Regrets that the Commission's strategic approach, which is basically right, is all too often limited to declarations of intent and calls on the Commission to spell out its approach;

74. Calls on the Commission to coordinate and monitor national strategies to enable sharing of best practices among Member States;

75. Urges Member States to develop ambitious national strategies to tackle AMR in the animal production sector, to include quantitative reduction targets for the use of veterinary antimicrobials, while taking local circumstances into account; stresses that all sectors all along the food chain should be involved in their implementation;

76. Notes that some Member States have legally defined professionally qualified animal medicine advisors authorised to prescribe certain veterinary medicines by the relevant authorities; underlines that national action plans on AMR should not prohibit these persons from prescribing and supplying certain veterinary medicines, where necessary, given the vital role these persons can play in isolated rural communities;

77. Underlines the importance of exchanges of best practices among Member States and the coordination of such exchanges by the Commission; welcomes, in this context, the reduction of the use of antibiotics in animal husbandry in the Netherlands by 64.4 % in the period 2009-2016 and the stated national ambition to further reduce it by 2020; calls on the Commission and the Member States to apply this example of public-private cooperation between public authorities, industries, scientists and veterinary surgeons in other parts of the Union as well;

78. Urges the Member States to consider the implementation of positive (tax exemptions for farmers) and negative (taxes on antibiotic sales such as those successfully introduced in Belgium and Denmark) tax incentives on antibiotics used in husbandry for non-therapeutic purposes;

Boosting research, development and innovation with regard to AMR

79. Points out that with an investment of EUR 1.3 billion in AMR research, the EU is a leader in this domain, and that EU achievements include the launch of the New Drugs for Bad Bugs (ND4BB) programme ([33]) and the Joint Programming Initiative on Antimicrobial Resistance (JPIAMR) ([34]); underlines the need for the efficiency and coordination of research actions; welcomes initiatives, therefore, such as ERA-NET for establishing synergies between the JPIAMR and Horizon 2020; highlights that more than 20 new classes of antibiotics were developed until the 1960s and notes with concern that no truly new antimicrobial classes have been introduced in recent years;

80. Urges the Commission to consider a new legislative framework to stimulate the development of new antimicrobials for humans, as already requested by Parliament on 10 March 2016 in its amendments to the proposal for a regulation on veterinary medicinal products and in its resolution of 19 May 2015; notes that in the European One Health Action Plan against AMR, the Commission also commits itself to '[analysing] EU regulatory tools and incentives – in particular orphan and paediatric legislation – to use them for novel antimicrobials';

81. Welcomes the fact that EFSA and the EMA recently reviewed and discussed a number of alternatives to the use of antimicrobials in food-producing animals, some of which have been shown to yield promising results in the improvement of animal health parameters during experimental studies; recommends, therefore, giving new impetus to scientific research on alternatives and designing an EU legislative framework that would stimulate their development and clarify the pathway for their approval;

82. Recalls that the traditional generation of antibiotics, which is based on a series of techniques for the modification of antibiotics obtained from nature, has been exhausted and that R&D investments in the creation of a new generation should break the traditional antibiotic paradigm; welcomes the new techniques that have already been developed, such as monoclonal antibodies that reduce the virulence of bacteria, not by killing them, but by rendering them useless;

([33]) http://www.imi.europa.eu/content/nd4bb
([34]) http://www.jpiamr.eu

83. Points out that science and research play a crucial role in the development of standards in the fight against AMR;

84. Welcomes recent research projects into alternative antibiotic therapies such as bacteriophage therapy, for example the EU-funded Phagoburn project; notes that no bacteriophage therapies have been authorised at EU level so far; calls on the Commission to propose a framework for bacteriophage therapy based on the latest scientific research;

85. Notes the recent research into the development of next-generation probiotics for concomitant use with antibiotic treatment in clinical settings, which has been shown to reduce HAIs caused by bacteria highly resistant to antibiotics ([35]);

86. Notes that R&D in the field of novel approaches to the treatment and prevention of infections is equally important and that these approaches can include the use of substances to strengthen the immune response to bacterial infection, such as pre- and probiotics;

87. Encourages the EMA in collaboration with EFSA and the ECDC to review all available information on the benefits and risks of older antimicrobial agents, including antibiotics in combination, and to consider whether any changes to their approved uses are required; stresses that early dialogue between innovators and regulatory authorities should be encouraged in order to adapt the regulatory framework where necessary so as to prioritise and speed up the development of antimicrobial medicines and allow for faster access;

88. Encourages the Commission to introduce a fast-track procedure whereby the use antimicrobials approved for industrial or agricultural purposes but suspected of having a severe negative impact on AMR can be temporarily prohibited until further studies on the impact of the antimicrobial have been carried out;

89. Recalls that the poor quality of medical and veterinary products with low concentrations of active ingredients and/or their long-term use encourages the emergence of resistant microbes; calls, therefore, on the Commission and Member States to improve and design laws that ensure that medicines are of assured quality, safe and effective, and that their use will follow strict principles;

90. Calls on the Commission to increase funding for early cross-sectoral and interdisciplinary R&I in epidemiology and immunology of AMR pathogens and the screening of HAIs, in particular the pathways of transmission between animals and humans and the environment; calls on the Commission to support research into hand hygiene and the impact of different hand washing and hand drying methods on the transmission of potential pathogens;

91. Calls on the Commission to invest equally in the development of non-antibiotic alternatives for animal health, including growth promoters, and in the development of new molecules for the development of new antibiotics; stresses that new antibiotics must not be used for animal health promotion or growth promotion and that industries receiving public funds for the development of new antibiotics must stop distributing and/or using antibiotics for animal health promotion and growth promotion;

92. Welcomes recent cross-border research projects into antimicrobial stewardship and the prevention of infection, such as the EU-funded i-4-1-Health Interreg project; calls on the Commission to increase research funding for measures to prevent HAIs;

93. Calls on the Commission to further support R&D efforts in the field of AMR, including with regard to global health infections as defined in the SDGs, in particular drug-resistant TB malaria, HIV and neglected tropical diseases, as part of the next EU research and innovation framework programme, including by dedicating a specific mission under the programme to the global fight against AMR;

94. Calls on the Commission to put in place restrictions on live animal transport from zones where antimicrobial-resistant strains of bacteria have been identified by the current monitoring system;

([35]) Pamer, E. G., 'Resurrecting the intestinal microbiota to combat antibiotic-resistant pathogens', *Science*, Vol. 352(6285), 2016, pp. 535-538.

95. Notes that some plant protection products might also have antimicrobial properties, which would affect the spread of AMR; calls for further research on the possible link between exposure to commercial formulations of pesticides and herbicides and the development of AMR; recognises that herbicides are routinely tested for toxicity but not for sublethal effects on microbes, and stresses, for the reasons cited above, the importance of giving consideration to conducting such tests routinely;

96. Calls on the Commission and the Member States to promote early and continuous dialogue with all stakeholders to elaborate appropriate incentives for R&D in the field of AMR; acknowledges that there is no 'one-size-fits-all' approach; urges the Commission to formally include civil society in One Health discussions, for example by setting up and funding a dedicated stakeholder network;

97. Stresses the need for different models of collaboration led by the public sector and with the involvement of industry; recognises that the capacities of industry play a key role in R&D in the field of AMR; stresses that, notwithstanding the above, further public prioritisation and coordination are required for R&D in this urgent field; calls on the Commission, therefore, to launch a public platform for publicly funded R&D projects in AMR and for the coordination of all R&D actions;

98. Stresses, therefore, that the current innovation framework does not effectively encourage R&D into AMR, and calls for the adjustment and harmonisation of the intellectual property regime at European level, in particular in order to better match the duration of protection with the period requested for the innovative medicine in question;

99. Believes that research into fighting AMR is already taking place in many different parts of the Union, without there being any adequate overview of the state of research in the EU as a whole; suggests, therefore, that a dedicated platform be established at EU level to enable research resources to be used more efficiently in the future;

100. Recalls the value of developing coalitions between academia and biopharmaceutical companies in terms of developing new antibiotics, rapid diagnostics and novel therapies;

101. Welcomes the conclusions of the WHO, World Intellectual Property Organisation (WIPO) and World Trade Organisation (WTO) Joint Technical Symposium entitled 'Antimicrobial Resistance: How to foster innovation, access and appropriate use of antibiotics' ([36]), where new R&D models were discussed to incentivise R&D while delinking the profitability of antibiotics from volume sold;

102. Recalls that the Clinical Trials Regulation ([37]) will help to encourage research into new antimicrobials in the EU; calls on the Commission and the EMA to implement the Clinical Trials Regulation without further delay;

103. Calls on the Commission and the Member States to support the development and uptake of new economic models, pilot projects and push and pull incentives to boost the development of new therapies, diagnostics, antibiotics, medical devices, vaccines and alternatives to using antimicrobials; believes that these are meaningful when they are sustainable, needs-driven and evidence-based over the long term, target key public priorities and support appropriate medical use;

104. Calls on the Commission to assess the efficiency of current hygiene practices and sanitation methods in hospitals and healthcare environments; asks the Commission to explore the use of probiotics and other sustainable hygiene technologies as efficient sanitation approaches to prevent and reduce the number of HAIs attributed to AMR;

([36]) http://www.wipo.int/publications/en/details.jsp?id=4197

([37]) Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014, p. 1).

105. Encourages the uptake of cost-effectiveness technologies that reduce the impact of HAIs in hospitals and help to prevent the spread of multi-resistant microorganisms;

106. Encourages Member States to promote alternative reimbursement systems to facilitate the uptake of innovative technologies in national healthcare systems;

107. Notes that the usual business model for developing medicines is not suitable for antibiotic development since resistance can evolve over time and since they are meant to be used temporarily and as a last resort; reminds the industry of its corporate and social responsibility to contribute to work to tackle AMR by finding ways to extend the life of antibiotics, thereby making the supply of effective antibiotics sustainable, and calls for incentives for this research and for the definition of the regulatory pathway;

108. Recalls that both Parliament and the Council have asked for a review of current incentives (i.e. those established in the Orphan Regulation ([38])), owing to their misuse and high final prices; calls, therefore, on the Commission to analyse current R&D incentive models, including the 'transferable market exclusivity' model, with a view to designing new ones and defining the regulatory pathway;

109. Calls on the Commission and the Member States to develop, in cooperation with researchers and industry, new incentive models that delink payment from prescribing volume and stimulate investment across the entire product development and production period; highlights that guaranteeing affordability and access to quality antibiotics must be the final aim of R&D incentives;

110. Acknowledges the key role of pharmacists in raising awareness of the appropriate use of antimicrobials and in the prevention of AMR; encourages Member States to expand their responsibilities by allowing exact quantity dispensing and enabling the administration of certain vaccines and rapid diagnostic tests within pharmacies;

111. Calls for transferable market exclusivities and market entry rewards to be considered as options for sustainable incentives;

112. Calls on the Commission to take the global lead in advocating evidence-based best practice models for early diagnosis to tackle AMR;

Shaping the global agenda

113. Underlines that without harmonised and immediate action on a global scale, the world is heading towards a post-antibiotic era in which common infections could once again kill;

114. Recalls that owing to the complexity of the problem, its cross-border dimension, the severe consequences for the environment and human and animal health, and the high economic burden, AMR requires urgent and coordinated EU, global and intersectoral action; asks, therefore, for a clear commitment on the part of the EU and the Member States to building European and international partnerships and launching a crosscutting global strategy to combat AMR, covering policy areas such as international trade, development and agriculture;

115. Welcomes the WHO's ranking list of the 20 worst antibiotic-resistant pathogens ([39]); calls for urgent R&D projects on this priority list of antibiotic-resistant bacteria in order to develop drugs to fight them; highlights, however, that research on new drugs is not the only action needed and that misuse and overuse must be tackled in both humans and animals;

([38]) Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ L 18, 22.1.2000, p. 1).

([39]) http://www.who.int/mediacentre/news/releases/2017/bacteria-antibiotics-needed/en/

116. Recognises that AMR is a transborder issue and that products enter Europe from all over the world; urges the Commission to collaborate with third parties to reduce the use of antibiotics in husbandry and associated environmental contamination; calls on the Commission, moreover, to implement collaborative research programmes with third countries to reduce the overuse of antibiotics; calls on the Commission, in the context of free trade agreements, to ban imports of food animal products when the animals have not been raised in line with EU standards, and notably with the ban on the use of antibiotic growth promoters;

117. Takes note of the report entitled 'Tackling drug-resistant infections globally: Final report and recommendations' ([40]), which estimates that taking global action on AMR will cost USD 40 billion over a 10-year period, which is a tiny amount in comparison with the cost of inaction and a very small fraction of what the G20 countries spend on healthcare today (around 0.05 %); calls on the Commission to analyse the possibility of imposing a tax on the industry for public health within the framework of its social responsibility;

118. Stipulates that in any future trade deal with the UK post-Brexit, AMR must be addressed and a condition set requiring the UK to follow up on further advancements in EU action to tackle AMR in order to protect consumers and workers in both the EU and the UK;

119. Welcomes the WHO Global Action Plan (GAP) on AMR, which was adopted unanimously in May 2015 by the 68th World Health Assembly; stresses the need for global, EU and national action plans to be in line with the GAP;

120. Welcomes the new WHO guidelines on use of medically important antimicrobials in food-producing animals ([41]); highlights that in some countries, approximately 50-70 % of medically important antibiotics are consumed in the animal sector, largely for growth promotion in healthy animals; asks, in the framework of the One Health approach, for this topic to be included in the trade policy of the EU and in negotiations with international organisations such as the WTO and associated or third countries, shaping a global policy to ban the use of antibiotics for fattening healthy animals;

121. Notes that AMR is of serious concern in many poverty-related and neglected diseases (PRNDs), including HIV/AIDS, malaria, TB and diseases connected with epidemics and pandemics; highlights that about 29 % of deaths caused by AMR are due to drug-resistant TB; calls on the Commission and the Member States, as a matter of urgency, to increase their support for research into and the application of health tools to address PRNDs affected by AMR; calls on the Commission and the Member States to create partnerships, modelled on the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) and the European and Developing Countries Clinical Trials Partnership (EDCTP), for international R&D projects on health, comprising different geographical regions and covering the most pertinent health topics, such as AMR, vaccines, cancer and access to medicines;

122. Underlines the importance of EU initiatives such as the ECDC programmes for infectious diseases, including AIDS, TB and malaria; points out that these initiatives are examples of good practice, demonstrating the EU's responsiveness and good functioning with a view to the need for new antibiotics, and that the ECDC should have a key role in the prioritisation of R&D needs, in the coordination of actions and the involvement of all actors, in enhancing cross-sectoral work and in capacity building through R&D networks;

123. Highlights the problem of the emergence of multiresistant bacteria that are resistant to several antibiotics at the same time and that can eventually become superbacteria, resistant to all available antibiotics, including last-line antibiotics; highlights the need for a database on these multiresistant bacteria, covering AIDS, TB, malaria, gonorrhoea, Escherichia coli and other drug-resistant bacteria;

124. Notes that the livestock raised for food in the US is dosed with five times as much antibiotic medicine as farm animals in the UK; underlines, therefore, the importance of controls of meat imports into the EU;

([40]) https://amr-review.org/sites/default/files/160518_Final%20paper_with%20cover.pdf
([41]) http://www.who.int/foodsafety/areas_work/antimicrobial-resistance/cia_guidelines/en/

125. Calls on the Commission to advocate EU standards and measures for tackling AMR and for the appropriate use of antibiotics in trade agreements, and to work through the WTO to raise the issue of AMR; notes that the use of antibiotics as growth promoters in food-producing animals has been banned in the EU since 2006, but that in countries outside the EU antibiotics can still be used in animal feed as growth promoters; calls on the Commission to include a clause in all free trade agreements stipulating that food imported from third countries must not have been produced using antibiotics as growth promoters, with a view to ensuring a level playing field for EU livestock farming and aquaculture and in order to mitigate AMR; calls on the Commission to ban all food imports from third countries where these products come from animals treated with antibiotics or antibiotic groups that are reserved for the treatment of certain human infections in the EU;

126. Calls on the Commission and the Member States to strengthen measures to combat illegal practices related to the production, trade, use and disposal of antimicrobials; emphasises that actors involved in the life-cycle chain of antimicrobials must take responsibility for their actions;

127. Notes the impact of the universality and affordability of and broad access to existing antibiotics; believes that targeted treatment, using specific antibiotics, should be available to all in order to prevent the misuse of unsuitable antibiotics and the overuse of broad-spectrum antibiotics; calls on the Commission and the Member States to take stronger measures against the sale of large consignments of antimicrobials at dumping prices, in particular critical human antibiotics;

128. Calls for comprehensive checks to be carried out on producers of antibiotics so that withdrawal periods are adapted to reality, in order to ensure that no antibiotics are present in food products;

129. Calls on the Commission to work towards continued high-level political attention and commitment to AMR action, including in UN forums, the G7 and the G20; highlights the opportunity for EU scientific bodies, such as the ECDC, to take on global stewardship roles; calls on the Commission to advocate collaboration between the EU and international organisations, including the WHO, the UN Food and Agriculture Organisation (FAO) and the World Organisation for Animal Health (OIE); welcomes the Davos Declaration on Combating Antimicrobial Resistance issued at the World Economic Forum in Davos on January 2016, in which pharmaceutical, biotechnology and diagnostics industries call for collective action to create a sustainable and predictable market for antibiotics, vaccines and diagnostics that enhances conservation for new and existing treatments;

130. Calls for the promotion and enhancement of, and the transition to, a mode of production based on agroecology;

o

o o

131. Instructs its President to forward this resolution to the Council, the Commission, the European Centre for Disease Prevention and Control, the European Medicines Agency, the European Chemicals Agency, the European Food Safety Authority, the European Environment Agency, the World Health Organisation and the World Organisation for Animal Health.

Thursday 13 September 2018

P8_TA(2018)0355

Europe on the Move: an agenda for the future of mobility in the EU

European Parliament resolution of 13 September 2018 on Europe on the Move: an agenda for the future of mobility in the EU (2017/2257(INI))

(2019/C 433/21)

The European Parliament,

— having regard to the Commission communication entitled 'Europe on the Move: an agenda for a socially fair transition towards clean, competitive and connected mobility for all' (COM(2017)0283),

— having regard to the Paris climate agreement, ratified by the by the European Parliament and the Council on 4 October 2016 ([1])

— having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ([2]),

— having regard to the opinion of the European Economic and Social Committee of 18 October 2017 on clean, competitive and connected mobility for all ([3]),

— having regard to the opinion of the European Economic and Social Committee of 5 July 2017 on implications of the digitalisation and robotisation of transport for EU policy-making ([4]),

— having regard to its resolution of 23 April 2009 on the Intelligent Transport Systems Action Plan ([5]),

— having regard to its resolution of 10 December 2013 on CARS 2020: towards a strong, competitive and sustainable European car industry ([6]),

— having regard to its resolution of 7 July 2015 on delivering multimodal integrated ticketing in Europe ([7]),

— having regard to its resolution of 9 September 2015 on the implementation of the 2011 White Paper on Transport: taking stock and the way forward towards sustainable mobility ([8]),

— having regard to the Valletta Declaration on Road Safety of 29 March 2017,

— having regard to the Commission White Paper entitled 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system' (COM(2011)0144),

— having regard to the its study from 2016 entitled 'Self-piloted cars: the future of road transport?',

— having regard to the its study from 2017 entitled 'Infrastructure funding challenges in the sharing economy',

([1]) OJ L 282, 19.10.2016, p. 1.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ C 81, 2.3.2018, p. 195.
([4]) OJ C 345, 13.10.2017, p. 52.
([5]) OJ C 184 E, 8.7.2010, p. 50.
([6]) OJ C 468, 15.12.2016, p. 57.
([7]) OJ C 265, 11.8.2017, p. 2.
([8]) OJ C 316, 22.9.2017, p. 155.

Thursday 13 September 2018

— having regard to the European Economic and Social Committee study from 2017 entitled 'Impact of digitalisation and the on-demand economy on labour markets and the consequences for employment and industrial relations',

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

— having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0241/2018),

A. whereas structural changes are under way in the transport sector and the future of transport in the EU is at the intersection of the overarching priorities of the 2030 climate and energy framework, the Clean Air Programme for Europe and the EU road safety guidelines 2011-2020;

B. whereas decarbonisation of transport and the use of low-emission technologies offer opportunities for the future of mobility and sustainable economic growth;

C. whereas the collaborative and sharing economy is transforming the transport industry worldwide; whereas the value of collaborative economy transactions in the transport sector in Europe in 2015 has been estimated at EUR 5.1 billion, an increase of 77 % compared to the previous year, while non-monetary sharing economy interactions widely exceed this scenario, highlighting the importance of this phenomenon;

D. whereas it is estimated that passenger transport will grow by about 42 % between 2010 and 2050 and that freight transport will grow by 60 % during the same period;

E. whereas the 2011 White Paper on Transport called for 30 % of freight along major corridors to be shifted from the road to more sustainable modes of transport such as rail by 2030, and 50 % by 2050, while requiring appropriate green infrastructure to be developed;

F. whereas applying the user and polluter pays principle in all modes of transport, including road, rail, maritime and aviation, will contribute to the creation of a level playing field between all modes of transport;

G. whereas new mobility services aim to significantly improve urban transport and have the potential to do so by reducing congestion and emissions and providing an alternative to private car ownership, as the private car is still the principal means of transport in terms of journeys made; whereas they can enable a shift towards multimodal and shared transport, which is thus also more sustainable, and can complement public and active forms of transport;

H. whereas the transport sector plays a key role in the functioning of the EU economy, accounting for roughly 4 % of EU GDP and more than 5 % of total EU employment ([9]); whereas women make up only 22 % of the sector's workforce and a third of all the sector's workers are aged over 50;

I. whereas connected and autonomous vehicles are expected to make future road transport more efficient, safer and more secure, as human error is the main cause of all traffic accidents on Europe's roads;

J. whereas great progress has been achieved in the past decades, making the EU the world's safest road transport region; whereas the high number of victims of accidents, with 25 500 fatalities and 135 000 people seriously injured on European roads last year, still causes great human suffering and unacceptable economic costs, estimated at EUR 100 billion annually, and whereas the 2020 targets to reduce the number of victims of road accidents by half compared to 2010 are not being met and the share of serious injuries and fatalities of vulnerable road users like pedestrians, cyclists or drivers of smaller two-wheeled motor vehicles is sharply increasing;

([9]) *EU Transport in Figures: Statistical Pocketbook 2015*, Publications Office of the European Union, Luxembourg, 2015.

K. whereas transport is the main cause of air pollution in urban areas and is responsible for over 25 % of greenhouse gas emissions in the EU, of which road transport accounts for over 70 %, a share which continues to rise;

L. whereas recent research and estimates reveal a stronger link between exposure to air pollution and higher public health risks, including cardiovascular diseases such as strokes and ischaemic heart disease, and cancer, and whereas in the EU particulate matter is estimated to cause 399 000 premature deaths per year, the corresponding figure being 75 000 for nitrogen oxides and 13 600 for ozone; whereas people living in urban environments are particularly exposed to this danger;

M. whereas major efforts towards a more inclusive, safer and fairer transport sector are currently being made worldwide, including the introduction of ambitious targets and binding standards, and whereas the EU should not lose its opportunity to be at the forefront of these social innovations;

The impact of transport transition on skills and ways of working

1. Welcomes the Commission communication entitled 'Europe on the Move: an agenda for a socially fair transition towards clean, competitive and connected mobility for all', which recognises that the mobility sector is undergoing profound changes and stresses that the digital mobility revolution should lead to a safer, more innovative, more integrated, sustainable, fairer, more competitive and cleaner road transport sector, interconnected with other more sustainable modes of transport; welcomes the communication's strategic approach towards achieving a coherent regulatory framework for the increasingly complex field of road transport;

2. Points out that the EU's mobility sector needs to take advantage of the opportunities created by digital technologies; believes that new business models that give rise to innovative shared mobility services, including new on-line platforms for freight operations, car-pooling, car or bicycle sharing services, or smartphone applications offering real-time analytics and data on traffic conditions, should be developed and promoted;

3. Encourages the Commission and the Member States to propose and apply C-ITS measures in coherence with the goals and initiatives as declared in the 2011 White Paper on Transport as well as the Paris Agreement on climate change of December 2015;

4. Highlights the fact that the EU's automotive sector provides jobs for 8 million people and accounts for 4 % of the EU's gross value added, bringing a trade surplus of EUR 120 billion;

5. Underlines that the changes in the automotive industry linked to digitalisation, automation or cleaner cars will require new expertise and modes of working; stresses that these changes should give rise to new opportunities to make the transport sector more attractive and end labour shortages in the sector; highlights that the production of cleaner, better connected and more automated vehicles will have an impact on manufacturing, development, maintenance, and servicing, and will require new skills, such as for the assembly of electric motors or manufacturing of second-generation batteries, fuel cells, computing or sensing equipment; highlights that already today the industry faces tremendous challenges in recruiting staff with appropriate skills and that while growth in engineering jobs is expected to continue, software skills are a new requirement that companies have to look for; calls on the Commission and the Member States to tailor EU transport workers' in-service training and skills development to these new challenges;

6. Stresses that equality of opportunity between men and women should be a priority on the agenda for the future of the transport sector; stresses that the transport sector is dominated by men, who make up three quarters of the total workforce, and gender balance needs to be encouraged; welcomes the launch of the 'Women in Transport EU Platform for Change', which is intended to foster women's employment and equality of opportunity in the transport sector; calls on the Commission and the Member States to work together on that platform so that job creation for women and the digitalisation of the sector go hand in hand;

7. Points out that the digital revolution will reshape the automotive industry value chain, research and investment priorities and technological opportunities, which must be transparent, coherent and in line with legal standards, with implications for its global competitive position;

8. Recalls that automated driving will have a significant impact on the workforce of the transport sector and require new qualifications in the case of affected professions; calls on the Member States to take appropriate measures in anticipation of this shift in the job market, which should be accompanied by a stronger social dialogue; calls on the Commission to develop an EU strategy which embraces the new employment opportunities that the digitalisation of the transport sector will create and to take account of the Member States' best practices, with the aim of fostering job creation in the transport sector, including as a priority fair transitional arrangements for employees whose jobs become obsolete as the transport sector is digitalised;

9. Stresses that automated driving would ultimately raise questions on the interpretation of existing EU legislation on driving time and rest periods; calls on the Commission to continuously monitor if legislative action is needed;

10. Draws attention to the positive impact of digitalisation in transport as it will help to cut red tape and simplify procedures both for the authorities and companies, and will make it easier to check compliance with legislation on driving and rest times and with cabotage rules with the introduction of digital tachographs, thus improving conditions for professional drivers and helping to create a level playing field for all transport operators;

11. Welcomes the Commission's New Skills Agenda for Europe and initiatives such as the Blueprint for Sectoral Cooperation on Skills and the Digital Skills and Jobs Coalition, which promote cooperation between trade unions, training institutions and private sector actors to anticipate, identify and address skills mismatch;

12. Welcomes the fact that automotive is one of the six pilot 'blueprint'sectors for which funding has been made available through the Sector Skills Alliance action within the Erasmus+ programme;

13. Calls on the Commission to present a mid-term evaluation of the projects launched on skills in the automotive sector, including the three-year SKILLFULL research project and the recommendations established by the GEAR 2030 high-level group; believes that, based on the outcome of the SKILLFUL project, it will be possible to assess the adequacy of the training and qualification requirements in place for road transport drivers, in particular in light of new professions/skills;

14. Calls on the Member States, rather than reacting to specific challenges, to be proactive in responding to digitalisation and to take comprehensive and strategic decisions on the basis of technological neutrality, aimed at maximising potential benefits, and to work towards agreeing on an EU approach on key issues;

15. Highlights the fundamental role that users and consumers can play in fostering the transport transition and calls on the Commission and Member States to enhance transparency and public availability of relevant data in order to boost public awareness and allow consumers to make well-informed choices;

Transition through progress in research and innovation

16. Highlights that Europe is a world leader in both manufacturing and transport operations and stresses that it is of crucial importance that the European transport sector continues to develop, invest, innovate and renew itself in a sustainable manner, in order to maintain its technological leadership and competitive position;

17. Recalls the key objective of establishing a single European transport area without barriers in which, with efficient co-modality, each mode of transport has its place and there is increased modal interaction, and therefore calls on Member States to establish a suitable incentive-based environment in order to make transport modes more efficient and do away with existing barriers such as needless red tape;

18. Recalls that sustainable and innovative transport technologies and mobility solutions will be needed to enhance road safety, limit climate change and carbon dioxide emissions, air pollution and congestion, and that a European regulatory framework which stimulates innovation is needed; calls, in this context, for more funding for interlinked cross-sectoral research and development regarding connected and driverless cars, electrification of rail and road infrastructures, alternative fuels, vehicle design and manufacturing, network and traffic management as well as smart mobility services and infrastructure, without neglecting existing systems in other sectors; notes that these key innovations will necessitate the application of many forms of industrial know-how if they are to be developed effectively; points out, in that context, that cooperative, automated and connected vehicles may make the European industry more competitive and reduce energy consumption and transport emissions as well as contribute to reducing deaths from road accidents; emphasises, therefore, that infrastructure requirements should be determined with a view to ensuring that those systems can function safely;

19. Points out that, to keep up with the technological developments and provide European citizens with the best possible transport and mobility solutions and at the same time ensure that European enterprises can keep and expand their competitive edge, Europe needs a better framework for joint action on transport research and innovation; believes that ambitious goals for our future transport system can only be achieved if new ideas and concepts can be developed, tested and implemented in close interaction with policy and regulatory agendas;

20. Calls for the provision of further transparent financial support for research, innovation and training, as has happened within the framework of the Smart Specialisation Strategies, in which European Regional Development Fund co-financing provided support in areas such as power trains or intelligent transport systems;

21. Recalls that European funding during the next Multiannual Financial Framework (MFF) for 2021-2027 will be vital to completing cross-border infrastructures and to removing bottlenecks along the Trans-European Transport Network (TEN-T) core corridors, and observes that funding for infrastructure fosters private and public investment in high-quality and sustainable transport services and technologies; therefore calls for funding to be made available under the next MFF to foster the rapid development and deployment of systems, services and digital solutions for transport in the future;

22. Underlines that financial barriers should be lowered and access to funding should be simplified, since bureaucracy and administration costs take a higher proportional toll on SMEs due to their lack of skills and capacity; calls on the Commission to monitor whether the Member States' public calls for tender for smart transport infrastructure comply with the provisions on improved access for SMEs set out in Directive 2014/24/EU on public procurement;

23. Points out that Europe needs to improve the innovation ecosystem ranging from basic technology research to research on new services and business models leading to social innovation (once widely deployed on the market); highlights that public support for the innovation ecosystem should focus on market failures in research and innovation as well as innovation-friendly policies, enabling European standardisation and regulation and financial instruments to boost private sector investment in innovation;

24. Notes that research at EU level, notably through Horizon 2020, will be key to delivering results, as demonstrated by public–private partnerships such as the Fuel Cells and Hydrogen Joint Undertaking and the European Green Vehicles Initiative and calls for a specific public–private partnership for connected and automated driving; supports the Commission's work for the creation of the European battery alliance and calls for further financial support for the development of sustainable batteries and battery cell production and recycling in the EU for future low- and zero-emission vehicles and for a global fair trade approach in importing materials such as lithium and cobalt, as the advancement of these technologies will play a key role in the future of clean and sustainable mobility;

25. Stresses the importance of coming up with consistent economic and industrial development strategies, in which aims such as the further boosting of production and use of low-emission vehicles are matched by the deployment of resources for achieving them, in terms of infrastructure and usage-related components such as batteries, an aspect on which the Commission and Member States should also focus their attention with a view to drafting an EU battery production strategy; underlines the importance of incentivising manufacturers and market uptake in order to reduce costs;

26. Welcomes the fact that the Commission has also made a link with the circular economy with a particular emphasis on scarce materials and batteries; encourages the Commission, in this context, to further assess the environmental footprint of battery manufacturing and recycling to obtain a full picture of the environmental impacts of battery-powered electric vehicles in order to facilitate the comparison of life-cycle sustainability of different drive systems;

27. Stresses the potential benefits of second-use applications for vehicle batteries, for example in smart grid and smart home storage solutions, and calls on the Commission and Member States to support research and pilot projects in this field through funding schemes;

28. Supports the increased use of digital technologies in the implementation of the 'polluter pays' principle, such as eTolling and eTicketing based on the environmental performance of vehicles; welcomes the Commission's guidelines for cities on urban vehicle access regulations (UVARs); stresses, however, that more needs to be done at European level to avoid the fragmentation of the Single Transport Area; points, in this context, to the importance of funding for transport infrastructure projects and significant investment in the most environmentally responsible low-carbon fuels in order to promote the transformation of the transport system and to ensure the integration of energy and transport assets as a means to accelerate the transition to a more sustainable fuel mix; believes, as regards EU funding for transport, that fitness for the purpose of achieving climate goals should be one of the eligibility criteria for projects;

29. Reiterates the EU's commitments on the fight against climate change under the Paris Agreement, the UN 2030 Agenda and the 2030 Climate and Energy Framework; welcomes the measures already adopted, such as the Worldwide Harmonised Light Vehicle Test Procedure (WLTP) test cycle as well as the Real Driving Emissions (RDE) packages, which aim to reduce the gap between the stated decarbonisation targets and real on-road emissions; asks the Commission to monitor the effectiveness of these measures and, if needed, to suggest further improvements; considers the WLTP to be a step in the right direction regarding the measurement of passenger car fuel consumption and CO_2 emissions;

30. Notes that the provision of information to consumers on passenger vehicles is imperative to accelerate decarbonisation in transport, and calls, therefore, for improved, reliable and more accessible information on emissions and fuel consumption of vehicles, including standardised, visible and clear vehicle labelling, in order to allow consumers to make informed choices and to promote changes in the behaviour of businesses and private individuals, and cleaner mobility; stresses that more accurate information will also facilitate and allow the public authorities of Member States, regions and cities to make use of 'green' public procurement; welcomes Commission Recommendation (EU) 2017/948 ([10]), while also calling on the Commission to consider revising the Car Labelling Directive 1999/94/EC ([11]);

31. Notes both the current financial and non-financial barriers that consumers face in purchasing a low-emission vehicle; recalls that end-user acceptance of low-emission vehicles strongly depends on the availability and accessibility of comprehensive and cross-border infrastructure; welcomes, in this regard, existing private and public initiatives to enable roaming between charging infrastructure operators; calls on the Commission and Member States to take all necessary steps to facilitate roaming and the accessibility of charging infrastructure within Europe; calls on the Commission to give greater support to Member States' efforts in expanding their alternative fuel infrastructure in order to achieve EU-wide core coverage as soon as possible;

32. Takes the view that, in order to speed up the market penetration of low-emission fuels and to fully exploit their climate benefits, it is necessary to create incentives for their use and the development of compatible vehicles; reiterates, however, that to abide by the Paris Agreement, greenhouse gas (GHG) emissions from transport will need to be firmly on the path towards zero by mid-century; underlines that the European road transport sector cannot be transformed to move towards ecological and economic sustainability by the continuation of a technological 'one-size-fits-all' approach and that, therefore, a shift to a truly technology-neutral assessment of drive systems is needed in relation to the development of future vehicles that will correspond to diverse mobility needs; stresses that a cross-sectoral effort is required to accelerate investment in low-emission fuel infrastructure, which is a precondition for the wider uptake and deployment of alternatively powered vehicles;

([10]) OJ L 142, 2.6.2017, p. 100.
([11]) OJ L 12, 18.1.2000, p. 16.

33. Stresses that the Clean Vehicles Directive ([12]) must consider the needs of and the resources available to municipalities and regional authorities in order to achieve its full potential, particularly with regard to the issues of complexity and administrative burdens;

34. Welcomes the Commission's commitment to present, by 2 May 2018, a legislative proposal for CO_2 emissions and fuel consumption standards for heavy-duty vehicles (HDVs) that should be ambitious, realistic and based on data collected using the Vehicle Energy Consumption Calculation Tool (VECTO) in order to ensure coherent HDV legislation; stresses that VECTO must be updated swiftly and regularly in order to permit the accurate accounting of new technologies to improve vehicle efficiency in good time;

35. Underlines that the level of ambition of CO2 targets for HDVs must be coherent with future ambitions to reduce pollutant emissions, for example under Euro 7, as well as with requirements under Directive (EU) 2015/719 on weights and dimensions ([13]);

36. Recalls the appalling fume exposure experiments conducted on humans and monkeys by the European Research Group on Environment and Health in the Transport Sector (EUGT), a body funded by major car companies; recalls that this is not the first car industry scandal of this kind; calls for all research that informs EU policy to be completely independent from the car industry, including by way of funding and subcontracting;

Transport transition that works for all users

37. Underlines that connectivity among autonomous vehicles, between vehicles and infrastructure, between vehicles, bicycles and pedestrians and in the network itself must be a key long-term goal in order to ensure an unobstructed traffic flow; calls, therefore, on the Commission to address issues of data use and management, with emphasis on data protection, and to assess all the likely computer-aided design (CAD) technology applications which incorporate high levels of autonomy and provide added-value services; emphasises the need to develop telecommunication and satellite infrastructure for better positioning and communication services between vehicles and infrastructure and calls on the Commission to stipulate where and by when existing transport infrastructure must be brought into line with smart transport infrastructure standards;

38. Points out that autonomous driving and clean vehicles will call for integrated infrastructure planning and investment to equip roads with the necessary telecommunications and charging infrastructure, for example for electric cars, as well as to provide high quality road data, for example for high definition digital maps, and fully interoperable on-board equipment; calls on the Commission and Member States to boost investment to fund innovative, sustainable upgrades to transport infrastructure;

39. Reminds the Commission that, in order to accomplish adequate connectivity of transport and the proper management of safety, signalling, automation, digital features for consumers and a secure management of data, full 5G coverage of TEN-T corridors for rail, road and inland waterways must be ensured as soon as possible; calls for smart highway projects to be developed and intelligent transport corridors set up; believes that main roads should have fibre, wireless and 5G base station installations;

40. Recalls that zero casualties on European roads should be the overarching goal and highlights the need to ensure the safe coexistence of old and new modes of transport, that change being made easier by the mandatory fitting of certain driver assistance systems and the assurance of appropriate infrastructure; calls on the Commission to make a thorough and technologically neutral assessment of the safety implications of the use of automated systems with a holistic focus on the safety repercussions of all intermodal transport systems;

([12]) OJ L 120, 15.5.2009, p. 5.
([13]) OJ L 115, 6.5.2015, p. 1.

Thursday 13 September 2018

41. Stresses that targets for the reduction of fatalities and serious injuries in road accidents have still not been met and that European transport policy should therefore focus on meeting them; underlines the importance of adequate safety legislation in achieving a safer road transport sector; reminds the Commission and Member States that in order to reduce the number of accidents and victims on Europe's roads, suitable parking and rest conditions must be guaranteed throughout the EU;

42. Points out that the development of connected and automated cars has largely been driven by technology; calls, therefore, for its social impact to be investigated and recognised, and believes that the full compatibility of the introduction of connected and automated cars with social, human and environmental values and aims must be ensured; stresses that, in the event of an accident involving one or more automated vehicles, it should be clear who is liable, whether it is the software company(ies), the vehicle manufacturer(s), the driver(s) or the insurance company(ies);

43. Underlines that those upcoming changes should not come at the expense of social inclusion and connectivity in the Member States and areas where there are mobility gaps; notes the need to upgrade network capacity, taking advantage of existing network infrastructure and significant future innovations to enable deeper integration of digital technologies and to address the major disparities of connectivity between Member States and also between urban and rural, central and remote areas, for which a series of tailored solutions should be developed supported by and on the basis of coordination between the public and private sectors; stresses that conventional modes of transport such as busses still have a key role to play in remote and mountainous areas and should not be disregarded in this process; recalls that experience in several EU countries shows that structuring the collective and public road transport under public service obligation (PSO) contracts that combine profitable and unprofitable lines can deliver optimal results for citizens, public finances and market competition;

44. Recalls the need to favour collective and safer means of transport for freight and passengers on major cross-border corridors and in metropolitan areas, in order to reduce pollution, traffic jams and casualties and protect the health of citizens and road users;

45. Calls on the Commission and Member States to promote sustainable urban mobility plans (SUMPs) and sustainable rural mobility plans (SRMPs) that are justified by the public interest and integrate all new modes of transport, supporting the deployment of a multimodal transport system for passengers, improving mobility and the quality of services for citizens, including for the elderly and citizens with disabilities, providing them with alternatives and internalising or reducing health and external environmental costs for cities, in addition to encouraging tourism; notes that such plans should foster the inclusion, participation and employment of citizens who live in more remote areas, in order to combat the threat of depopulation of rural areas, to improve accessibility and communication with outlying areas and cross-border regions; stresses that rural mobility differs substantially from urban mobility in terms not only of distances and the availability of public transport, but also with regard to environmental and economic factors such as lower environmental pressure from pollutant emissions, lower average income and higher barriers to investment in infrastructure;

46. Notes that the lessons of the previous and ongoing projects such as the Transport Work Programme, the Connecting Europe Facility and sustainable shared mobility interconnected with public transport in European rural areas (SMARTA), deliver elements for creating smart villages, including more efficient and smarter door-to-door logistics, innovative concepts of mobility as a service (MaaS), smart next generation transport infrastructure, connected and automated transport and smart urban mobility (transport to and from cities);

47. Stresses that mobility is increasingly regarded as a service and therefore expanded seamless multimodal door-to-door transport should be made possible on a cross-border basis, and accordingly calls on Member States to make multimodal travel information and booking services available, with real-time information, and calls on the Commission to submit a legislative proposal on multimodal passenger rights by the end of 2018; maintains that such new transport services should be treated, for instance in the context of road charging, as modes of travel that are at least as good as, if not preferable to, private motoring and that their deployment should not be slowed down by legislative obstacles;

48. Calls on the Commission to promote existing national and local regulatory best practices that integrate new and traditional forms of mobility, that support consumer choice, making multimodal information and ticketing services available for consumers, and encouraging the use of public, rather than private, transport or supporting offers from the collaborative transport economy which give momentum and the necessary support to the promotion of sustainable tourism and of environmental and cultural heritage, in particular favouring SMEs and focusing on Members States and areas where there are mobility gaps;

49. Reiterates that travel is one of the sectors most affected by digitalisation and that this new and more influential digital environment is empowering consumers to play a more active role when they research, shop for, book and pay for their trips; stresses that it is necessary to enforce the existing rules that safeguard transparency and neutrality, so that consumers can make informed choices based on reliable information.

50. Points to the importance of guiding mobility; considers it important that people be encouraged to adopt sustainable mobility habits through economic incentives as well as through awareness-raising about the environmental impacts of individual modes of transport, and through the coordination and development of low-carbon transport services such as public transport and the creation or improvement of infrastructure for soft mobility (walking, cycling, etc.) in order to give people an alternative to road transport; points to the need to fund projects to facilitate local and regional low-carbon mobility such as, for example, city bike schemes;

51. Calls on the Commission to promote efficient and green logistics to better cope with the foreseen increase in freight demand through better optimisation of the loading capacity of trucks and to reduce the number of empty or partially loaded trucks; further calls on the Commission to reinforce efforts to increase multi-modal shift and to promote multimodal platforms for coordinating transport demand, and calls on Member States to use electronic transport documents across Europe as standard practice in order to reduce red tape and administrative burden and to increase efficiency;

52. Stresses the important contribution that platooning and the use of longliners can make to increasing efficiency and saving fuel in road haulage, and therefore calls on the Commission and Member States to realise the objectives of the Declaration of Amsterdam and establish incentives for the increased use of longliners;

53. Encourages the Commission to support initiatives that contribute to the reduction and avoidance of road congestion without transferring transport volumes towards alternative road sections, such as best practise examples on congestion charging as well as successful modal shift measures;

54. Calls on the Commission to undertake an in-depth assessment of issues related to data privacy and liability that could arise with the development of automated cars;

55. Notes the potential of collaborative economic models to improve the efficiency of the transport system and reduce unwanted externalities, such as congestion and emissions; calls on the authorities, in keeping with the subsidiarity principle, to consider fully integrating truly collaborative transport services into the conventional transport system, with a view to fostering the creation of full and fluid travel chains and the provision of new forms of sustainable mobility;

56. Stresses that, in the context of the collaborative economy, the most urgent issues are those concerning consumer protection, liability allocation, taxation, insurance schemes, social protection of workers (whether they are employed or self-employed) and data protection, and expects regulatory measures to be taken in these areas; calls on the Commission and the Member States to ensure that the collaborative economy does not give rise to unfair competition, cause social and fiscal dumping and supplant regulated public transport;

57. Takes the view in light of the CJEU judgment of 20 December 2017 in Case C-434/15 ([14]) that a clear distinction should be drawn between simple intermediation through online platforms and the provision of a transport service; considers a service not to be part of the information society when the activity mostly involves the provision of professional services, and in all cases when the technological platform directly or indirectly determines the cost, quantity or quality of the service being provided;

58. Calls on the Member States to take measures to reduce the risk and likelihood of tax avoidance by companies providing services as part of the collaborative economy and to insist that they pay taxes where they generate profits and provide services;

o

o o

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

([14]) Judgment of the Court (Grand Chamber) of 20 December 2017, *Asociación Profesional Elite Taxi* v *Uber Systems Spain, SL*, C-434/15, ECLI:EU:C:2017:981.

Thursday 13 September 2018

P8_TA(2018)0356

Implementation of the Plant Protection Products Regulation

European Parliament resolution of 13 September 2018 on the implementation of the Plant Protection Products Regulation (EC) No 1107/2009 (2017/2128(INI))

(2019/C 433/22)

The European Parliament,

— having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]),

— having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ([2]),

— having regard to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 ([3]),

— having regard to 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 ([4]),

— having regard to its resolution of 15 February 2017 on low-risk pesticides of biological origin ([5]),

— having regard to the decision of the European Ombudsman of 18 February 2016 in Case 12/2013/MDC on the practices of the Commission regarding the authorisation and placing on the market of plant protection products (pesticides) ([6]),

— having regard to the European Implementation Assessment on Regulation (EC) No 1107/2009 on the placing of plant protection products on the market and to its relevant annexes, as published by the European Parliamentary Research Service (DG EPRS) ([7]) in April 2018,

— having regard to the judgments of the Court of Justice of the European Union of 23 November 2016 in Cases C-673/13 P (*Commission v Stichting Greenpeace Nederland and PAN Europe*) and C-442/14 (*Bayer CropScience v Board for the authorisation of plant protection products and biocides*),

— having regard to the Commission proposal for a Regulation of the European Parliament and the Council of 11 April 2018 on the transparency and sustainability of the EU risk assessment in the food chain amending Regulation (EC) No 178/2002 [on general food law], Directive 2001/18/EC [on the deliberate release into the environment of GMOs], Regulation (EC) No 1829/2003 [on GM food and feed], Regulation (EC) No 1831/2003 [on feed additives], Regulation (EC) No 2065/2003 [on smoke flavourings], Regulation (EC) No 1935/2004 [on food contact materials], Regulation (EC) No 1331/2008 [on the common authorisation procedure for food additives, food enzymes and food flavourings], Regulation (EC) No 1107/2009 [on plant protection products] and Regulation (EU) No 2015/2283 [on novel foods] ([8]),

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) OJ L 70, 16.03.2005, p. 1.
([3]) OJ L 353, 31.12.2008, p. 1.
([4]) OJ L 309, 24.11.2009, p. 71.
([5]) Texts adopted, P8_TA(2017)0042.
([6]) https://www.ombudsman.europa.eu/en/decision/en/64069
([7]) http://www.europarl.europa.eu/RegData/etudes/STUD/2018/615668/EPRS_STU(2018)615668_EN.pdf
([8]) COM(2018)0179.

— having regard to the mandate and the work of the European Parliament's Special Committee on the Union's authorisation procedure for pesticides (PEST),

— having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A8-0268/2018),

A. whereas the evaluation of the implementation of Regulation (EC) No 1107/2009 (hereinafter 'the Regulation') has revealed that the objectives of protecting human and animal health and the environment are not fully being achieved and that improvements could be made in order to achieve all the objectives of the Regulation;

B. whereas the evaluation of the implementation of the Regulation should be considered in conjunction with the EU's overarching pesticide policy, including the rules laid down by Directive 2009/128/EC [the Sustainable Use Directive], Regulation (EU) No 528/2012 [the Biocides Regulation], Regulation (EC) No 396/2005 [the Maximum Residue Level Regulation], and Regulation (EC) No 178/2002 [the General Food Law];

C. whereas the implementation of the Regulation is not proving satisfactory and should be in line with related EU policies, including in the field of pesticides;

D. whereas the available evidence shows that the practical implementation of the three main instruments of the Regulation – approvals, authorisations and enforcement of regulatory decisions – leaves room for improvement and does not ensure the complete fulfilment of the objectives of the Regulation;

E. whereas certain provisions of the Regulation have not been applied at all by the Commission, in particular Article 25 on the approval of safeners and synergists and Article 27 on a negative list of unacceptable co-formulants;

F. whereas other key provisions, such as application of the cut-off criteria for active substances that are endocrine disrupters, have been significantly delayed as a result of unlawful behaviour by the Commission;

G. whereas concerns have been raised by stakeholders regarding the evaluation approach as established by law, in particular as regards who should produce the scientific studies and evidence for the active substance evaluations and the use of the hazard-based approach during those evaluations;

H. whereas the burden of proof should remain on the applicant, so as to ensure that public money is not spent on studies which can eventually benefit private interests; whereas, at the same time, transparency must be ensured at each step of the authorisation procedure, in full compliance with intellectual property rights, while it must also be ensured that good laboratory principles are consistently upheld throughout the Union;

I. whereas there are concerns associated with the practical implementation of the established evaluation approach; whereas in particular there are major concerns associated with the incomplete harmonisation of data requirements and methodologies used that may hinder the evaluation process;

J. whereas the performance of national competent authorities was found to be a major factor influencing the evaluation of active substances; whereas there are substantial differences among Member States as regards available expertise and staff; whereas the Regulation and the relevant supporting legal requirements are not being uniformly implemented across Member States, and this has significant implications for health and the environment;

K. whereas transparency at all stages of the approval procedure should be improved, and increased transparency may help to encourage public confidence in the system regulating plant protection products; whereas the transparency of the authorisation related to the activities of competent authorities is also unsatisfactory in many cases; whereas the Commission has proposed changes to the General Food Law with the aim of addressing concerns relating to the data and evidence supplied during the evaluation process and increasing transparency;

L. whereas authorisations of plant protection products, which take place exclusively at national level, often face delays in risk management decisions; whereas this leads in some cases to an increase in authorisations granted by Member States under derogation, making use of Article 53 of the Regulation; whereas there are cases where such derogations are used against the initial intention of the legislator;

M. whereas the Regulation introduces the provision that integrated pest management (IPM) should have become part of the statutory management requirements under the cross-compliance rules of the common agricultural policy; whereas this is yet to happen;

N. whereas the available evidence shows that this piece of EU-level regulation enhances and adds value to national efforts and actions;

O. whereas serious considerations of alternatives often emerge only after a change in the legal requirements; whereas, for example, in the case of the extended ban on neonicotinoids the most recent assessment (30 May 2018) ([9]) suggests that readily available non-chemical alternatives exist for 78 % of uses of neonicotinoids;

P. whereas no new active substances have been put forward for approval since 31 May 2016; whereas innovation and the development of new products, particularly low-risk products, are important;

Q. whereas the availability of counterfeit pesticides on the market is a matter of real concern; whereas counterfeit pesticides can be harmful to the environment and can also damage the effectiveness of the Regulation;

Main conclusions

1. Considers that the EU is the appropriate level at which regulatory action in the field of pesticides should continue to take place;

2. Points out that environmental measures aimed at preventing, limiting and containing the spread of pathogens and pests have to remain the focus of all current and further actions;

3. Considers that the adoption and implementation of the Regulation represent a significant step forward regarding the treatment of plant protection products (PPPs) in the EU as compared to the past;

4. Highlights that special attention should be paid to the role of small and medium-sized enterprises (SMEs) in the development of new products, as SMEs often lack the substantial resources that are needed for the process of development and approval of new substances;

5. Is concerned at the fact that the Regulation has not been effectively implemented and that, as a result, its objectives as regards agricultural production and innovation are not being achieved in practice; highlights the fact that, partly owing to the low degree of innovation, the number of pesticide active substances is decreasing;

6. Recalls that there is a substantial need for an integrative approach and that Regulation (EC) No 1185/2009 concerning statistics on pesticides ([10]) has to be part of the assessment, with its results being used to reduce quantities, thus minimising risks and their negative impact on health and the environment;

7. Notes that the objectives and instruments of the Regulation and its implementation are not always sufficiently in line with EU policies in the fields of agriculture, health, animal welfare, food security, water quality, climate change, sustainable use of pesticides and maximum residue levels of pesticides in food and feed;

([9]) ANSES - Agence nationale de sécurité sanitaire de l' alimentation, de l' environnement et du travail (France) - Conclusions, 2018.
([10]) OJ L 324, 10.12.2009, p. 1.

8. Is concerned that the implementation of the Regulation, in relation to the use of animals in testing for hazard identification and risk assessment, is not in line with the 3R requirements (the principles of replacement, reduction and refinement) of Directive 2010/63/EU on animal experiments, and that the two-year bioassay for carcinogenicity can lead to controversial results ([11]);

9. Recalls that the precautionary principle is a general EU principle laid down in Article 191 of the Treaty on the Functioning of the European Union, and that this principle aims to ensure a high level of protection for the environment through preventive decision-making;

10. Finds it unacceptable that the approval requirements for safeners and synergists have not yet been applied, contrary to Article 25 of the Regulation;

11. Finds it unacceptable that the negative list of co-formulants has still not been adopted, especially after the ban on POE-tallowamines in combination with glyphosate, which has highlighted the adverse effects that certain co-formulants can have;

12. Takes note of the Commission's ongoing REFIT Evaluation of Regulation (EC) No 1107/2009 and of its planned completion by November 2018; trusts that these findings will be an adequate basis for the co-legislators to discuss the future development of the Regulation;

13. Is concerned by the steadily increasing use and identified cases of misuse of emergency authorisations granted under Article 53 in some Member States; notes that some Member States use Article 53 significantly more than others; notes the technical assistance provided by the European Food Safety Authority (EFSA) in accordance with Article 53(2) of the Regulation, in examining the use of emergency authorisations; notes the results of the EFSA investigation into the emergency authorisations in 2017 of three neonicotinoids, which showed that while some emergency authorisations were necessary and within the parameters laid down in the legislation, others were not justified; considers it essential that Member States provide the necessary data to enable EFSA to carry out its mandate effectively;

14. Stresses the importance of policymaking that is informed by regulatory science, producing verifiable and repeatable evidence using internationally agreed scientific principles as regards aspects such as guidelines, good laboratory practices and peer-reviewed research;

15. Is concerned that the incomplete harmonisation of data and testing requirements in some scientific fields leads to inefficient working methods, lack of trust among national authorities, and delays in the authorisation process, which may result in negative effects on human and animal health, the environment and agricultural production;

16. Regrets the limited public availability of information on the evaluation and authorisation procedure, as well as the limited access to information; regrets that the level of transparency of the rapporteur Member States is low (when acting in the framework of the approval procedure), and suggests that the accessibility and user-friendliness of information at the EFSA stage could be improved, and that transparency at the risk management stage seems to be lacking and is also considered problematic by stakeholders; welcomes the efforts of the European Chemicals Agency (ECHA) to increase transparency and user-friendliness through its website, and considers that this model could be employed in the future to improve transparency;

17. Highlights that the credibility of the PPP authorisation system strongly depends on public trust in European agencies, which provide the scientific opinions that are the basis for approval and risk management; underlines that transparency in the scientific assessment process is important to maintain public trust; calls, therefore, for the relevant agencies to be adequately funded and have the necessary staff to ensure an independent, transparent and timely authorisation process; further welcomes EFSA's continuous efforts to improve its system in order to ensure independence and the management of potential conflicts of interest, which was praised by the Court of Auditors as the most advanced system of the audited agencies in 2012, and which was recently updated in June 2017; calls on the Commission to propose improvements to further enhance the transparency of the regulatory process, including on access to the data in safety studies submitted by producers as part of their applications for market authorisation of PPPs in the EU; recognises the need to review the procedure in order to improve evaluations, increase the independence of the authorities tasked with carrying out studies, avoid conflicts of interest and make the procedure more transparent;

([11]) Source: Based on information and findings of the European Implementation Assessment, EPRS Study April 2018, p. 36 & II-33.

18. Calls on the Commission to establish a European usage catalogue in order to better harmonise the regulation;

19. Is concerned that, in some cases, the PPPs available on the market and their application by users do not necessarily comply with the relevant authorisation conditions as regards their composition and usage; emphasises that non-professional use should be limited where possible to reduce misuse;

20. Underlines the importance of training for professional users to ensure the proper and appropriate use of PPPs; considers it fitting to distinguish between professional and amateur users; notes that PPPs are used in the context of private gardens, railways and public parks;

21. States that the Member States' right to refuse authorised PPPs remains unaffected;

22. Emphasises that the Regulation should better reflect the need to promote agricultural practices based on IPM, including by stimulating the development of low-risk substances; highlights that the lack of availability of low-risk PPPs hinders the development of IPM; notes with concern that only ten substances are approved as low-risk PPPs, out of a total of almost 500 available on the EU market;

23. Emphasises that the authorisation and promotion of low-risk pesticides that are non-chemical is an important measure to support low pesticide-input pest management; acknowledges the need for more research into these products, as their composition and functioning are radically different from those of conventional products; underlines that this also includes the need for more expertise within EFSA and the national competent authorities to evaluate these biological active substances; stresses that PPPs of biological origin should be subject to the same rigorous evaluations as other substances; in line with its resolution of 15 February 2017 on low-risk pesticides of biological origin, calls on the Commission to submit a specific legislative proposal amending Regulation (EC) No 1107/2009, outside of the general revision in connection with the REFIT initiative, with a view to establishing a fast-track evaluation, authorisation and registration process for low-risk pesticides;

24. Takes the view that Regulation (EC) No 1107/2009 should also be amended to take more account of substances not regarded as PPPs and which, when used for plant protection, are governed by the Regulation; notes that such substances offer interesting alternatives in terms of integrated production methods and some bio-control products;

25. Emphasises that special attention and support should be given to PPPs for minor uses, as there is currently little economic incentive for companies to develop such products; welcomes the setting-up of the Minor Uses Coordination Facility as a forum for improving coordination between Member States, grower organisations and industry in developing solutions for minor uses;

26. Highlights that many authorised PPPs have not been evaluated against EU standards for more than 15 years, as a consequence of delays in the authorisation procedures;

27. Stresses the importance of creating an innovation-friendly regulatory framework which will allow the replacement of older chemistry by new and better crop protection products; underlines the importance of the availability of a broad spectrum of PPPs with different modes of action so as to avoid the development of resistances and maintain the effectiveness of crop protection product application;

28. Is concerned that the harmonisation of guidelines is not yet consolidated;

29. Stresses that missing or incomplete guidelines are serious shortcomings that have negative consequences for the implementation of the Regulation and hence for the achievement of its objectives;

30. Highlights that the available guidance documents are not legally binding, which creates regulatory uncertainty for the applicants and brings into question the results of the evaluations carried out in the framework of the approval procedures;

31. Welcomes the concept of the zonal system and its aim to facilitate the efficient authorisation of plant protection products; considers the mutual recognition procedure as vital for sharing the workload and encouraging compliance with deadlines; regrets the implementation problems associated with the mutual recognition principle; calls on the Commission to work with Member States to improve the functioning of the zonal system; underlines that the full implementation of the existing legislation should have the aim of avoiding duplication of work and making new substances available to farmers without unnecessary delays;

32. Underlines the need for knowledge-sharing and skills acquisition in relation to alternatives to chemical pesticides and IPM, including finding the optimum crop rotation for farmers' market and climatic situations; notes further that this has already been provided for in the horizontal regulation of the CAP, notably also in the Farm Advisory Services financed under rural development;

33. Expresses its concern regarding the small number of new substances that have been approved; stresses the importance of a suitable toolbox of PPPs for farmers in order to secure the EU's food supply;

34. Expresses its concern that in recent debates, the EU's current science-based evaluation system for PPPs has been increasingly called in question; stresses the importance of maintaining and further strengthening a system which is scientifically robust, objective, and based on peer-reviewed evidence, derived from an open, independent and multidisciplinary scientific approach in authorising any active substance, in line with the EU's risk analysis principles and the precautionary principle as established in the General Food Law; insists that the procedure for the re-approval of active substances must take into account the practical use of PPPs, as well as scientific and technological progress in this area; points out that the complexities in the current evaluation and authorisation system lead to deadlines being missed and could mean that the entire system cannot work properly; stresses, therefore, the need to review and simplify the system;

35. Highlights the imbalance in the number of applications between some Member States of the same zone which are of similar size and have similar agricultural conditions;

36. Considers that produce imported from outside the EU which has been cultivated using PPPs should be subject to the same strict criteria as that produced within the EU; is concerned that PPPs not registered in the EU may be used in the production of imported produce;

Recommendations

37. Calls on the Commission and the Member States to ensure effective implementation of the Regulation as regards their specific roles in the approval and authorisation procedures;

38. Calls on the Member States to improve the serious and chronic understaffing of the national competent authorities, which leads to delays at the stage of hazard identification and initial risk assessment performed by Member States;

39. Calls on the Commission and the Member States to ensure that the procedural extension of the approval period for the duration of the procedure, pursuant to Article 17 of the Regulation, will not be used for active substances that are mutagenic, carcinogenic, toxic for reproduction and therefore in category 1A or 1B, or active substances that have endocrine disrupting characteristics and are damaging to humans or animals, as is currently the case for substances such as flumioxazine, thiacloprid, chlorotoluron and dimoxystrobin ([12]);

([12]) Source: https://www.foodwatch.org/fileadmin/foodwatch.nl/Onze_campagnes/Schadelijke_stoffen/Documents/Rapport_foodwatch_Ten_minste_onhoudbaar_tot.pdf

40. The use of active substances that are mutagenic, carcinogenic, toxic for reproduction and therefore in category 1A or 1B, or active substances that have endocrine disrupting characteristics and are damaging to humans or animals, that already have had one or more procedural extensions of the approval period, pursuant to Article. 17, must be prohibited immediately;

41. Calls on the Commission and the Member States to acknowledge that the protection of human and animal health and the environment are key objectives of the legislation, while improving agricultural production and safeguarding the competitiveness of the agricultural sector;

42. Calls on the industry to provide all data and scientific studies in a uniform electronic and machine-readable format to the rapporteur Member States and the EU agencies; calls on the Commission to develop a harmonised model for data inputs so as to facilitate easier data exchange between Member States at all stages of the process; acknowledges that this data must be handled within the parameters of the EU data protection and intellectual property laws;

43. Calls on the Member States to strictly apply Article 9 of the Regulation on the admissibility of applications and to only accept complete applications for the assessment of the active substance;

44. Calls on the Commission and the Member States to ensure full and uniform application of the hazard cut-off criteria, following the existing harmonised guidance, and to make sure that substances are assessed for their risk only if there is evidence that they do not present hazardous (cut-off) properties, as required by the Regulation;

45. Calls on the Commission to finally implement the provisions on co-formulants, safeners and synergists, to establish a list of unacceptable co-formulants and rules so that safeners and synergists are tested at EU level, and to ensure that only those chemicals which comply with the EU approval criteria can be marketed;

46. Welcomes the Commission's interpretation of the precautionary principle, as expressed in the REFIT evaluation of the General Food Law ([13]), namely that it is not an alternative to a risk management approach, but, rather, a particular form of risk management; recalls that this view is also supported by EU court rulings ([14]);

47. Calls on the Commission and the Member States, when acting as risk managers in the approval and authorisation procedures, to duly apply the precautionary principle and to pay particular attention to the protection of vulnerable groups as defined in Article 3(14) of the Regulation;

48. Calls on the Commission, the agencies and the competent authorities to review and improve their communication on risk assessment procedures and risk management decisions, in order to improve public trust in the authorisation system;

49. Calls on the Member States to better implement the authorisation procedures at national level, in order to limit the derogations and extensions granted under Article 53 of the Regulation to actual emergency situations; calls on the Commission to fully use its control rights under Article 53(2) and (3); further calls on the Member States to fully comply with the obligation to inform other Member States and the Commission set out in Article 53(1), in particular regarding any measures taken to ensure the safety of users, vulnerable groups and consumers;

50. Calls on the Commission to finalise methods to determine when certain derogations should be applied, in particular as regards 'negligible exposure' or 'serious danger to plant health', without changing the letter or the spirit of the law; warns the Commission that any reinterpretation of the term 'negligible exposure'as 'negligible risk'would be against the letter and the spirit of the law;

([13]) SWD(2018)0038.

([14]) For example, Judgment of the General Court of 9 September 2011, *France v Commission*, T-257/07, ECLI:EU:T:2011:444.

51. Calls for more investment from the Commission and the Member States to incentivise research initiatives concerning active substances, including biological low-risk substances, and PPPs within Horizon Europe and the Multiannual Financial Framework 2021-2027; underlines the importance of a regulatory framework for PPPs at EU level that protects the environment and human health and also stimulates research and innovation in order to develop effective and safe PPPs while ensuring sustainable agricultural practice and IPM; highlights that a wide variety of safe and effective tools are needed to protect plant health; highlights the potential that precision farming techniques and technological innovation can have in helping European farmers optimise pest control in a more targeted and sustainable manner;

52. Calls on the Commission to strictly limit the use of the confirmatory data procedure to its purpose as laid down in Article 6(f) of the Regulation, namely where new requirements are established during the evaluation process or as a result of new scientific and technical knowledge; stresses that complete dossiers are important for active substance approvals; regrets that the derogation-by-confirmatory-data procedure has led to certain PPPs that would have otherwise been banned remaining on the market for an extended period of time;

53. Calls on the Commission and the Member States to increase the overall transparency of the procedures, including by providing detailed minutes on the comitology discussions and the respective positions, in particular by explaining and justifying the decisions of the Standing Committee on Plants, Animals, Food and Feed (PAFF Committee);

54. Calls on the Commission and the Member States to ensure better coherence of the Regulation and its implementation with related EU legislation and policies, in particular with the Sustainable Use of Pesticides Directive, and to provide for incentives, including making available sufficient resources, that promote and stimulate in the short term the development and use of safe and non-toxic alternatives to PPPs; notes the failure of the regulatory framework to consider inevitable non-target impacts, notably on bees and other pollinators and other insects that are beneficial to farming as if they were predators of pests; notes the recent scientific study highlighting the 'insect Armageddon' whereby 75 % of winged insects have become regionally extinct across Germany, even in nature reserves where no pesticides were used for agriculture; calls on the Commission and the Member States to ensure the coherence of the CAP with the PPP legislation, in particular by maintaining the obligations under Regulation (EC) No 1107/2009 and Directive 2009/128/EC on the list of statutory management requirements (SMR 12 and SMR 13), as proposed by the Commission in the proposal for the CAP Strategic Plans Regulation ([15]);

55. Call on the Member States to ensure effective enforcement of the Regulation, especially as regards controls on the PPPs marketed in the EU and regardless of whether they have been produced in the EU or imported from third countries;

o

o o

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

([15]) Proposal for the CAP Strategic Plans Regulation - COM(2018)0392.

Thursday 13 September 2018

P8_TA(2018)0357

Dual quality of products in the Single Market

European Parliament resolution of 13 September 2018 on dual quality of products in the single market (2018/2008(INI))

(2019/C 433/23)

The European Parliament,

— having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ([1]),

— having regard to Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 ([2]),

— having regard to 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 ([3]),

— having regard to the Commission Notice of 26 September 2017 entitled 'The application of EU food and consumer protection law to issues of Dual Quality of products – The specific case of food',

— having regard to the Commission staff working document of 25 May 2016 on guidance on the implementation/application of Directive 2005/29/EC on unfair commercial practices (SWD(2016)0163),

— having regard to the Commission communication of 25 May 2016 on a comprehensive approach to stimulating cross-border e-Commerce for Europe's citizens and businesses (COM(2016)0320),

— having regard to the Commission communication of 24 October 2017 entitled 'Commission Work Programme 2018: An agenda for a more united, stronger and more democratic Europe' (COM(2017)0650),

— having regard to President Jean-Claude Juncker's State of the Union speech of 13 September 2017,

— having regard to the conclusions by the President of the European Council of 9 March 2017, in particular paragraph 3 thereof,

— having regard to the outcome of the 3 524th meeting of the Agriculture and Fisheries Council of 6 March 2017,

— having regard to the minutes of the 2 203rd meeting of the Commission of 8 March 2017,

— having regard to the briefing paper on misleading packaging practices produced by its Policy Department A in January 2012,

([1]) OJ L 149, 11.6.2005, p. 22.
([2]) OJ L 345, 27.12.2017, p. 1.
([3]) OJ L 304, 22.11.2011, p. 18.

Thursday 13 September 2018

— having regard to its resolution of 11 June 2013 on a new agenda for European Consumer Policy([4]),

— having regard to its resolution of 22 May 2012 on a strategy for strengthening the rights of vulnerable consumers([5]), in particular paragraph 6 thereof,

— having regard to its resolution of 4 February 2014 on the implementation of the Unfair Commercial Practices Directive 2005/29/EC([6]),

— having regard to its resolution of 7 June 2016 on unfair trading practices in the food supply chain([7]),

— having regard to its resolution of 19 January 2016 on the Annual report on EU Competition Policy([8]), in particular paragraph 14 thereof,

— having regard to its resolution of 14 February 2017 on the annual report on EU competition policy([9]), in particular paragraph 178 thereof,

— having regard to its major interpellation of 15 March 2017 on differences in declarations, composition and taste of products in central/eastern and western markets of the EU([10]),

— having regard to the European Parliamentary Research Service briefing of June 2017 entitled 'Dual quality of branded food products: Addressing a possible east-west divide',

— having regard to the survey on foodstuffs and Czech consumers carried out by the Czech Agriculture and Food Inspection Authority in February 2016,

— having regard to the special study on the issue of dual quality and the composition of products marketed within the European Union's single market from the perspective of consumer protection law (particularly unfair commercial practices), competition law (especially unfair competition) and industrial property rights, produced by the Faculty of Law of Palacký University, Olomouc, in 2017,

— having regard to the various surveys, studies and tests carried out in the last few years by the food inspection authorities in a number of Member States in Central and Eastern Europe,

— having regard to the Nielsen report of November 2014 on the state of private label around the world,

— having regard to the Commission communication of 11 April 2018 on A New Deal for Consumers (COM(2018)0183),

— having regard to the Commission's proposal for a directive of the European Parliament and of the Council of 11 April 2018 on better enforcement and modernisation of EU consumer protection rules (COM(2018)0185),

— having regard to 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([11]),

— having regard to Article 17(2) of the Charter of Fundamental Rights of the European Union on the protection of intellectual property,

([4]) OJ C 65, 19.2.2016, p. 2.
([5]) OJ C 264 E, 13.9.2013, p. 11.
([6]) OJ C 93, 24.3.2017, p. 27.
([7]) OJ C 86, 6.3.2018, p. 40.
([8]) OJ C 11, 12.1.2018, p. 2.
([9]) Texts adopted, P8_TA(2017)0027.
([10]) O-000019/2017.
([11]) OJ L 31, 1.2.2002, p. 1.

— having regard to the joint letter from the Republic of Croatia, the Czech Republic, Hungary, Lithuania, the Republic of Poland and the Slovak Republic to the Commission of 23 March 2018 concerning the issue of dual quality of products in the context of the New Deal for Consumers,

— having regard to the results of the comparative studies carried out by consumer protection authorities and organisations in several EU Member States,

— having regard to the Commission proposal to update Directive 2005/29/EC on unfair commercial practices (UCPD) in order to make explicit that national authorities can assess and address misleading commercial practices that involve the marketing of products as identical in several EU countries when their composition or characteristics are significantly different,

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

— having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Agriculture and Rural Development (A8-0267/2018),

A. whereas when promoting, selling or supplying products, companies should provide consumers with accurate and easy-to-understand information on the exact product composition, including on local products and recipes, in order to enable them to make an informed purchasing decision;

B. whereas a key principle for brands should be that consumers have confidence in the composition, value and quality of a product; whereas it is the duty of manufacturers, therefore, to ensure that these expectations are met;

C. whereas consumers are not aware that products from the same brand and with the same packaging are adjusted to local preferences and tastes, and whereas the varying quality of products raises concerns about some Member States being treated differently from others; whereas the European Union has already developed labels in order to meet specific expectations of consumers and to take account of production specificities recognised through the use of quality terms;

D. whereas Directive 2005/29/EC on unfair commercial practices (UCPD) is the Union's main legislative tool for ensuring that consumers are not exposed to misleading advertising and other unfair practices in business-to-consumer transactions, including the marketing of identically branded products in a way that has the potential to mislead consumers;

E. whereas unfair commercial practices can be formulated in the UCPD in such a way that they are prohibited under all circumstances or under certain circumstances; whereas, according to the Commission's findings, listing a practice in Annex I to the UCPD, where appropriate, leads to greater legal certainty and thus fairer competition among producers on the market;

F. whereas consumers make an associative link between brand, product and quality and, accordingly, expect products of the same brand and/or that are identical in appearance to be equally identical in quality, whether they are sold in their own country or in another Member State;

G. whereas consumers also make an associative link between the brand and the label/packaging of an agricultural or food product and quality, and, accordingly, expect products of the same brand that are marketed under the same label or identical in appearance to be equally identical in both quality and composition, whether they are sold in their own country or in another Member State; whereas all farmers in the European Union produce products to the same high standards, and customers expect this uniformity of quality to extend to other products within the food chain, regardless of the jurisdiction in which they reside;

H. whereas all EU citizens deserve equal treatment when it comes to food and non-food products sold on the single market;

I. whereas unfair practices in this respect must be eliminated in order to avoid misleading consumers, and whereas only a strong synergy at EU level can solve this cross-border issue;

J. whereas the assessment of whether a commercial practice is unfair under the UCPD must be performed on a case-by-case basis by Member States, except in the case of the practices listed in Annex I;

K. whereas President Juncker stressed in his 2017 State of the Union Address that it is not acceptable that in some parts of Europe people are sold food of lower quality than in other countries, despite the packaging and branding being identical;

L. whereas there have been substantial differences in the implementation of the UCPD from one Member State to another, while the methodological approaches and effectiveness of the resolution and enforcement of the directive varies significantly between Member States;

M. whereas the brand often plays the most important role in decisions on the value of a product;

N. whereas a strengthened and more efficient enforcement cooperation framework would boost consumer trust and reduce consumer harm;

O. whereas all consumers in the EU have the same rights, and whereas analyses show that certain producers and manufacturers have sold products of different quality standards under the same brand and with a deceptively identical appearance, with certain products in some countries containing less of the main ingredient or lower quality ingredients substituting higher quality ones; whereas this problem is more widespread in the Member States that have joined the EU since 2004; whereas the analyses found instances of the same products or those with a deceptively identical appearance and of a lower quality or with a different taste, consistency or other sensory characteristics being sold at prices varying considerably from one country to another; whereas even if this does not breach free market economy principles or infringe current rules on labelling or other food law, it is still an abuse of brand identity and thus hinders the principle that all consumers are treated equally;

P. whereas there have been cases of substantial differences in products such as baby food, which brings into question the principles and claims of manufacturers, who claim that they are adjusting their products to meet local preferences; whereas some laboratory findings confirm that lower quality products may contain less healthy combinations of ingredients, thus hindering the principle of equal treatment of all consumers; whereas some producer and manufacturer representatives have agreed to amend their product recipes in some countries so that identical products are offered across the single market;

Q. whereas these unacceptable practices are brought about by well-known agri-food multinationals seeking to maximise their profit margins by exploiting the differences in purchasing power from one Member State to the next;

R. whereas in its New Deal for Consumers proposal, a targeted revision of the EU consumer directives following on from the Fitness Check of EU consumer and marketing laws, the Commission suggested updating the UCPD in order to make explicit the ability of national authorities to assess and address misleading commercial practices involving the marketing of products as identical in different Member States, when their composition or characteristics are in reality significantly different;

S. whereas while consumers should not be misled, product differentiation and innovation should not be restricted as such;

T. whereas the single market has brought major benefits to operators in the food supply chain, and whereas the food trade has an increasingly significant cross-border dimension and is of particular importance for the functioning of the single market;

U. whereas in order to fully reap the benefits of the internal market, it is crucial that existing EU food and consumer legislation be better applied so as to identify and address unjustified dual standards and thus protect consumers from misleading information and commercial practices;

V. whereas there is a continuous need to strengthen the role of consumer associations in this regard; whereas consumer associations play a unique role in guaranteeing consumer confidence and should be further supported through additional legal and economic measures and capacity building;

W. whereas proven differences in ingredients in comparable products could in the long term pose a risk to consumers' health, particularly in the case of vulnerable consumers such as children or people with dietary and/or health issues, thereby contributing to a deterioration in the well-being of citizens; whereas this is the case, for example, where the level of fat and/or sugar is higher than expected, where fats of animal origin are replaced by fats of vegetable origin or vice versa, where sugar is replaced with artificial sweeteners, or where salt content is increased; whereas labelling that does not give an accurate picture of the additives used, or the number of substitutes for basic ingredients, misleads consumers and may pose a risk to their health;

X. whereas there are no legislative regulations on dual quality at EU level, which makes it impossible to compare quality or identify cases of dual quality and means that there are no instruments that might be used to remedy the situation; whereas shortcomings in the implementation and enforcement of applicable EU food law requirements, for instance in the labelling of mechanically separated meat([12]) or the use of food additives([13]), have regularly been reported by the Commission's Health and Food Audits and Analysis services;

Y. whereas differences in composition potentially affecting consumer health may be found not only in foodstuffs, but also in cosmetics, hygiene products and cleaning products;

Z. whereas reformulation activities to reduce fat, sugar and salt content in food are lagging behind in many Central, Eastern and South-Eastern European countries;

1. Underlines that the results of numerous tests and surveys conducted in several Member States, predominantly in Central and Eastern Europe, with differing methodologies for laboratory testing, have proven that there are differences of various magnitudes, *inter alia* in composition and the ingredients used, between products which are advertised and distributed in the single market under the same brand and with seemingly identical packaging, to the detriment of consumers; notes that according to a survey conducted for a national competent authority, the vast majority of consumers are concerned about such differences; therefore concludes that based on the findings of these tests and surveys, consumers are concerned about discrimination between different markets in the Member States; underlines that any such kind of discrimination is unacceptable and that all EU consumers should enjoy access to the same level of product quality;

2. Highlights that the cases of such significant differences concern not only food products but frequently also non-food products, including detergents, cosmetics, toiletries and products intended for babies;

3. Recalls that Parliament called on the Commission in 2013 to carry out a meaningful investigation to evaluate whether there the existing Union legislation needed to be adjusted, and to inform Parliament and consumers of the results;

4. Welcomes the recent initiatives announced by the Commission to address this issue, in particular its commitment to delivering a common testing methodology and allocating a budget for its preparation and enforcement and for the collection of further reliable and comparable evidence, and to updating the UCPD and launching the Knowledge Centre for Food Fraud and Quality;

([12]) http://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=76
([13]) http://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=115

5. Takes note of the mandate given by the European Council to the High Level Forum for a Better Functioning Food Supply Chain in order to address the issue of dual quality; encourages Member States and their competent authorities to actively participate in ongoing initiatives, including the development and integration into their working practices of a common testing methodology and the collection of further evidence; stresses the need for those parties representing consumers' interests to be actively involved and to be permitted to have opinions delivered on their behalf, including the representatives of consumer organisations, manufacturers and research organisations that have conducted product tests in Member States; believes that Parliament should be involved in all ongoing initiatives that may have an impact on attempts to address the issue of dual quality;

6. Recommends that the Member States concerned draw up their own assessment of the methodology and effectiveness of enforcement of the UCPD and other existing legislation on the issue of the dual quality of food and other products and submit them to the Commission for an objective assessment of the seriousness of the problem;

7. Welcomes Parliament's adoption of a pilot project for 2018, which involves a series of market investigations into several categories of consumer products with a view to assessing different aspects of dual quality; expects the project to be conducted and published in time, as initially planned; believes that the project should also be extended into 2019 so as to secure a greater breadth of knowledge and to cover the non-food sector; calls for MEPs to be afforded greater involvement in overseeing the project; encourages Parliament, the Commission and the Member States to make use of all the available tools, including pilot and national projects, in order to further assess different aspects of dual product quality;

8. Stresses that comprehensive information on the public authority responsible for taking action and on relevant administrative or judicial proceedings, including the possibility for members of the public to file online complaints, is vital for the effective enforcement of the UCPD; views as negative, therefore, the lack of information in the Member States concerned which, in spite of the concerns expressed by the Member States about the need to address the dual product quality issue, do not make this information available on the websites of the responsible authorities;

9. Underlines that the Commission has already received notification of a new national labelling measure designed to warn consumers of differences in the composition of foodstuffs;

10. Welcomes the fact that, in order to further improve consumer protection in the EU and provide support for businesses, the Commission has launched an online training programme to help companies better understand and enforce consumer rights in the EU;

Commission Notice on the application of EU consumer protection law to issues of dual quality of products

11. Takes note of the Commission Notice on the application of EU food and consumer protection law to issues of dual quality of products; points out that this notice is intended to help national authorities to determine whether a company is breaking EU food and consumer laws when selling products of dual quality in different countries, and to advise them on how to cooperate with one another; is concerned that the notice's step-by-step approach for the identification by national authorities of whether producers are in breach of EU law currently lacks any practical application by the authorities, which could mean that consumers' rights are being violated;

12. Agrees with the Commission that in the single market, where consumers have a general understanding of the principles of free circulation and equal access to goods, they do not, *a priori*, expect branded products sold in different countries to be differentiated; recalls that according to the Commission, studies made on brand loyalty demonstrate that, in the minds of consumers, brands act as a certificate for controlled and constant quality; further agrees with the Commission that this explains why some consumers may expect branded products to be of equivalent quality if not exactly the same wherever and whenever purchased, and expect brand owners to inform them when they decide to change the composition of their products;

13. Considers, therefore, that the provision of any additional information, albeit within the principal field of vision of a package, is insufficient unless the consumer clearly understands that the product in question differs from seemingly identical products of a same brand sold in another Member State;

14. Further agrees with the Commission, in this context, that the producers do not necessarily have to offer identical products across different geographical areas and that the free movement of goods does not mean that every product must be identical everywhere within the single market; emphasises that business operators are permitted to market and sell goods of differing compositions and characteristics on the basis of legitimate factors provided that they fully respect EU legislation; stresses, however, that these products should not diverge in quality when they are offered to consumers on different markets;

15. Considers that providing accurate and easy-to-understand information to consumers is key to tackling dual quality of products; is convinced that in the event of a company intending to place on the market of different Member States a product that differs in certain characteristics, such a product cannot be labelled and branded in a seemingly identical manner;

16. Notes that there might be acceptable differences in the composition of a single brand's product and that products may differ on account of regional consumer preferences, the sourcing of local ingredients, requirements of national law, or reformulation objectives; stresses that the intention is not to lay down or harmonise food quality requirements and that it is not desirable to prescribe to manufacturers the exact composition of the various products; believes, however, that consumer preferences should not be used as an excuse to lower quality or offer different quality grades on different markets; stresses that consumers must be clearly informed and aware of this adjustment for each individual product and not only in general terms that this established practice exists;

17. Considers that the notice is perceived as primarily intended for foodstuffs; believes that provisions on the application of consumer protection law should be applied to all food and non-food products available in the single market in general, and that product labels must be legible for consumers and fully informative;

18. Draws attention to the Commission's guidance from 2016 on the application of the UCPD, which states that: 'goods of the same brand and having the same or similar packaging may differ as to their composition depending on the place of manufacture and the destination market, i.e. they may vary from one Member State to another' and that 'under the UCPD, commercial practices marketing products with a different composition are not unfair per se'; emphasises the importance of the Commission's guidance documents in facilitating a proper and coherent application of the UCPD; therefore calls on the Commission to clarify the relationship between the notice, the guidance and the paper drafted by the internal market subgroup of the High Level Forum for a Better Functioning Food Supply Chain;

19. Notes that there may be different requirements for the control methods of the national competent authorities; underlines that there are various analyses that have already been conducted which could serve as a basis for designing and implementing the common testing methodology, even if their methodologies differed and their results were not assessed in the same way; considers that the aim of the work to develop a methodology led by the Commission's Joint Research Centre (JRC) should be clearly stated so as to ensure a unified interpretation of the resulting methodology, including a definition of 'significant difference', and to enable the competent authorities to use it; points out that establishing which of the various products is the most standard and thus the 'product of reference' could actually impede the overall assessment as it may be too difficult to determine;

20. Welcomes the Commission's efforts to assist national enforcement authorities in identifying unfair commercial practices in the marketing of products; calls on the Commission to coordinate national competent authorities in this regard; underlines that the aim of such methodology is to ensure the collection of reliable and comparable evidence by the Member States on a common basis and to contribute to an overall assessment of how serious and widespread the issue of dual quality on the Single Market is; recalls that the factual nature of unfair practices is likely to continue to be judged only on a case-by-case basis, since the extent of the act of misleading the consumer is always a matter of subjective judgment by the competent authority or court;

21. Welcomes the Commission's decision to invite the competent authorities to perform more market tests within the Member States that involve product comparisons across different regions and countries; point out, however, that according to the Commission, such tests should be carried out with a common testing approach, which has not yet been fully developed; stresses the need to stick to the timetable so that the results of the testing carried out under a common testing approach are completed, are published in all official EU languages in a publicly available database, and are analysed at the earliest possible date but no later than by the end of 2018; emphasises, moreover, the need to disclose these results promptly for the purposes of informing consumers and producers in order to raise awareness and thus help to reduce incidences of dual product quality;

Other aspects of dual quality

22. Underlines that private labels have become an essential staple in consumers'shopping baskets and that their market share has increased across most product categories in most Member States over the past decade; believes that private labels should not give the impression of a branded product so as to prevent consumer confusion; reasserts that the issue of private labels requires particular attention from the Commission, with a view to ending the confusion between private labels and branded products; notes that the single market is accessible to producers and manufacturers, but that it is also very competitive, with some brands ubiquitously known or well perceived across the Union;

23. Recalls that Parliament has repeatedly called on the Commission to determine whether dual quality has negative repercussions for local and regional production, in particular SMEs; regrets that no data has been presented by the Commission so far;

24. Underlines that the counterfeiting of branded products exposes consumers to health and safety risks, undermines consumer confidence in brands and leads to a loss of revenue for producers; notes that the range of counterfeit products recovered in the EU remains broad and encompasses nearly all types of goods;

25. Is concerned about restrictions placed on traders when it comes to purchasing goods that may have a negative effect on consumer choice; urges the Commission to identify the factors that contribute to a fragmentation of the single market in goods and illegitimately restrict consumers' ability to benefit fully from the single market, with a particular focus on territorial supply constraints and their implications; invites the Commission to make use of competition law, if applicable, in order to tackle such practices;

26. Points out that national competent authorities can select samples and perform tests only on the territory of their Member State; stresses the need for enhanced, effective, transparent and swift cross-border cooperation and data-sharing, including exchange on potentially non-compliant products and information on possible unfair practices, between national consumer protection and food authorities, consumer associations and the Commission in order to tackle dual quality and improve and approximate the enforcement of the legislation; calls on the Commission and the Member States to engage in such cooperation more intensively; welcomes the adoption of the revised Consumer Protection Cooperation (CPC) Regulation, which strengthens investigation and enforcement powers, improves information and data exchange and access to any relevant information and establishes harmonised rules setting out the procedures for the coordination of investigation and enforcement measures in this regard;

27. Recognises the usefulness of the 'sweeps', which serve as an important form of enforcement coordination under the CPC Regulation, and calls on the Commission and Member States to further strengthen them and broaden their scope;

Recommendations and further steps

28. Emphasises the value of broad and timely public debate that leads to increased consumer awareness about products and their characteristics; notes that some manufacturers and owners of private labels have already announced changes to recipes or the use of a single production standard at EU level; stresses the importance of the role of industry in improving transparency and clarity with regard to product composition and quality and any changes thereto; welcomes the Commission's initiative to develop a code of conduct in this regard; calls, for the sake of their own interests, for both producers and retailers to be granted even greater involvement, in order to help find an effective remedy to the present situation as soon as possible without recourse to enforcement procedures, and to enable European consumers to access products of the same quality throughout the entire single market; invites manufacturers to consider including a logo on the packaging that would indicate that the content and quality of the same brand is the same across Member States;

29. Invites consumer organisations, civil society organisations and the notified national bodies responsible for enforcement of the UCPD and other relevant legislation to play a more active role in the public debate and in informing consumers; is convinced that consumer organisations could make a significant contribution to tackling the problem of dual quality; calls on the Commission and the Member States to bolster their support for national consumer organisations through financial and legal mechanisms, so they can build capacity, develop their testing activities, perform comparative tests and, in tandem with the competent authorities, help to track and expose cases of unfair product differentiation; believes, moreover, that an enhanced cross-border exchange of information between consumer associations should be promoted;

30. Considers that on the basis of previous experiences, competent authorities have been unable to tackle effectively any specific cases of dual quality at national level alone or enforce existing legislation, or have attempted to do so only to a minimal extent, owing in part to an absence of an explicit legal provision at EU level; recalls that the Member States are responsible for enforcing the UCPD and that they should therefore do so in order to ensure that consumers are not misled by unfair marketing practices; stresses that the Member States should ensure that the competent national authorities possess the adequate technical, financial and human capabilities in order to ensure effective enforcement; calls on the Member States to provide consumers with a space for the submission of complaints and their further investigation, and to inform consumers as far as possible of their rights and options as regards the enforcement of existing legislation and the obligations of vendors to inform them of the composition and, where applicable, the origin of products;

31. Draws attention to the fact that the issue of dual quality is directly related to the essence of the functioning of the single market and consumer trust, both of which are at stake, and therefore requires, *inter alia*, a solution at Union level via directly enforceable measures; is convinced that given the possibility of action at national level, Union-level action would safeguard the integrity of the single market; invites the Commission to map out existing national standards for food and non-food products in the EU and to assess their relevance to cases of dual quality in the single market;

32. Calls for the urgent development of capacities and mechanisms at EU level in a specialised monitoring and supervisory unit in an existing EU body (JRC, European Food Safety Authority (EFSA) or other), keeping bureaucracy to a minimum, to monitor consistency in composition and proportional use of ingredients in identically branded and packaged food products and to assess comparative laboratory analyses to identify these unfair commercial practices in the marketing of food products;

33. Welcomes the Commission's New Deal for Consumers proposal, which seeks to tackle dual quality of products by amending Article 6 of the UCPD to designate as a misleading commercial practice the marketing of a product as being identical to the same product marketed in several other Member States, when those products have a different composition or characteristics; notes, however, that the proposal also contains some unclear provisions that require clarification in order to ensure proper interpretation and application;

34. Is, however, strongly convinced that an amendment to Annex I to the UCPD introducing another item onto the 'blacklist' defining the practices prohibited in all circumstances that explicitly mentions dual quality of identically branded products when discriminatory and not respecting consumer expectations would address unjustified cases of dual quality in the most effective way;

35. Emphasises that the outcome of the legislative process should be a clear definition of what can be considered dual quality and how each case should be assessed and addressed by the competent authorities; stresses, in this regard, that the open list of so-called 'legitimate factors' could jeopardise the ability of the competent authorities to undertake assessments and apply the law; is concerned that the use of the concept of 'defined consumer preferences' in assessing whether a differentiation in product composition can or cannot be justified may lead to conflicting interpretations between competent authorities;

36. Calls on the Commission to extend the mandate given to the JRC to work on a Europe-wide harmonised methodology for comparing the characteristics of non-food products and on guidelines for improving product transparency within one year, and to evaluate the results of tests; points out that the JRC should also, for the purposes of exchanging best practices in the area, strive to cooperate with Member States' authorities which have already undertaken their own product testing but have not yet communicated the results to the national authorities of other Member States;

37. Points out that the safety and quality of food, and preventing consumers from being misled, are matters of the highest priority; reminds the Commission of its commitment to better monitoring and enhancing the correct application of EU legislation; considers that the competent national authorities should monitor compliance with the applicable law in these areas effectively;

38. Welcomes the Commission's proposal to improve the transparency of scientific studies in the field of food safety in response to expressions of public concern, in order to boost access to the information required to make purchasing decisions backed by a reliable, science-based risk assessment;

39. Calls on the national food authorities to establish case by case whether suspected discriminatory practices are indeed illegal, on the basis of the provisions of the UCPD and their interplay with the fair information requirements set out in Regulation (EU) No 1169/2011 on the provision of food information to consumers;

40. Notes that all EU citizens are affected by dual quality practices, including when they travel between Member States;

41. Stresses, however, that substantial differences in products for babies, such as food for infants and young children, cannot be justified on the grounds of regional taste preferences alone;

42. Strongly rejects the claim made by some producers that changes in composition and/or quality are made so that prices conform to consumer expectations; highlights that various studies have shown that products of lower quality are often more expensive than their counterparts of higher quality elsewhere in the EU;

43. Strongly encourages the use of the circular economy principle for product packaging and stresses that if product packaging in one Member State adheres to this principle, then concerted efforts should be made by the producer to ensure that this is the case for all their products marketed under the same brand and in the same type of packaging across the EU and beyond;

44. Stresses that some cases of dual quality products result from a lack of enforcement of EU law; calls on Member State authorities to enforce, as a matter of urgency, existing EU rules on food labelling, including in relation to mechanically separated meat, for example;

o

o o

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

Tuesday 11 September 2018

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2018)0318

Equivalence of field inspections ***I

European Parliament legislative resolution of 11 September 2018 on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in Brazil, and as regards the equivalence of field inspections carried out in Moldova on cereal seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed- producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in Moldova (COM(2017)0643 – C8-0400/2017 – 2017/0297(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/24)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0643),

— having regard to Article 294(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0400/2017),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) and Article 43(2) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 14 February 2018 ([1]),

— having regard to Rules 59 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on Agriculture and Rural Development (A8-0253/2018),

([1]) OJ C 227, 28.6.2018, p. 76.

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal,

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0297

Position of the European Parliament adopted at first reading on 11 September 2018 with a view to the adoption of Decision (EU) 2018/… of the European Parliament and of the Council amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in the Federative Republic of Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in the Federative Republic of Brazil, and as regards the equivalence of field inspections carried out in the Republic of Moldova on cereal seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in the Republic of Moldova

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2018/1674.)

Tuesday 11 September 2018

P8_TA(2018)0319

Common system of value added tax as regards the special scheme for small enterprises *

European Parliament legislative resolution of 11 September 2018 on the proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises (COM(2018)0021 – C8-0022/2018 – 2018/0006(CNS))

(Special legislative procedure – consultation)

(2019/C 433/25)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2018)0021),

— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0022/2018),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0260/2018),

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.

Tuesday 11 September 2018

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission	*Amendment*
(1) Council Directive 2006/112/EC([21]) allows Member States to continue to apply their special schemes to small enterprises in accordance with common provisions and with a view to closer harmonisation. However, those provisions are outdated and do not ***reduce*** the compliance burden of small enterprises as they were designed for a common system of value added tax (VAT) based on taxation in the Member State of origin.	(1) Council Directive 2006/112/EC([21]) allows Member States to continue to apply their special schemes to small enterprises in accordance with common provisions and with a view to closer harmonisation. However, those provisions are outdated and do not ***fulfil their objective of reducing*** the compliance burden of small enterprises as they were designed for a common system of value added tax (VAT) based on taxation in the Member State of origin.
([21]) OJ L 347, 11.12.2006, p. 1.	([21]) JO L 347 du 11.12.2006, p. 1.

Tuesday 11 September 2018

Amendment 2

Proposal for a directive

Recital 2

Text proposed by the Commission	*Amendment*
(2) In its VAT action plan ([22]), the Commission announced a comprehensive simplification package for small enterprises aimed at reducing their administrative burden and helping create a fiscal environment to facilitate their growth and the development of cross-border trade. ***This would entail*** a review of the special scheme for small enterprises as outlined in the Communication on the follow-up to the action plan ***on VAT***([23]). The review of the special scheme for small enterprises constitutes therefore an important element of the reform package set out in the VAT action plan.	(2) In its VAT action plan ([22]), the Commission announced a comprehensive simplification package for small enterprises aimed at reducing their administrative burden and helping ***to*** create a fiscal environment to facilitate their growth and the development of cross-border trade, ***as well as to increase VAT compliance. Small enterprises in the Union are particularly active in certain sectors which operate across borders, such as construction, communications, food service and retail trade, and can constitute an important source of employment. To achieve the objectives of the VAT action plan***, a review of the special scheme for small enterprises as outlined in the Communication on the follow-up to the ***VAT*** action plan([23]) ***is necessary***. The review of the special scheme for small enterprises constitutes therefore an important element of the reform package set out in the VAT action plan.
([22]) Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on an action plan on VAT — Towards a single EU VAT area — Time to decide (COM(2016)0148 of 7.4.2016).	([22]) Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on an action plan on VAT — Towards a single EU VAT area — Time to decide (COM(2016)0148 of 7.4.2016).
([23]) Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the follow-up to the Action Plan on VAT — Towards a single EU VAT area — Time to act (COM(2017)0566 of 4.10.2017).	([23]) Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the follow-up to the Action Plan on VAT — Towards a single EU VAT area — Time to act (COM(2017)0566 of 4.10.2017).

Tuesday 11 September 2018

Amendment 3

Proposal for a directive

Recital 3

Text proposed by the Commission	*Amendment*
(3) The review of this special scheme is closely linked to the Commission's proposal setting out the principles for a definitive VAT system for cross-border business-to-business trade between Member States on the basis of the taxation of cross-border supplies of goods in the Member State of destination ([24]). The VAT system's shift towards destination-based taxation has identified that a number of the current rules are not suited for a destination-based tax system.	(3) The review of this special scheme is closely linked to the Commission's proposal setting out the principles for a definitive VAT system for cross-border business-to-business trade between Member States on the basis of the taxation of cross-border supplies of goods in the Member State of destination ([24]). The VAT system's shift towards destination-based taxation has identified that a number of the current rules are not suited for a destination-based tax system. ***The main difficulties of enhanced cross-border trade for small enterprises arise because of the complex and diverse rules across the Union relating to VAT, as well as the fact that the national exemption for small enterprises only benefits small enterprises in the Member State in which they are established.***
([24]) Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards certain harmonisation and simplification rules within the current value added tax system and introducing the definitive system for the taxation of trade between Member States (COM(2017)0569 of 4.10.2017).	([24]) Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards certain harmonisation and simplification rules within the current value added tax system and introducing the definitive system for the taxation of trade between Member States (COM(2017)0569 of 4.10.2017).

Amendment 4

Proposal for a directive

Recital 4

Text proposed by the Commission	*Amendment*
(4) In order to address the issue of the disproportionate compliance burden faced by small enterprises, simplification measures should be available not only to enterprises that are exempt under the current rules, but also to those considered small in economic terms. For the purposes of the simplification of the VAT rules, enterprises would be considered 'small' if their turnover qualifies them as micro enterprises under the general definition provided for in Commission Recommendation 2003/361/EC ([25]).	(4) In order to address the issue of the disproportionate compliance burden faced by small enterprises, simplification measures should be available not only to enterprises that are exempt under the current rules, but also to those considered small in economic terms. ***The availability of such measures is particularly relevant as a majority of small enterprises, whether exempted or not, are in practice obliged to use the services of advisors or external consultants in order to assist them in complying with their VAT obligations, which adds a financial burden on those enterprises.*** For the purposes of the simplification of the VAT rules, enterprises would be considered 'small' if their turnover qualifies them as micro enterprises under the general definition provided for in Commission Recommendation 2003/361/EC ([25]).
([25]) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	([25]) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission	*Amendment*
(6) Small enterprises may only benefit from the exemption where their annual turnover is below the threshold applied by the Member State in which the VAT is due. In setting their threshold, Member States should abide by the rules on thresholds laid down by Directive 2006/112/EC. Those rules, most of which were put in place in 1977, are no longer suitable.	(6) Small enterprises may only benefit from the exemption where their annual turnover is below the threshold applied by the Member State in which the VAT is due. In setting their threshold, Member States should abide by the rules on thresholds laid down by Directive 2006/112/EC. Those rules, most of which were put in place in 1977, are no longer suitable. ***For reasons of flexibility and to ensure that it is possible for Member States to set appropriate lower thresholds proportional to the size and the needs of their economy, only maximum thresholds should be set at Union level.***

Amendment 6

Proposal for a directive

Recital 8

Text proposed by the Commission	*Amendment*
(8) Member States should be left to set their national threshold for the exemption at the level that suits their economic and political conditions best, subject to the upper threshold provided for under this Directive. In this regard, it should be clarified that where Member States apply different thresholds, this would need to be based on objective criteria.	(8) Member States should be left to set their national threshold for the exemption at the level that suits their economic and political conditions best, subject to the upper threshold provided for under this Directive. In this regard, it should be clarified that where Member States apply different thresholds, this would need to be based on objective criteria. ***In order to facilitate cross-border business, the list of national thresholds for exemption should be easily accessible to all small enterprises willing to operate in several Member States.***

Tuesday 11 September 2018

Amendment 7

Proposal for a directive

Recital 12

Text proposed by the Commission	*Amendment*
(12) Where an exemption applies, small enterprises availing themselves of the exemption should, at a minimum, have access to simplified VAT registration, invoicing, accounting and reporting obligations.	(12) Where an exemption applies, small enterprises availing themselves of the exemption should, at a minimum, have access to simplified VAT registration, invoicing, accounting and reporting obligations. ***In order to avoid confusion and legal uncertainty in Member States, the Commission should produce guidelines on simplified registration and accounting, explaining in more detail the procedures to be simplified and to what extent. By … [three years after the date of entry into force of this Directive], that simplification should be subject to evaluation by the Commission and Member States to assess whether it has an added value for, and a real positive impact on, enterprises and consumers.***

Amendment 8

Proposal for a directive

Recital 13

Text proposed by the Commission	*Amendment*
(13) Furthermore, in order to ensure compliance with conditions for exemption granted by a Member State to enterprises not established there, it is necessary to require prior notification of their intention to use the exemption. Such notification should be made by the ***small enterprise to the*** Member State ***where it is established. That Member State*** should thereafter, based on the information declared on the turnover of that enterprise, ***provide that information to*** the other Member States concerned.	(13) Furthermore, in order to ensure compliance with conditions for exemption granted by a Member State to enterprises not established there, it is necessary to require prior notification of their intention to use the exemption. Such notification should be made ***through an online portal to be set up*** by the ***Commission. The*** Member State ***of establishment*** should thereafter, based on the information declared on the turnover of that enterprise, ***inform*** the other Member States concerned. ***Small enterprises can at any time notify their Member State of registration of their wish to revert back to the general VAT system.***

Tuesday 11 September 2018

Amendment 9

Proposal for a directive

Recital 15

Text proposed by the Commission	*Amendment*
(15) To reduce the compliance burden of small enterprises that are not exempted, Member States should be required to simplify VAT registration and record keeping ***and to prolong tax periods so as to provide for less frequent*** filing ***of*** VAT returns.	(15) To reduce the compliance burden of small enterprises that are not exempted, Member States should be required to simplify VAT registration and record keeping. ***Moreover, a one-stop shop for*** filing VAT returns ***in different Member States should be established by the Commission***.

Amendment 10

Proposal for a directive

Recital 17

Text proposed by the Commission	*Amendment*
(17) The objective of this Directive is to reduce the compliance burden of small enterprises, which cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level. As a result, 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 Article 5, this Directive does not go beyond what is necessary in order to achieve these objectives.	(17) The objective of this Directive is to reduce the compliance burden of small enterprises, which cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level. As a result, 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 Article 5, this Directive does not go beyond what is necessary in order to achieve these objectives. ***Nonetheless, VAT controls arising as a result of compliance processes are valuable anti-tax fraud instruments and easing the compliance burden for small enterprises is not to be done at the expense of the fight against VAT fraud.***

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2006/112/EC

Article 284 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
Prior to availing itself of the exemption in ***other Member States, the small enterprise shall notify the*** Member State ***in which it is established***.	***The Commission shall set up an online portal through which small enterprises that wish to avail themselves*** of the exemption in ***another*** Member State ***shall register***.

Tuesday 11 September 2018

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2006/112/EC

Article 284 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where a small enterprise avails itself of the exemption in Member States other than that in which it is established, the Member State of establishment shall take all measures necessary to ensure the accurate declaration of the Union annual turnover and the Member State annual turnover by the small enterprise and shall inform the tax authorities of the other Member States concerned in which the small enterprise carries out a supply.	Where a small enterprise avails itself of the exemption in Member States other than that in which it is established, the Member State of establishment shall take all measures necessary to ensure the accurate declaration of the Union annual turnover and the Member State annual turnover by the small enterprise and shall inform the tax authorities of the other Member States concerned in which the small enterprise carries out a supply. ***Member States shall also ensure that they have sufficient knowledge of the status of small enterprises and of their shareholding or ownership relationships, so as to be able to confirm their status as small enterprises.***

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2006/112/EC

Article 288a – paragraph 1

Text proposed by the Commission	*Amendment*
Where during a subsequent calendar year the Member State annual turnover of a small enterprise exceeds the exemption threshold referred to in Article 284(1), the small enterprise shall be able to continue to benefit from the exemption for ***that year***, provided that its Member State annual turnover during ***that year*** does not exceed the threshold set out in Article 284(1) by more than ***50 %***.	Where during a subsequent calendar year the Member State annual turnover of a small enterprise exceeds the exemption threshold referred to in Article 284(1), the small enterprise shall be able to continue to benefit from the exemption for ***two further years***, provided that its Member State annual turnover during ***those two years*** does not exceed the threshold set out in Article 284(1) by more than ***33 %***.

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 17

Text proposed by the Commission	*Amendment*
(17) Articles 291 ***to 294*** are deleted;	(17) Articles 291 ***and 292*** are deleted;

Tuesday 11 September 2018

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 17 a (new)

Directive 2006/112/EC

Article 293 – paragraph 1

Present text	*Amendment*
Every four years starting from the adoption of this Directive, the Commission shall present to the Council, on the basis of information obtained from the Member States, a report on the application of this Chapter, together, where appropriate and taking into account the need to ensure the long-term convergence of national regulations, with proposals on the following subjects:	**(17a)** ***in Article 293, paragraph 1 is replaced by the following:***
	'Every four years starting from the adoption of this Directive, the Commission shall present to ***the European Parliament and*** the Council, on the basis of information obtained from the Member States, a report on the application of this Chapter, together, where appropriate and taking into account the need to ensure the long-term convergence of national regulations, with proposals on the following subjects:
(1) improvements to the special scheme for small enterprises;	**(i)** improvements to the special scheme for small enterprises;
(2) the adaptation of national systems as regards exemptions and ***graduated tax relief***;	**(ii)** the adaptation of national systems as regards exemptions and ***the possibility of harmonising exemption thresholds across the Union***;
(3) the adaptation of the ceilings provided for in Section 2.	**(iii)** the adaptation of the ceilings provided for in Section 2.'

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 17 b (new)

Text proposed by the Commission	*Amendment*
	(17b) ***Article 294 is deleted;***

Tuesday 11 September 2018

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2006/112/EC

Article 294e

Text proposed by the Commission	*Amendment*
Article 294e	*Article 294e*
Member States ***may*** release exempt small enterprises from the obligation to submit a VAT return laid down in Article 250.	Member States ***shall either*** release exempt small enterprises from the obligation to submit a VAT return laid down in Article 250 ***or they*** shall allow such exempt small enterprises to submit a simplified VAT return – ***that includes at least the following information: chargeable VAT, deductible VAT, net VAT amount (payable or receivable), total value of input transactions and total value of output transactions*** – to cover the period of a calendar year. However, small enterprises may opt for the application of the tax period set in accordance with Article 252.
Where this option is not exercised, Member States shall allow such exempt small enterprises to submit a simplified VAT return to cover the period of a calendar year. However, small enterprises may opt for the application of the tax period set in accordance with Article 252.	

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2006/112/EC

Article 294i

Text proposed by the Commission	*Amendment*
Article 294i	***deleted***
For small enterprises the tax period to be covered in a VAT return shall be the period of a calendar year. However, small enterprises may opt for application of the tax period set in accordance with Article 252.	

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2006/112/EC

Article 294i a (new)

Text proposed by the Commission	*Amendment*
	Article 294i a
	The Commission shall establish a one-stop shop through which small enterprises can file VAT returns of the different Member States in which they are operating. The Member State of establishment shall be responsible for VAT collection.

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2006/112/EC

Article 294j

Text proposed by the Commission	*Amendment*
Article 294j	***deleted***
Notwithstanding Article 206, Member States shall not require interim payments to be made by small enterprises.	

Tuesday 11 September 2018

Amendment 21

Proposal for a directive

Article 1a (new)

Regulation (EU) No 904/2010

Article 31 – paragraph 1

Present text	*Amendment*
1. 1. The competent authorities of each Member State shall ensure that persons involved in the intra-Community supply of goods or of services and non-established taxable persons supplying telecommunication services, broadcasting services and electronically supplied services, in particular those referred to in Annex II to Directive 2006/112/EC, are allowed to obtain, for the purposes of such transactions, confirmation by electronic means of the validity of the VAT identification number of any specified person as well as the associated name and address. This information shall correspond to the data referred to in Article 17.	***Article 1a*** ***Regulation (EU) No 904/2010 is amended as follows:*** ***In Article 31, paragraph 1 is replaced by the following:*** '1. The competent authorities of each Member State shall ensure that persons involved in the intra-Community supply of goods or of services and non-established taxable persons supplying telecommunication services, broadcasting services and electronically supplied services, in particular those referred to in Annex II to Directive 2006/112/EC, are allowed to obtain, for the purposes of such transactions, confirmation by electronic means of the validity of the VAT identification number of any specified person as well as the associated name and address. This information shall correspond to the data referred to in Article 17. ***The VAT information exchange system (VIES) shall specify whether or not eligible small enterprises avail themselves of the VAT exemption for small enterprises.***'

Amendment 22

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Member States shall adopt and publish, by ***30 June 2022*** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall communicate to the Commission the text of those provisions without delay.	Member States shall adopt and publish, by ***31 December 2019*** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall communicate to the Commission the text of those provisions without delay.

Tuesday 11 September 2018

Amendment 23

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
They shall apply those provisions from ***1 July 2022***.	They shall apply those provisions from ***1 January 2020***.

Tuesday 11 September 2018

P8_TA(2018)0320

Implementing decision on subjecting the new psychoactive substances cyclopropylfentanyl and methoxyacetylfentanyl to control measures *

European Parliament legislative resolution of 11 September 2018 on the draft Council implementing decision on subjecting the new psychoactive substances N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide (cyclopropylfentanyl) and 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (methoxyacetylfentanyl) to control measures (09420/2018 – C8-0278/2018 – 2018/0118(NLE))

(Consultation)

(2019/C 433/26)

The European Parliament,

— having regard to the Council draft (09420/2018),

— having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0278/2018),

— having regard to Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances ([1]), and in particular Article 8(3) thereof,

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0271/2018),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council and the Commission.

([1]) OJ L 127, 20.5.2005, p. 32.

Tuesday 11 September 2018

P8_TA(2018)0321

Mobilisation of the European Union Solidarity Fund to provide assistance to Bulgaria, Greece, Lithuania and Poland

European Parliament resolution of 11 September 2018 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Bulgaria, Greece, Lithuania and Poland (COM(2018)0360 – C8-0245/2018 – 2018/2078(BUD))

(2019/C 433/27)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2018)0360 – C8-0245/2018),

— having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ([1]),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([2]), and in particular Article 10 thereof,

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([3]), and in particular point 11 thereof,

— having regard to the letter from the Committee on Regional Development,

— having regard to the report of the Committee on Budgets (A8-0272/2018),

1. Welcomes the decision as a sign of the Union's solidarity with Union citizens and regions hit by natural disasters;

2. Stresses the urgent need to release financial assistance through the European Union Solidarity Fund ('the Fund') to the regions affected by natural disasters and regrets the number of lives lost in natural disasters in the Union in 2017;

3. Calls for further optimisation of the mobilisation procedure leading to a shorter application-to-payment time; recalls that quick disbursement to beneficiaries is of major importance to local communities, local authorities and for their trust in the Union's solidarity;

4. Supports Member States using European structural and investment funds for the reconstruction of the affected regions; invites the Commission to support and rapidly approve the financial reallocation of the partnership agreements requested by Member States to this end;

5. Calls on Member States to utilise the financial contribution from the Fund in a transparent way, guaranteeing a fair distribution throughout the affected regions;

([1]) OJ L 311, 14.11.2002, p. 3.
([2]) OJ L 347, 20.12.2013, p. 884.
([3]) OJ C 373, 20.12.2013, p. 1.

6. Approves the decision annexed to this resolution;

7. 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*;

8. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

Tuesday 11 September 2018

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Union Solidarity Fund to provide assistance to Bulgaria, Greece, Lithuania and Poland

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2018/1505.)

Tuesday 11 September 2018

P8_TA(2018)0322

Draft Amending Budget No 4/2018: mobilisation of the European Union Solidarity Fund to provide assistance to Bulgaria, Greece, Lithuania and Poland

European Parliament resolution of 11 September 2018 on the Council position on Draft amending budget No 4/2018 of the European Union for the financial year 2018 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Bulgaria, Greece, Lithuania and Poland (11738/2018 – C8-0395/2018 – 2018/2082(BUD))

(2019/C 433/28)

The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union,

— having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,

— having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ([1]), and in particular Article 41 thereof,

— having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU, and repealing Regulation (EU, Euratom) No 966/2012 ([2]), and in particular Article 44 thereof,

— having regard to the general budget of the European Union for the financial year 2018, as definitively adopted on 30 November 2017 ([3]),

— 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 ([4]) (MFF Regulation),

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([5]),

— having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ([6]),

— having regard to Draft amending budget No 4/2018, which the Commission adopted on 31 May 2018 (COM(2018)0361),

— having regard to the position on Draft amending budget No 4/2018 which the Council adopted on 4 September 2018 and forwarded to Parliament on the same day (11738/2018 – C8-0395/2018),

— having regard to Rules 88 and 91 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0273/2018),

([1]) OJ L 298, 26.10.2012, p. 1.
([2]) OJ L 193, 30.7.2018, p. 1.
([3]) OJ L 57, 28.02.2018.
([4]) OJ L 347, 20.12.2013, p. 884.
([5]) OJ C 373, 20.12.2013, p. 1.
([6]) OJ L 168, 7.6.2014, p. 105.

A. whereas Draft amending budget No 4/2018 covers the proposed mobilisation of the European Union Solidarity Fund to provide assistance to Bulgaria and Lithuania for the floodings, to Greece for the earthquakes in Kos, as well as to Poland for the storms that occurred in the course of 2017,

B. whereas the Commission consequently proposes to amend the 2018 budget and to increase budget line 13 06 01 'Assistance to Member States in the event of a major natural disaster with serious repercussions on living conditions, the natural environment or the economy'by EUR 3 39 92 206 both in commitment and payment appropriations;

C. whereas the European Union Solidarity Fund is a special instrument as defined in the MFF Regulation, and the corresponding commitment and payments appropriations are to be budgeted over and above the MFF ceilings;

1. Approves the Council position on Draft amending budget No 4/2018;

2. Instructs its President to declare that Amending budget No 4/2018 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;

3. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.

Tuesday 11 September 2018

P8_TA(2018)0328

European Solidarity Corps ***I

European Parliament legislative resolution of 11 September 2018 on the proposal for a regulation of the European Parliament and of the Council laying down the legal framework of the European Solidarity Corps and amending Regulations (EU) No 1288/2013, (EU) No 1293/2013, (EU) No 1303/2013, (EU) No 1305/2013, (EU) No 1306/2013 and Decision No 1313/2013/EU (COM(2017)0262 – C8-0162/2017 – 2017/0102(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/29)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0262),

— having regard to Article 294(2) and Articles 165(4) and 166(4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0162/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to its resolution on the European Solidarity Corps of 6 April 2017, No. 2017/2629(RSP) ([1]),

— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Senate, the Spanish Parliament and the Portuguese Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 19 October 2017 ([2]),

— after consulting the Committee of the Regions,

— having regard to the European Year of Volunteering 2011 Policy Agenda for Volunteering in Europe (PAVE) document and the related EYV2011 five year review from 2015, "Helping Hands";

— 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 27 June 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 Culture and Education and the opinions of the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Budgets, the Committee on Regional Development and the Committee on Agriculture and Rural Development (A8-0060/2018),

([1]) OJ C 298, 23.8.2018, p. 68.
([2]) OJ C 81, 2.3.2018, p. 160.

1. Adopts its position at first reading hereinafter set out;

2. Approves the joint statement of the European Parliament, the Council and the Commission annexed to this resolution;

3. Takes note of the statement by the Commission annexed to this resolution;

4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0102

Position of the European Parliament adopted at first reading on 11 September 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council laying down the legal framework of the European Solidarity Corps and amending Regulation (EU) No 1288/2013, Regulation (EU) No 1293/2013 and Decision No 1313/2013/EU

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1475.)

Tuesday 11 September 2018

ANNEX TO THE LEGISLATIVE RESOLUTION

JOINT STATEMENT OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

Without prejudice to the powers of the budgetary authority, 80 % of the budget for the implementation of the Programme in 2019 and 2020 should be made available through specified redeployments under Subheading 1a (Competiveness for growth and jobs) of the 2014-2020 Multiannual Financial Framework (MFF) and redeployments from the Union Civil Protection Mechanism and the LIFE Programme. However, no further redeployments shall be made from the Erasmus+ Programme, in addition to the amount of 231800000 EUR referred to in the proposal from the Commission (COM(2017)0262).

The remaining 20 % of the budget for the implementation of the Programme in 2019 and 2020 should be drawn from the available margins under Subheading 1a of the 2014-2020 MFF.

There is a common understanding that the Commission will ensure that the necessary appropriations are made available through the normal annual budgetary procedure in a balanced and prudent way.

STATEMENT OF THE COMMISSION

The Commission confirms that the use of appropriations from technical assistance resources at the initiative of the Commission under the Common Provisions Regulation (in particular redeployments from the European Social Fund and from the European Agricultural Fund for Rural Development) for the financing of the European Solidarity Corps in 2018 will not be used by the Commission as a precedent for the proposal on the European Solidarity Corps post 2020 (COM(2018)0440)).

Tuesday 11 September 2018

P8_TA(2018)0329

Structural Reform Support Programme: financial envelope and general objective ***I

European Parliament legislative resolution of 11 September 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/825 to increase the financial envelope of the Structural Reform Support Programme and adapt its general objective (COM(2017)0825 – C8-0433/2017 – 2017/0334(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/30)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0825),

— having regard to Article 294(2) and Articles 175 and 197(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0433/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 14 March 2018 ([1]),

— having regard to the opinion of the Committee of the Regions of 3 April 2018 ([2]),

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 18 July 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 Regional Development and also the opinions of the Committee on Budgets, the Committee on Economic and Monetary Affairs and the Committee on Employment and Social Affairs (A8-0227/2018),

1. Adopts its position at first reading hereinafter set out;

2. Approves the joint statement of the European Parliament, the Council and the Commission annexed to this resolution;

3. Takes note of the Commission statement annexed to this resolution;

4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 237, 6.7.2018, p. 53.
([2]) OJ C 247, 13.7.2018, p. 54.

Tuesday 11 September 2018

P8_TC1-COD(2017)0334

Position of the European Parliament adopted at first reading on 11 September 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council amending Regulation (EU) 2017/825 to increase the financial envelope of the Structural Reform Support Programme and adapt its general objective

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1671.)

Tuesday 11 September 2018

ANNEX TO THE LEGISLATIVE RESOLUTION

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

As regards financing the increase of the financial envelope for the Structural Reform Support Programme and without prejudice to the powers of the budgetary authority, the European Parliament, the Council and the Commission have agreed as follows:

1. EUR 40 million will be financed through the budget line of the SRSP located in Heading 1b (13.08.01) of the MFF (Economic, social and territorial cohesion) by mobilising the Global margin for commitments in accordance with Article 14 of the MFF Regulation (EU, Euratom) No 1311/2013 in the framework of the budgetary procedure pursuant to Article 314 TFEU;

2. EUR 40 million will be financed through the budget line of the SRSP located in Heading 2 (13.08.02) of the MFF (Sustainable Growth: Natural Resources) by redeployments other than technical assistance and Rural Development within this Heading and without having recourse to the margins. The exact sources for such redeployments will be further specified in due course having regard to the negotiations of the budgetary procedure for the 2019 budget.

STATEMENT BY THE COMMISSION

(to be published in the C series of the OJ)

The Commission will identify and propose redeployments of EUR 40 million in Heading 2 of the MFF (Sustainable Growth: Natural Resources) in the amending letter to the draft general budget 2019.

The Commission intends to propose the mobilisation of the Global Margin for Commitments in accordance with Article 14 of the MFF Regulation (EU, Euratom) No 1311/2013 in the framework of the budgetary procedure for 2020 pursuant to Article 314 TFEU.

Tuesday 11 September 2018

P8_TA(2018)0330

Euratom Programme complementing the Horizon 2020 Framework Programme *

European Parliament legislative resolution of 11 September 2018 on the proposal for a Council regulation on the Research and Training Programme of the European Atomic Energy Community (2019-2020) complementing the Horizon 2020 Framework Programme for Research and Innovation (COM(2017)0698 – C8-0009/2018 – 2017/0312(NLE))

(Consultation)

(2019/C 433/31)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2017)0698),

— having regard to Article 7 of the Treaty establishing the European Atomic Energy Community, pursuant to which the Council consulted Parliament (C8-0009/2018),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Industry, Research and Energy (A8-0258/2018),

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 and Article 106a of the Treaty establishing the European Atomic Energy Community;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council and the Commission.

Tuesday 11 September 2018

Amendment 1

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) In order to ensure continuity of nuclear research at Community level, it is necessary to establish the Research and Training Programme of the Community for the period from 1 January 2019 to 31 December 2020 (the 'Euratom Programme'). The Euratom Programme should have the same objectives as the 2014-2018 Programme, support the same activities and use the same mode of implementation which proved to be efficient and appropriate for the purpose of achieving the programme's objectives.	(4) In order to ensure continuity of nuclear research at Community level ***and achieve the objectives in this area***, it is necessary to establish the Research and Training Programme of the Community for the period from 1 January 2019 to 31 December 2020 (the 'Euratom Programme'). The Euratom Programme should have the same objectives as the 2014-2018 Programme, support the same activities and use the same mode of implementation which proved to be efficient and appropriate for the purpose of achieving the programme's objectives.

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission	*Amendment*
(6) Notwithstanding the potential impact of nuclear energy on energy supply and economic development, severe nuclear accidents may endanger human health. Therefore, nuclear safety and, where appropriate, security aspects dealt with by the Joint Research Centre (the 'JRC') should be given the greatest possible attention in the Euratom Programme.	(6) Notwithstanding the potential impact of nuclear energy on energy supply and economic development, severe nuclear accidents may endanger human health, ***as well as the environment, in the medium and long term***. Therefore, nuclear safety and, where appropriate, security aspects dealt with by the Joint Research Centre (the 'JRC') should be given the greatest possible attention in the Euratom Programme.

Tuesday 11 September 2018

Amendment 3

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Amendment*
(7) The European Strategic Energy Technology Plan (the 'SET Plan'), set out in the conclusions of the Council meeting of 28 February 2008 in Brussels, is accelerating the ***development of a portfolio of low carbon*** technologies. The European Council agreed, at its meeting on 4 February 2011, that the Union and its Member States would promote investment in renewables, and safe and sustainable low carbon technologies and would focus on implementing the technology priorities established in the SET Plan. Each Member State remains free to choose the type of technologies that it would support.	(7) The European Strategic Energy Technology Plan (the 'SET Plan'), set out in the conclusions of the Council meeting of 28 February 2008 in Brussels, is accelerating the ***innovation process in the field of European advanced low-carbon*** technologies. The European Council agreed, at its meeting on 4 February 2011, that the Union and its Member States would promote investment in renewables, and safe and sustainable low carbon technologies ***including nuclear power*** and would focus on implementing the technology priorities established in the SET Plan. ***Action 10 (nuclear) of the SET-Plan has as its goal: Maintaining a high level of safety of nuclear reactors and associated fuel cycles during operation and decommissioning, while improving their efficiency***. Each Member State remains free to choose the type of technologies that it would support.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission	*Amendment*
(8) As all Member States have nuclear installations or make use of radioactive materials particularly for medical purposes, the Council has recognised, in the conclusions of its meeting in Brussels on 1 and 2 December 2008, the continuing need for skills in the nuclear field, in particular through appropriate education and training ***linked with research and coordinated at Community level***.	(8) As all Member States have nuclear installations or make use of radioactive materials particularly for medical purposes, the Council has recognised, in the conclusions of its meeting in Brussels on 1 and 2 December 2008, the continuing need for skills in the nuclear field, in particular through appropriate education and training ***at all levels and proper coordination with European-level research projects***.

Tuesday 11 September 2018

Amendment 5

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Amendment*
(9) While it is for each Member State to choose whether or not to make use of nuclear power, it is also acknowledged that nuclear ***energy*** plays ***different roles in different*** Member States.	(9) While it is for each Member State to choose whether or not to make use of nuclear power, it is also acknowledged that nuclear ***research*** plays ***an important role in all*** Member States, ***not least in the field of human health***.

Amendment 6

Proposal for a regulation

Recital 11

Text proposed by the Commission	*Amendment*
(11) For fusion to become a credible option for commercial energy production, it is, firstly, necessary to successfully complete, in a timely manner, the construction of ITER and start its operation. Secondly it is necessary to establish an ambitious, yet realistic roadmap towards the production of electricity by 2050. Reaching those goals requires the European fusion programme to be directed towards a joint programme of activities implementing this roadmap. In order to secure the achievements of on-going fusion research activities, as well as the long-term commitment of, and collaboration between, the fusion stakeholders, continuity of the Community's support should be ensured. A stronger focus should be placed primarily on the activities in support of ITER but also on the developments towards the demonstration reactor, including the stronger involvement, as appropriate, of the private sector. Such rationalisation and refocusing should be achieved without jeopardising the European leadership of the fusion scientific community.	(11) For fusion to become a credible option for commercial energy production, it is, firstly, necessary to successfully complete, in a timely manner, the construction of ITER and start its operation ***and EURATOM Programme can make a significant contribution***. Secondly it is necessary to establish an ambitious, yet realistic roadmap towards the production of electricity by 2050. Reaching those goals requires the European fusion programme to be directed towards a joint programme of activities implementing this roadmap. In order to secure the achievements of on-going fusion research activities, as well as the long-term commitment of, and collaboration between, the fusion stakeholders, continuity of the Community's ***long-term*** support should be ensured. A stronger focus should be placed primarily on the activities in support of ITER but also on the developments towards the demonstration reactor, including the stronger involvement, as appropriate, of the private sector. Such rationalisation and refocusing should be achieved without jeopardising the European leadership of the fusion scientific community.

Tuesday 11 September 2018

Amendment 7

Proposal for a regulation

Recital 12

Text proposed by the Commission	*Amendment*
(12) The JRC should continue to provide independent customer-driven scientific and technological support for the formulation, development, implementation and monitoring of Community policies, in particular in the field of nuclear safety ***and*** security research and training. To optimize human resources and ensure no duplication of research in the Union, any new activity carried out by the JRC should be analysed to check its consistency with existing activities in the Member States. The security aspects of the Horizon 2020 Framework Programme should be limited to the direct actions of the JRC.	(12) The JRC should continue to provide independent customer-driven scientific and technological support for the formulation, development, implementation and monitoring of Community policies, in particular in the field of nuclear safety, security, ***safeguards and non-proliferation*** research and training. To optimize human resources and ensure no duplication of research in the Union, any new activity carried out by the JRC should be analysed to check its consistency with existing activities in the Member States. The security aspects of the Horizon 2020 Framework Programme should be limited to the direct actions of the JRC.

Amendment 8

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Amendment*
(14) In the interest of all its Member States, the role of the Union is to develop a framework to support joint cutting-edge research, knowledge creation and knowledge preservation on nuclear fission technologies, with special emphasis on safety, security, radiation protection and non-proliferation. That requires independent scientific evidence, to which the JRC can make a key contribution. That has been recognised in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, dated 6 October 2010, entitled 'Europe 2020 Flagship Initiative Innovation Union', in which the Commission stated its intention to strengthen scientific evidence for policy-making through the JRC. The JRC proposes to respond to that challenge by focusing its nuclear safety and security research on the Union's policy priorities.	(14) In the interest of all its Member States, the role of the Union is to develop a framework to support joint cutting-edge research, knowledge creation and knowledge preservation on nuclear fission technologies, with special emphasis on safety, security, ***processing of nuclear waste***, radiation protection and non-proliferation. That requires independent scientific evidence, to which the JRC can make a key contribution. That has been recognised in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, dated 6 October 2010, entitled 'Europe 2020 Flagship Initiative Innovation Union', in which the Commission stated its intention to strengthen scientific evidence for policy-making through the JRC. The JRC proposes to respond to that challenge by focusing its nuclear safety and security research on the Union's policy priorities.

Tuesday 11 September 2018

Amendment 9

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) With the aim of deepening the relationship between science and society and reinforcing public confidence in science, the Euratom Programme should ***favour*** an informed engagement of citizens and civil society on research and innovation matters by promoting science education, by making scientific knowledge more accessible, by developing responsible research and innovation agendas that meet the concerns and expectations of citizens and civil society, and by facilitating their participation in activities under the Euratom Programme.	(15) With the aim of deepening the relationship between science and society and reinforcing public confidence in science, the Euratom Programme should ***ensure a better provision of information to enable*** an informed engagement of citizens and civil society on research and innovation matters by promoting science education, by making scientific knowledge more accessible, by developing responsible research and innovation agendas that meet the concerns and expectations of citizens and civil society, and by facilitating their participation in activities under the Euratom Programme.

Amendment 10

Proposal for a regulation

Recital 17

Text proposed by the Commission	*Amendment*
(17) The outcomes of the debates that took place at the Symposium on 'Benefits and Limitations of Nuclear Fission Research for a Low Carbon Economy'prepared by an interdisciplinary study involving, among others, experts from the fields of energy, economics and social sciences, co-organised by the Commission and the European Economic and Social Committee in Brussels on 26 and 27 February 2013, recognised the need to continue nuclear research at the European level.	(17) The outcomes of the debates that took place at the Symposium on 'Benefits and Limitations of Nuclear Fission Research for a Low Carbon Economy'prepared by an interdisciplinary study involving, among others, experts from the fields of energy, economics and social sciences, co-organised by the Commission and the European Economic and Social Committee in Brussels on 26 and 27 February 2013, recognised the need to continue nuclear research, ***including fission research***, at the European level.

Tuesday 11 September 2018

Amendment 11

Proposal for a regulation

Recital 18

Text proposed by the Commission	*Amendment*
(18) The Euratom Programme should contribute to the attractiveness of the research profession in the Union. Adequate attention should be paid to the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers ([17]), together with other relevant reference frameworks defined in the context of the European Research Area, while respecting their voluntary nature.	(18) The Euratom Programme should contribute to the attractiveness of the research profession in the Union ***and help encourage young people to become involved in research in this field***. Adequate attention should be paid to the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers ([17]), together with other relevant reference frameworks defined in the context of the European Research Area, while respecting their voluntary nature.
([17]) Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers (OJ L 75, 22.3.2005, p. 67).	([17]) Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers (OJ L 75, 22.3.2005, p. 67).

Amendment 12

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) The activities developed under the Euratom Programme ***should aim at promoting*** equality between women and men in research and innovation, by addressing in particular the underlying causes of gender imbalance, by exploiting the full potential of both female and male researchers, ***and by integrating the gender dimension into the content of projects*** in order to improve the quality of research and stimulate innovation. Activities should also aim at the implementation of the principles relating to the equality between women and men as laid down in Articles 2 and 3 of the Treaty on European Union and Article 8 of the Treaty on the Functioning of the European Union (TFEU).	(19) The activities developed under the Euratom programme ***must comply with the principles of*** equality between women and men in research and innovation, by addressing in particular the underlying causes of gender imbalance, by exploiting the full potential of both female and male researchers, ***improving their access to research programmes*** in order to improve the quality of research and stimulate innovation. Activities should also aim at the implementation of the principles relating to the equality between women and men as laid down in Articles 2 and 3 of the Treaty on European Union and Article 8 of the Treaty on the Functioning of the European Union (TFEU).

Tuesday 11 September 2018

Amendment 13

Proposal for a regulation

Recital 20

Text proposed by the Commission	*Amendment*
(20) Research and innovation activities supported by the Euratom Programme should respect fundamental ethical principles. The opinions on energy matters of the European Group on Ethics in Science and New Technologies should be taken into account as appropriate. Research activities should also take into account Article 13 of the TFEU and ***reduce*** the use of animals in research and testing, with a view to ultimately ***replacing*** animal use. All activities should be carried out ensuring ***a high*** level of human health protection.	(20) Research and innovation activities supported by the Euratom Programme should respect fundamental ethical principles. The opinions on energy matters of the European Group on Ethics in Science and New Technologies should be taken into account as appropriate. Research activities should also take into account Article 13 of the TFEU and ***replace*** the use of animals in research and testing, with a view to ultimately ***prohibit*** animal use. All activities should be carried out ensuring ***the highest*** level of human health protection.

Amendment 14

Proposal for a regulation

Recital 21

Text proposed by the Commission	*Amendment*
(21) A greater impact should also be achieved by combining the Euratom Programme and private sector funds within public-private partnerships in key areas where research and innovation could contribute to the Union's wider competitiveness goals. Particular attention should be given to the involvement of small and medium-sized enterprises.	(21) A greater impact should also be achieved by combining the Euratom Programme and private sector funds within public-private partnerships in key areas where research and innovation could contribute to the Union's wider competitiveness goals. Particular attention should be given to the involvement of small and medium-sized enterprises, ***including emerging new innovative actors within the relevant research area***.

Tuesday 11 September 2018

Amendment 15

Proposal for a regulation

Recital 25

Text proposed by the Commission	*Amendment*
(25) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. A revised control strategy, shifting focus from minimisation of error rates towards risk-based control and fraud detection, should reduce the control burden for participants.	(25) The financial interests of the Union should be protected through appropriate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities ***through joint audit procedures***, the recovery of funds lost, unduly paid or incorrectly used and, where appropriate, penalties. A revised control strategy, shifting focus from minimisation of error rates towards risk-based control and fraud detection ***based on common principles and criteria at EU level***, should reduce the control burden for participants.

Amendment 16

Proposal for a regulation

Recital 26

Text proposed by the Commission	*Amendment*
(26) It is important to ensure sound financial management of the Euratom Programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and ***its*** accessibility ***to*** all participants. It is necessary to ensure compliance with the relevant provisions of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (the "Financial Regulation") ([19]) and with the requirements of simplification and better regulation.	(26) It is important to ensure sound financial management of the Euratom Programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and ***that potential beneficiaries are properly informed, so as to increase*** accessibility ***for*** all participants. It is necessary to ensure compliance with the relevant provisions of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (the "Financial Regulation") ([19]) and with the requirements of simplification and better regulation.

([19]) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

([19]) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Tuesday 11 September 2018

Amendment 17

Proposal for a regulation

Recital 33

Text proposed by the Commission	*Amendment*
(33) Achieving the objectives of the Euratom Programme in relevant areas requires support for cross-cutting activities, both within the Euratom Programme and jointly with the activities of the Horizon 2020 Framework Programme.	(33) Achieving the objectives of the Euratom Programme in relevant areas requires support for cross-cutting activities, both within the Euratom Programme and jointly with the activities of the Horizon 2020 Framework Programme, ***for example in the case of Marie Skłodowská Curie actions supporting researcher mobility***.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The general objective of the Euratom Programme is to pursue nuclear research and training activities with an emphasis on continuous improvement of nuclear safety, security and radiation protection, notably to ***potentially*** contribute to the long-term decarbonisation of the energy system in a safe, efficient and secure way. The general objective shall be implemented through the activities specified in Annex I in the form of direct and indirect actions which pursue the specific objectives set out in paragraphs 2 and 3 of this Article.	1. The general objective of the Euratom Programme is to pursue nuclear research and training activities with an emphasis on continuous improvement of nuclear safety, security and radiation protection, notably to contribute to the long-term decarbonisation of the energy system in a safe, efficient and secure way. The general objective shall be implemented through the activities specified in Annex I in the form of direct and indirect actions which pursue the specific objectives set out in paragraphs 2 and 3 of this Article.

Tuesday 11 September 2018

Amendment 19

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) supporting safety of nuclear systems;	(a) supporting safety of nuclear systems, ***inter alia by means of structural cross-border inspections in the case of nuclear facilities in the vicinity of one or more national borders with other Member States***;

Amendment 20

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) contributing to ***the*** development of safe, ***longer term*** solutions for the management of ultimate nuclear waste, including final geological disposal as well as partitioning and transmutation;	(b) contributing to ***cooperation at EU level and with third countries in the identification and*** development of safe, ***long-term*** solutions for the management of ultimate nuclear waste, including final geological disposal as well as partitioning and transmutation;

Amendment 21

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) improving nuclear safety including: nuclear reactor and fuel safety, waste management, including final geological disposal as well as partitioning and transmutation; decommissioning, and emergency preparedness;	(a) improving nuclear safety including: nuclear reactor and fuel safety, waste management ***to prevent any undesirable impacts on man or the environment***, including final geological disposal as well as partitioning and transmutation; decommissioning, and emergency preparedness;

Amendment 22

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) improving nuclear security including: nuclear safeguards, non-proliferation, combating illicit trafficking, and nuclear forensics;	(b) improving nuclear security including: nuclear safeguards, non-proliferation, combating illicit trafficking, and nuclear forensics, ***the disposal of source materials and radioactive waste, countering cyber-attacks and reducing the risks of terrorism on nuclear power plants as well as structural cross-border inspections in the case of nuclear facilities in the vicinity of one or more national borders with other EU Member States***;

Amendment 23

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) fostering knowledge management, education and training;	(d) fostering knowledge management, education and training, ***including long-term professional training to reflect permanent developments made possible by new technologies***;

Amendment 24

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Euratom Programme shall be implemented in such a way as to ensure that the priorities and activities supported are relevant to changing needs and take account of the evolving nature of science, technology, innovation, policy making, markets and society, with the aim of optimizing human and financial resources, and to avoid duplication on nuclear research and development in the Union.	4. The Euratom Programme shall be implemented in such a way as to ensure that the priorities and activities supported are relevant to changing needs and take account of the evolving nature of science, technology, innovation, policy making – ***particularly energy and environmental policy*** – markets and society, with the aim of optimizing human and financial resources, ***to create greater synergies between existing programmes and projects*** and to avoid duplication on nuclear research and development in the Union.

Tuesday 11 September 2018

Amendment 25

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The financial envelope of the Euratom Programme may cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of that Programme and the achievement of its objectives, in particular studies and meetings of experts, as far as they relate to the general objectives of this Regulation, and expenses linked to information technology networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Euratom Programme. The expenses for continuous and repetitive actions such as control, audit and IT networks will be covered within the limits of the Commission's administrative expenditure specified in paragraph 1.	2. The financial envelope of the Euratom Programme may cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of that Programme and the achievement of its objectives, in particular studies and meetings of experts, as far as they relate to the general objectives of this Regulation, and expenses linked to information technology networks focusing on information processing and exchange, ***and the security of those networks***, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Euratom Programme. The expenses for continuous and repetitive actions such as control, audit and IT networks will be covered within the limits of the Commission's administrative expenditure specified in paragraph 1.

Amendment 26

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) countries or territories associated to the Seventh Euratom Framework Programme or the Euratom Research and Training Programme 2014-2018.	(c) countries or territories, associated to, ***or participating as a Member State in***, the Seventh Euratom Framework Programme or the Euratom Research and Training Programme 2014-2018.

Amendment 27

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The work programmes referred to in paragraphs 1 and 2 shall take account of the state of science, technology and innovation at national, Union and international level and of relevant policy, market and societal developments. They shall be updated as and where appropriate.	3. The work programmes referred to in paragraphs 1 and 2 shall take account of the state of science, technology and innovation at national, Union and international level and of relevant policy, market and societal developments. They shall be updated as and where appropriate, ***taking due account of the relevant recommendations made by the independent Commission Expert Groups set up to evaluate the EURATOM Programme***.

Amendment 28

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission	*Amendment*
Particular attention shall be paid to ensuring the adequate participation of, and innovation impact on, small and medium-sized enterprises (SMEs) and the private sector in general in the Euratom Programme. Quantitative and qualitative assessments of SME participation shall be undertaken as part of the evaluation and monitoring arrangements.	Particular attention shall be paid to ensuring the adequate participation of, and innovation impact on, small and medium-sized enterprises (SMEs), ***including emerging new innovative actors in the relevant research area*** and the private sector in general in the Euratom Programme. Quantitative and qualitative assessments of SME participation shall be undertaken as part of the evaluation and monitoring arrangements.

Amendment 29

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission shall report and make publicly available the results of the monitoring referred to in paragraph 1.	2. The Commission shall report and make publicly available the results of the monitoring referred to in paragraph 1 ***and forward them to Parliament***.

Amendment 30

Proposal for a regulation

Annex I – paragraph 2

Text proposed by the Commission	*Amendment*
Nuclear power ***constitutes an element in the debate on*** combating climate change and reducing Europe's dependence on imported energy. In the broader context of finding a sustainable energy-mix for the future, the Euratom Programme will also contribute through its research activities to ***the debate on the benefits and the limitations*** of nuclear fission energy for a low-carbon economy. Through ensuring continuous improvement of nuclear safety, more advanced nuclear technologies could also offer the prospect of significant improvements in efficiency and use of resources and producing less waste than current designs. Nuclear safety aspects will receive the greatest possible attention.	Nuclear power ***makes an important contribution to*** combating climate change and reducing Europe's dependence on imported energy. In the broader context of finding a sustainable energy-mix for the future, the Euratom Programme will also contribute through its research activities to ***maintaining the technological advantages*** of nuclear fission energy for a low-carbon economy. Through ensuring continuous improvement of nuclear safety, more advanced nuclear technologies could also offer the prospect of significant improvements in efficiency and use of resources and producing less waste than current designs. Nuclear safety aspects will receive the greatest possible attention.

Tuesday 11 September 2018

Amendment 31

Proposal for a regulation

Annex I – paragraph 6 – point a – paragraph 2

Text proposed by the Commission	*Amendment*
In line with the general objective, support to joint research activities concerning the safe operation and decommissioning of reactor systems (including fuel cycle facilities) in use in the Union or, to the extent necessary in order to maintain broad nuclear safety expertise in the Union, those reactor types ***which*** may be used in the future, ***focusing exclusively on safety aspects, including*** all aspects of the fuel cycle such as partitioning and transmutation.	In line with the general objective, support to joint research activities concerning the safe operation and decommissioning of reactor systems (including fuel cycle facilities) in use in the Union or, to the extent necessary in order to maintain broad nuclear safety expertise in the Union, those reactor types may be used in the future ***on*** all aspects of the fuel cycle such as partitioning and transmutation.

Amendment 32

Proposal for a regulation

Annex I – paragraph 9 – point a – paragraph 2 – point 3

Text proposed by the Commission	*Amendment*
(3) exchange with relevant stakeholders for strengthening Union capacity to respond to nuclear accidents and incidents by research on alert systems and models for radiological dispersion in the ***air***, and by mobilising resources and expertise for analysing and modelling nuclear accidents.	(3) exchange with relevant stakeholders for strengthening Union capacity to respond to nuclear accidents and incidents by research on alert systems and models for radiological dispersion in the ***environment (air, water and soil)***, and by mobilising resources and expertise for analysing and modelling nuclear accidents.

Amendment 33

Proposal for a regulation

Annex I – paragraph 11

Text proposed by the Commission	*Amendment*
In order to achieve the objectives of the Euratom Programme, appropriate links and interfaces, such as joint calls, will be ensured with the Specific Programme of the Horizon 2020 Framework Programme.	In order to achieve the objectives of the Euratom Programme ***and to create synergy between nuclear and non-nuclear activities and knowledge transfer in relevant areas***, appropriate links and interfaces, such as joint calls, will be ensured with the Specific Programme of the Horizon 2020 Framework Programme.

Amendment 34

Proposal for a regulation

Annex II – part 1 – point b – introductory part

Text proposed by the Commission	*Amendment*
(b) Contributing to the development of safe, ***longer-term*** solutions for the management of ultimate nuclear waste, including final geological disposal, partitioning and transmutation	(b) Contributing to the development of safe, ***longer-term*** solutions for the management of ultimate nuclear waste, including final geological disposal, partitioning and transmutation

Amendment 36

Proposal for a regulation

Annex II – part 1 – point g – introductory part

Text proposed by the Commission	*Amendment*
(g) Promoting innovation ***and industry competitiveness***	(g) Promoting innovation

Wednesday 12 September 2018

P8_TA(2018)0334

Nominal quantities for placing on the Union market of single distilled shochu ***I

European Parliament legislative resolution of 12 September 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for placing on the Union market of single distilled shochu produced by pot still and bottled in Japan (COM(2018)0199 – C8-0156/2018 – 2018/0097(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/32)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2018)0199),

— having regard to Article 294(2) and Article 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0156/2018),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 11 July 2018 [1],

— having regard to the undertaking given by the Council representative by letter of 10 July 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 the Environment, Public Health and Food Safety (A8-0255/2018),

1. Adopts its position at first reading, hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] Not yet published in the Official Journal.

Wednesday 12 September 2018

P8_TC1-COD(2018)0097

Position of the European Parliament adopted at first reading on 12 September 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for the placing on the Union market of single distilled shochu produced by pot still and bottled in Japan

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1670.)

Wednesday 12 September 2018

P8_TA(2018)0335

Amendment to the US-EU Memorandum of Cooperation (deployment of air traffic management systems) ***

European Parliament legislative resolution of 12 September 2018 on the draft Council decision on the conclusion, on behalf of the Union, of Amendment 1 to the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union (05800/2018 – C8-0122/2018 – 2018/0009(NLE))

(Consent)

(2019/C 433/33)

The European Parliament,

— having regard to the draft Council decision (05800/2018),

— having regard to Amendment 1 to the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union (14031/2017).

— having regard to the request for consent submitted by the Council in accordance with Article 100(2), Article 218(6), second subparagraph, point (a), and Article 218(7) of the Treaty on the Functioning of the European Union (C8-0122/2018),

— 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 Industry, Research and Energy (A8-0214/2018),

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.

Wednesday 12 September 2018

P8_TA(2018)0336

Agreement on Air Transport between Canada and the EU (accession of Croatia) ***

European Parliament legislative resolution of 12 September 2018 on the draft Council decision on the conclusion, on behalf of the Union and its Member States, of a Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession to the European Union of the Republic of Croatia (12256/2014 – C8-0080/2017 – 2014/0023(NLE))

(Consent)

(2019/C 433/34)

The European Parliament,

— having regard to the draft Council decision (12256/2014),

— having regard to the draft Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession to the European Union of the Republic of Croatia (12255/2014),

— having regard to the request for consent submitted by the Council in accordance with Articles 100(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C8-0080/2017),

— having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Transport and Tourism (A8-0256/2018),

1. Gives its consent to conclusion of the protocol;

2. Instructs its President to forward its position to the Council the Commission, and the governments and parliaments of the Member States and of Canada.

Wednesday 12 September 2018

P8_TA(2018)0337

Copyright in the Digital Single Market ***I

Amendments adopted by the European Parliament on 12 September 2018 on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market (COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)) ([1])

(Ordinary legislative procedure: first reading)

(2019/C 433/35)

Amendment 1

Proposal for a directive

Recital 2

Text proposed by the Commission	*Amendment*
(2) The directives which have been adopted in the area of copyright and related rights provide for a high level of protection for rightholders and create a framework wherein the exploitation of works and other protected subject-matter can take place. This harmonised legal framework contributes to the good functioning of ***the*** internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment. The protection provided by this legal framework also contributes to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.	(2) The directives which have been adopted in the area of copyright and related rights ***contribute to the functioning of the internal market***, provide for a high level of protection for rightholders, ***facilitate the clearance of rights*** and create a framework wherein the exploitation of works and other protected subject-matter can take place. This harmonised legal framework contributes to the good functioning of ***a truly integrated*** internal market; it stimulates innovation, creativity, investment and production of new content, also in the digital environment, ***with a view to avoiding fragmentation of the internal market***. The protection provided by this legal framework also contributes to the Union's objective of respecting and promoting cultural diversity while at the same time bringing the European common cultural heritage to the fore. Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action.

([1]) The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0245/2018).

Wednesday 12 September 2018

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission	*Amendment*
(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled 'Towards a modern, more European copyright framework' ([26]), in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on ***rights in publications, on*** the use of works and other subject-matter ***by*** online service ***providers storing and giving access to user uploaded content*** and on the transparency of authors' and performers' contracts.	(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited, ***and relevant legislation needs to be future proof so as not to restrict technological development***. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled 'Towards a modern, more European copyright framework' ([26]), in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning ***and fair*** marketplace for copyright, there should also be rules on ***the exercise and enforcement of*** the use of works and other subject-matter ***on*** online service ***providers' platforms*** and on the transparency of authors' and performers' contracts ***and of the accounting linked with the exploitation of protected works in accordance with those contracts***.
([26]) COM(2015) 626 ***final***.	([26]) COM(2015) 626 ***final***.

Wednesday 12 September 2018

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission	*Amendment*
(4) This Directive is based upon, and complements, the rules laid down in the Directives currently in force in this area, in particular Directive 96/9/EC of the European Parliament and of the Council ([27]), Directive 2001/29/EC of the European Parliament and of the Council ([28]), Directive 2006/115/EC of the European Parliament and of the Council ([29]), Directive 2009/24/EC of the European Parliament and of the Council ([30]), Directive 2012/28/EU of the European Parliament and of the Council ([31]) and Directive 2014/26/EU of the European Parliament and of the Council ([32]).	(4) This Directive is based upon, and complements, the rules laid down in the Directives currently in force in this area, in particular Directive 96/9/EC of the European Parliament and of the Council ([27]), Directive ***2000/31/EC of the European Parliament and of the Council*** ([27a]), ***Directive*** 2001/29/EC of the European Parliament and of the Council ([28]), Directive 2006/115/EC of the European Parliament and of the Council ([29]), Directive 2009/24/EC of the European Parliament and of the Council ([30]), Directive 2012/28/EU of the European Parliament and of the Council ([31]) and Directive 2014/26/EU of the European Parliament and of the Council ([32]).
([27]) Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. *20–28*).	([27]) Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).
	([27a]) ***Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).***
([28]) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10–*19*).	([28]) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).
([29]) Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28–*35*).	([29]) Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 376, 27.12.2006, p. 28).
([30]) Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16–*22*).	([30]) Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16).
([31]) Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (OJ L 299, 27.10.2012, p. 5–*12*).	([31]) Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (OJ L 299, 27.10.2012, p. 5).
([32]) Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72–*98*).	([32]) Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ L 84, 20.3.2014, p. 72).

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission	*Amendment*
(5) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC should be adapted.	(5) In the fields of research, ***innovation***, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for ***innovation***, scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of ***innovation and*** scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. ***Therefore, existing well-functioning exceptions in those fields should be allowed to continue to be available in Member States, as long as they do not restrict the scope of the exceptions or limitations provided for in this Directive***. Directives 96/9/EC and 2001/29/EC should be adapted.

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission	*Amendment*
(6) The exceptions and the ***limitation*** set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied only in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.	(6) The exceptions and the ***limitations*** set out in this Directive seek to achieve a fair balance between the rights and interests of authors and other rightholders on the one hand, and of users on the other. They can be applied only in certain special cases which do not conflict with the normal exploitation of the works or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholders.

Wednesday 12 September 2018

Amendment 6

Proposal for a directive

Recital 8

Text proposed by the Commission	*Amendment*
(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. ***Those technologies allow researchers to process*** large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the *sui generis* database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.	(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. ***Text and data mining allows the reading and analysis of*** large amounts of ***digitally stored*** information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the *sui generis* database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Wednesday 12 September 2018

Amendment 7

Proposal for a directive

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) For text and data mining to occur, it is in most cases necessary first to access information and then to reproduce it. It is generally only after that information is normalised that it can be processed through text and data mining. Once there is lawful access to information, it is when that information is being normalised that a copyright-protected use takes place, since this leads to a reproduction by changing the format of the information or by extracting it from a database into a format that can be subjected to text and data mining. The copyright-relevant processes in the use of text and data mining technology is, consequently, not the text and data mining process itself which consists of a reading and analysis of digitally stored, normalised information, but the process of accessing and the process by which information is normalised to enable its automated computational analysis, insofar as this process involves extraction from a database or reproductions. The exceptions for text and data mining purposes provided for in this Directive should be understood as referring to such copyright-relevant processes necessary to enable text and data mining. Where existing copyright law has been inapplicable to uses of text and data mining, such uses should remain unaffected by this Directive.

Amendment 8

Proposal for a directive

Recital 10

Text proposed by the Commission	*Amendment*
(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive ***2001/29***, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Research organisations should also benefit from the exception when they engage into public-private partnerships.***	(10) This legal uncertainty should be addressed by providing for a mandatory exception ***for research organisations*** to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive ***2001/29/EC***, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Educational establishments and cultural heritage institutions that conduct scientific research should also be covered by the text and data mining exception, provided that the results of the research do not benefit an undertaking exercising a decisive influence upon such organisations in particular. In the event that the research is carried out in the framework of a public-private partnership, the undertaking participating in the public-private partnership should also have lawful access to the works and other subject matter. The reproductions and extractions made for text and data mining purposes should be stored in a secure manner and in a way that ensures that the copies are only used for the purpose of scientific research.***

Amendment 9

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) ***To encourage innovation also in the private sector, Member States should be able to provide for an exception going further than the mandatory exception, provided that the use of works and other subject matter referred to therein has not been expressly reserved by their rightholders including by machine readable means.***

Amendment 10

Proposal for a directive

Recital 15

Text proposed by the Commission	*Amendment*
(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.	(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity. ***Where cultural heritage institutions pursue an educational objective and are involved in teaching activities, it should be possible for Member States to consider those institutions as an educational establishment under this exception in so far as their teaching activities are concerned.***

Wednesday 12 September 2018

Amendment 11

Proposal for a directive

Recital 16

Text proposed by the Commission	*Amendment*
(16) The exception or limitation should cover digital uses of works and other subject-matter ***such as the use of parts or extracts of works*** to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means ***in the classroom*** and online uses through the educational establishment's secure electronic ***network***, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.	(16) The exception or limitation should cover digital uses of works and other subject-matter to support, enrich or complement the teaching, including the related learning activities. ***The exception or limitation of use should be granted as long as the work or other subject-matter used indicates the source, including the authors' name, unless that turns out to be impossible for reasons of practicability.*** The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means ***where the teaching activity is physically provided, including where it takes place outside the premises of the educational establishment, for example in libraries or cultural heritage institutions, as long as the use is made under the responsibility of the educational establishment***, and online uses through the educational establishment's secure electronic ***environment***, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Amendment 12

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) A secure electronic environment should be understood as a digital teaching and learning environment, access to which is limited through an appropriate authentication procedure to the educational establishment's teaching staff and to the pupils or students enrolled in a study programme.

Wednesday 12 September 2018

Amendment 13

Proposal for a directive

Recital 17

Text proposed by the Commission	*Amendment*
(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, ***covering*** at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.	(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences. ***Such licences can take the form of collective licensing agreements, extended collective licensing agreements and licences that are negotiated collectively such as "blanket licences", in order to avoid educational establishments having to negotiate individually with rightholders. Such licenses should be affordable and cover*** at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market, ***or for teaching in educational establishments or sheet music***. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that ***such*** licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes. ***Member States should be able to provide for systems to ensure that there is fair compensation for rightholders for uses under those exceptions or limitations. Member States should be encouraged to use systems that do not create an administrative burden, such as systems that provide for one-off payments.***

Wednesday 12 September 2018

Amendment 14

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) In order to guarantee legal certainty when a Member State decides to subject the application of the exception to the availability of adequate licences, it is necessary to specify under which conditions an educational establishment may use protected works or other subject-matter under that exception and, conversely, when it should act under a licensing scheme.

Amendment 15

Proposal for a directive

Recital 18

Text proposed by the Commission	*Amendment*
(18) An act of preservation may require a reproduction ***of a work or other subject-matter in the collection of a cultural heritage institution*** and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation.	(18) An act of preservation ***of a work or other subject-matter in the collection of a cultural heritage institution*** may require a reproduction and consequently ***require*** the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation ***by such institutions***.

Amendment 16

Proposal for a directive

Recital 19

Text proposed by the Commission	*Amendment*
(19) Different approaches in the Member States for acts of preservation ***by cultural heritage institutions*** hamper cross-border cooperation ***and*** the sharing of means of preservation ***by cultural heritage institutions in the internal market***, leading to an inefficient use of resources.	(19) Different approaches in the Member States for acts of ***reproduction for*** preservation hamper cross-border cooperation, the sharing of means of preservation ***and the establishment of cross-border preservation networks in the internal market organisations that are engaged in preservation***, leading to an inefficient use of resources. ***This can have a negative impact on the preservation of cultural heritage.***

Amendment 17

Proposal for a directive

Recital 20

Text proposed by the Commission	*Amendment*
(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, ***for example*** to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.	(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, to address technological obsolescence or the degradation of original supports ***or to insure works***. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, ***in any format or medium***, in the required number, at any point in the life of a work or other subject-matter ***and*** to the extent required in order to produce a copy for preservation purposes only. ***The archives of research organisations or public-service broadcasting organisations should be considered cultural heritage institutions and therefore beneficiaries of this exception. Member States should, for the purpose of this exception, be able to maintain provisions to treat publicly accessible galleries as museums.***

Amendment 18

Proposal for a directive

Recital 21

Text proposed by the Commission	*Amendment*
(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned or permanently held by ***the cultural heritage institution***, for example as a result of a transfer of ownership ***or*** licence agreements.	(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies ***of such works or other subject matter*** are owned or permanently held by ***those organisations***, for example as a result of a transfer of ownership, licence agreements, ***a legal deposit or a long-term loan***. ***Works or other subject matter that cultural heritage institutions access temporarily via a third-party server are not considered as being permanently in their collections.***

Wednesday 12 September 2018

Amendment 19

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission	*Amendment*
	(21a) Technological developments have given rise to information society services enabling their users to upload content and make it available in diverse forms and for various purposes, including to illustrate an idea, criticism, parody or pastiche. Such content may include short extracts of pre-existing protected works or other subject-matter that such users might have altered, combined or otherwise transformed.

Amendment 20

Proposal for a directive

Recital 21 b (new)

Text proposed by the Commission	*Amendment*
	(21b) Despite some overlap with existing exceptions or limitations, such as the ones for quotation and parody, not all content that is uploaded or made available by a user that reasonably includes extracts of protected works or other subject-matter is covered by Article 5 of Directive 2001/29/EC. A situation of this type creates legal uncertainty for both users and rightholders. It is therefore necessary to provide a new specific exception to permit the legitimate uses of extracts of pre-existing protected works or other subject-matter in content that is uploaded or made available by users. Where content generated or made available by a user involves the short and proportionate use of a quotation or of an extract of a protected work or other subject-matter for a legitimate purpose, such use should be protected by the exception provided for in this Directive. This exception should only be applied in certain special cases which do not conflict with normal exploitation of the work or other subject-matter concerned and do not unreasonably prejudice the legitimate interests of the rightholder. For the purpose of assessing such prejudice, it is essential that the degree of originality of the content concerned, the length/extent of the quotation or extract used, the professional nature of the content concerned or the degree of economic harm be examined, where relevant, while not precluding the legitimate enjoyment of the exception. This exception should be without prejudice to the moral rights of the authors of the work or other subject-matter.

Amendment 21

Proposal for a directive

Recital 21 c (new)

Text proposed by the Commission	*Amendment*
	(21c) ***Information society service providers that fall within the scope of Article 13 of this Directive should not be able to invoke for their benefit the exception for the use of extracts from pre-existing works provided for in this Directive, for the use of quotations or extracts from protected works or other subject-matter in content that is uploaded or made available by users on those information society services, to reduce the scope of their obligations under Article 13 of this Directive.***

Amendment 22

Proposal for a directive

Recital 22

Text proposed by the Commission	*Amendment*
(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for measures to facilitate the ***licensing of rights in*** out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.	(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use ***or have never been in commerce***. It is therefore necessary to provide for measures to facilitate the ***use of*** out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Wednesday 12 September 2018

Amendment 23

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission	*Amendment*
	(22a) Several Member States have already adopted extended collective licencing regimes, legal mandates or legal presumptions facilitating the licencing of out-of-commerce works. However considering the variety of works and other subject-matter in the collections of cultural heritage institutions and the variance between collective management practices across Member States and sectors of cultural production, such measures may not provide a solution in all cases, for example, because there is no practice of collective management for a certain type of work or other subject matter. In such particular instances, it is therefore necessary to allow cultural heritage institutions to make out-of-commerce works held in their permanent collection available online under an exception to copyright and related rights. While it is essential to harmonise the scope of the new mandatory exception in order to allow cross-border uses of out-of-commerce works, Member States should nevertheless be allowed to use or continue to use extended collective licencing arrangements concluded with cultural heritage institutions at national level for categories of works that are permanently in the collections of cultural heritage institutions The lack of agreement on the conditions of the licence should not be interpreted as a lack of availability of licensing-based solutions. Any uses under this exception should be subject to the same opt-out and publicity requirements as uses authorised by a licensing mechanism. In order to ensure that the exception only applies when certain conditions are fulfilled and to provide legal certainty, Member States should determine, in consultation with rightholders, collective management organisations and cultural heritage organisations, and at appropriate intervals of time, for which sectors and which types of works appropriate licence-based solutions are not available, in which case the exception should apply.

Amendment 24

Proposal for a directive

Recital 23

Text proposed by the Commission	*Amendment*
(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing for licences for out-of-commerce works to extend to the rights of rightholders that are not represented by the collective management organisation, in accordance ***to*** their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.	(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing for licences for out-of-commerce works to extend to the rights of rightholders that are not represented by the ***relevant*** collective management organisation, in accordance ***with*** their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.

Amendment 25

Proposal for a directive

Recital 24

Text proposed by the Commission	*Amendment*
(24) For the purpose of those licensing mechanisms, a rigorous and well-functioning collective management system is important. That system includes in particular rules of good governance, transparency and reporting, as well as the regular, diligent and accurate distribution and payment of amounts due to individual rightholders, as provided for by Directive 2014/26/EU. Additional appropriate safeguards should be available for all rightholders, who should be given the opportunity to exclude the application of such mechanisms to their works or other subject-matter. Conditions attached to those mechanisms should not affect their practical relevance for cultural heritage institutions.	(24) For the purpose of those licensing mechanisms, a rigorous and well-functioning collective management system is important ***and should be encouraged by the Member States***. That system includes in particular rules of good governance, transparency and reporting, as well as the regular, diligent and accurate distribution and payment of amounts due to individual rightholders, as provided for by Directive 2014/26/EU. Additional appropriate safeguards should be available for all rightholders, who should be given the opportunity to exclude the application of such ***licensing*** mechanisms ***or of such exceptions*** to their works or other subject-matter. Conditions attached to those mechanisms should not affect their practical relevance for cultural heritage institutions.

Amendment 26

Proposal for a directive

Recital 25

Text proposed by the Commission	*Amendment*
(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of ***those mechanisms***, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, ***users*** and collective management organisations when doing so.	(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of ***the solutions on the use of out-of-commerce works introduced by this Directive***, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, ***cultural heritage institutions*** and collective management organisations when doing so.

Amendment 27

Proposal for a directive

Recital 26

Text proposed by the Commission	*Amendment*
(26) For reasons of international comity, the licensing mechanisms for the digitisation and dissemination of out-of-commerce works provided for in this Directive should not apply to works or other subject-matter that are first published or, in the absence of publication, first broadcast in a third country or, in the case of cinematographic or audiovisual works, to works the producer of which has his headquarters or habitual residence in a third country. Those mechanisms should also not apply to works or other subject-matter of third country nationals except when they are first published or, in the absence of publication, first broadcast in the territory of a Member State or, in the case of cinematographic or audiovisual works, to works of which the producer's headquarters or habitual residence is in a Member State.	(26) For reasons of international comity, the licensing mechanisms ***and the exception*** for the digitisation and dissemination of out-of-commerce works provided for in this Directive should not apply to works or other subject-matter that are first published or, in the absence of publication, first broadcast in a third country or, in the case of cinematographic or audiovisual works, to works the producer of which has his headquarters or habitual residence in a third country. Those mechanisms should also not apply to works or other subject-matter of third country nationals except when they are first published or, in the absence of publication, first broadcast in the territory of a Member State or, in the case of cinematographic or audiovisual works, to works of which the producer's headquarters or habitual residence is in a Member State.

Amendment 28

Proposal for a directive

Recital 27

Text proposed by the Commission	*Amendment*
(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from ***generating reasonable revenues in order to cover*** the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence.	(27) As mass digitisation projects can entail significant investments by cultural heritage institutions, any licences granted under the mechanisms provided for in this Directive should not prevent them from ***covering*** the costs of the licence and the costs of digitising and disseminating the works and other subject-matter covered by the licence.

Amendment 29

Proposal for a directive

Recital 28

Text proposed by the Commission	*Amendment*
(28) Information regarding the future and ongoing use of out-of-commerce works and other subject-matter by cultural heritage institutions on the basis of the licensing mechanisms provided for in this Directive and the arrangements in place for all rightholders to exclude the application of licences to their works or other subject-matter should be adequately publicised. This is particularly important when uses take place across borders in the internal market. It is therefore appropriate to make provision for the creation of a single publicly accessible online portal for the Union to make such information available to the public for a reasonable period of time before the cross-border use takes place. Under Regulation (EU) No 386/2012 of the European Parliament and of the Council, the European Union Intellectual Property Office is entrusted with certain tasks and activities, financed by making use of its own budgetary measures, aiming at facilitating and supporting the activities of national authorities, the private sector and Union institutions in the fight against, including the prevention of, infringement of intellectual property rights. It is therefore appropriate to rely on that Office to establish and manage the European portal making such information available.	(28) Information regarding the future and ongoing use of out-of-commerce works and other subject-matter by cultural heritage institutions on the basis of the licensing mechanisms ***or of the exception*** provided for in this Directive and the arrangements in place for all rightholders to exclude the application of licences ***or of the exception*** to their works or other subject-matter should be adequately publicised. This is particularly important when uses take place across borders in the internal market. It is therefore appropriate to make provision for the creation of a single publicly accessible online portal for the Union to make such information available to the public for a reasonable period of time before the cross-border use takes place. Under Regulation (EU) No 386/2012 of the European Parliament and of the Council, the European Union Intellectual Property Office is entrusted with certain tasks and activities, financed by making use of its own budgetary measures, aiming at facilitating and supporting the activities of national authorities, the private sector and Union institutions in the fight against, including the prevention of, infringement of intellectual property rights. It is therefore appropriate to rely on that Office to establish and manage the European portal making such information available.

Wednesday 12 September 2018

Amendment 30

Proposal for a directive

Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28a) In order to ensure that the licensing mechanisms established for out-of-commerce works are relevant and function properly, that rightholders are adequately protected under those mechanisms, that licences are properly publicised and that legal clarity is ensured with regard to the representativeness of collective management organisations and the categorisation of works, Member States should foster sector-specific stakeholder dialogue.

Amendment 31

Proposal for a directive

Recital 30

Text proposed by the Commission	*Amendment*
(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, ***this Directive requires*** Member States ***to*** set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the ***bearing*** of ***the*** costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.	(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, Member States ***should*** set up a negotiation mechanism, ***managed by an existing or newly established national body***, allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. ***The participation in this negotiation mechanism and the subsequent conclusion of agreements should be voluntary. Where a negotiation involves parties from different Member States, those parties should agree beforehand on the competent Member State, should they decide to rely on the negotiation mechanism.*** The body should meet with the parties and help with the negotiations by providing professional, ***impartial*** and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the ***division*** of ***any*** costs ***arising, and the composition of such bodies***. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Amendment 32

Proposal for a directive

Recital 30 a (new)

Text proposed by the Commission	*Amendment*
	(30a) The preservation of the Union's heritage is of the utmost importance and should be strengthened for the benefit of future generations. This should be achieved notably through the protection of published heritage. To this end, a Union legal deposit should be created in order to ensure that publications concerning the Union, such as Union law, Union history and integration, Union policy and Union democracy, institutional and parliamentary affairs, and politics, and, thereby, the Union's intellectual record and future published heritage, are collected systematically. Not only should such heritage be preserved through the creation of a Union archive for publications dealing with Union-related matters, but it should also be made available to Union citizens and future generations. The European Parliament Library, as the Library of the only Union institution directly representing Union citizens, should be designated as the Union depository library. In order not to create an excessive burden on publishers, printers and importers, only electronic publications, such as e-books, e-journals and e-magazines should be deposited in the European Parliament Library, which should make available for readers publications covered by the Union legal deposit at the European Parliament Library for the purpose of research or study and under the control of the European Parliament Library. Such publications should not be made available online externally.

Wednesday 12 September 2018

Amendments 33 and 137

Proposal for a directive

Recital 31

Text proposed by the Commission	*Amendment*
(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.	(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. ***The increasing imbalance between powerful platforms and press publishers, which can also be news agencies, has already led to a remarkable regression of the media landscape on a regional level.*** In the transition from print to digital, publishers ***and news agencies*** of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Amendments 34 and 138

Proposal for a directive

Recital 32

Text proposed by the Commission	*Amendment*
(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level ***a harmonised*** legal protection for press publications in ***respect of*** digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.	(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry ***and thereby to guarantee the availability of reliable information***. It is therefore necessary ***for Member States*** to provide at Union level legal protection for press publications in ***the Union for*** digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses ***in order to obtain fair and proportionate remuneration for such uses. Private uses should be excluded from this reference. In addition, the listing in a search engine should not be considered as fair and proportionate remuneration.***

Amendment 139

Proposal for a directive

Recital 33

Text proposed by the Commission	*Amendment*
(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which ***do not constitute communication to the public***.	(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking. ***The protection shall also not extend to factual information*** which ***is reported in journalistic articles from a press publication and will therefore not prevent anyone from reporting such factual information***.

Amendments 36 and 140

Proposal for a directive

Recital 34

Text proposed by the Commission	*Amendment*
(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. ***They*** should ***also*** be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.	(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. ***Member States*** should be ***able to*** subject ***those rights*** to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Wednesday 12 September 2018

Amendment 37

Proposal for a directive

Recital 35

Text proposed by the Commission	*Amendment*
(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.	(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side. ***Notwithstanding the fact that authors of the works incorporated in a press publication receive an appropriate reward for the use of their works on the basis of the terms for licensing of their work to the press publisher, authors whose work is incorporated in a press publication should be entitled to an appropriate share of the new additional revenues press publishers receive for certain types of secondary use of their press publications by information society service providers in respect of the rights provided for in Article 11(1) of this Directive. The amount of the compensation attributed to the authors should take into account the specific industry licensing standards regarding works incorporated in a press publication which are accepted as appropriate in the respective Member State; and the compensation attributed to authors should not affect the licensing terms agreed between the author and the press publisher for the use of the author's article by the press publisher.***

Amendment 38

Proposal for a directive

Recital 36

Text proposed by the Commission	*Amendment*
(36) Publishers, including those of press publications, books or scientific publications, ***often*** operate on the basis of ***the transfer of authors' rights by means of*** contractual agreements ***or statutory provisions***. In this context, publishers make an investment with a view to the exploitation of the works ***contained in their publications*** and may ***in some instances be*** deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to ***determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place***.	(36) Publishers, including those of press publications, books or scientific publications ***and music publications***, operate on the basis of contractual agreements ***with authors***. In this context, publishers make an investment ***and acquire rights, in some fields including rights to claim a share of compensation within joint collective management organisations of authors and publishers***, with a view to the exploitation of the works and may ***therefore also find themselves being*** deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a ***large*** number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and ***to*** improve legal certainty for all concerned parties, Member States should be allowed to ***provide an equivalent compensation-sharing system if such a system was in operation in that Member State before 12 November 2015. The share between authors and publishers of such compensation could be set in the internal distribution rules of the collective management organisation acting jointly on behalf of authors and publishers, or set by Members States in law or regulation, in accordance with the equivalent system that was in operation in that Member State before 12 November 2015. This provision is without prejudice to the arrangements in the Member States concerning public lending rights, the management of rights not based on exceptions or limitations to copyright, such as extended collective licensing schemes, or concerning remuneration rights on the basis of national law.***

Wednesday 12 September 2018

Amendment 39

Proposal for a directive

Recital 36 a (new)

Text proposed by the Commission	*Amendment*
	(36 a) Cultural and creative industries (CCIs) play a key role in reindustrialising Europe, are a driver for growth and are in a strategic position to trigger innovative spill-overs in other industrial sectors. Furthermore CCIs are a driving force for innovation and development of ICT in Europe. Cultural and creative industries in Europe provide more than 12 million full-time jobs, which amounts to 7,5 % of the Union's work force, creating approximately EUR 509 billion in value added to GDP (5,3 % of the EU's total GVA). The protection of copyright and related rights are at the core of the CCI's revenue.

Amendments 40 and 215 rev

Proposal for a directive

Recital 37

Text proposed by the Commission	*Amendment*
(37) Over the last years, the functioning of the online content ***marketplace*** has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.	(37) Over the last years, the functioning of the online ***content market*** has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to ***copyright protected*** content online. ***Online services are means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. However, although they allow for diversity and ease of access to content, they also generate challenges when copyright protected content is uploaded without prior authorisation from rightholders***. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it, ***since some user uploaded content services do not enter into licensing agreements on the basis that they claim to be covered by the "safe-harbour" exemption set out in Directive 2000/31/EC.***

Wednesday 12 September 2018

Amendment 143

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37a) Certain information society services, as part of their normal use, are designed to give access to the public to copyright protected content or other subject-matter uploaded by their users. The definition of an online content sharing service provider under this Directive shall cover information society service providers one of the main purposes of which is to store and give access to the public or to stream significant amounts of copyright protected content uploaded / made available by its users, and that optimise content, and promote for profit making purposes, including amongst others displaying, tagging, curating, sequencing, the uploaded works or other subject-matter, irrespective of the means used therefor, and therefore act in an active way. As a consequence, they cannot benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC. The definition of online content sharing service providers under this Directive does not cover microenterprises and small sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC and service providers that act in a non-commercial purpose capacity such as online encyclopaedia, and providers of online services where the content is uploaded with the authorisation of all right holders concerned, such as educational or scientific repositories. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods, should not be considered online content sharing service providers within the meaning of this Directive.

Wednesday 12 September 2018

Amendments 144, 145 and 146

Proposal for a directive

Recital 38

Text proposed by the Commission	*Amendment*
(38) ***Where information society*** service providers ***store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing*** an act of communication to the public, ***they are obliged to*** conclude licensing agreements with rightholders, ***unless they are eligible for*** the liability ***exemption provided in*** Article ***14 of Directive 2000/31/EC of the European Parliament and of the Council*** ([34]). ***In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.*** ***In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***	(38) ***Online content sharing*** service providers ***perform*** an act of communication to the public ***and therefore are responsible for their content and should therefore*** conclude ***fair and appropriate*** licensing agreements with rightholders. ***Where licensing agreements are concluded, they should also cover, to the same extent and scope***, the liability ***of users when they are acting in a non-commercial capacity. In accordance with*** Article ***11(2a) the responsibility of online content sharing providers pursuant to Article 13 does not extend to acts of hyperlinking in respect of press publications. The dialogue between stakeholders is essential in the digital world. They should define best practices to ensure the functioning of licensing agreements and cooperation between online content sharing service providers and rightholders. Those best practices should take into account the extent*** of the ***copyright infringing content on the service***.

([34]) ***Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).***

Wednesday 12 September 2018

Amendment 147

Proposal for a directive

Recital 39

Text proposed by the Commission	*Amendment*
(39) ***Collaboration between information society*** service providers ***storing and providing access to the public to large amounts of copyright*** protected works or other ***subject-matter uploaded by*** their ***users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the*** services ***to identify their*** content ***and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society*** service providers ***on the use of their content*** covered by an ***agreement***.	(39) ***Member States should provide that where right holders do not wish to conclude licensing agreements, online content sharing*** service providers ***and right holders should cooperate in good faith in order to ensure that unauthorised*** protected works or other ***subject matter, are not available on*** their services. ***Cooperation between online*** content service providers ***and right holders should not lead to preventing the availability of non-infringing works or other protected subject matter, including those*** covered by an ***exception or limitation to copyright***.

Amendment 148

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission	*Amendment*
	(39a) Members States should ensure that online content sharing service providers referred to in paragraph 1 put in place effective and expeditious complaints and redress mechanisms that are available to users in case the cooperation referred to in paragraph 2a leads to unjustified removals of their content. Any complaint filed under such mechanisms should be processed without undue delay. Right holders should reasonably justify their decisions to avoid arbitrary dismissal of complaints. Moreover, in accordance with Directive 95/46/EC, Directive 2002/58/EC and the General Data Protection Regulation, the cooperation should not lead to any identification of individual users nor the processing of their personal data. Member States should also ensure that users have access to an independent body for the resolution of disputes as well as to a court or another relevant judicial authority to assert the use of an exception or limitation to copyright rules.

Wednesday 12 September 2018

Amendment 149

Proposal for a directive

Recital 39 b (new)

Text proposed by the Commission	*Amendment*
	(39b) As soon as possible after the entry into force of this Directive, the Commission and the Member States should organise dialogues between stakeholders to harmonise and to define best practices. They should issue guidance to ensure the functioning of licensing agreements and on cooperation between online content sharing service providers and right holders for the use of their works or other subject matter within the meaning of this Directive. When defining best practices, special account should be taken of fundamental rights, the use of exceptions and limitations. Special focus should also be given to ensuring that the burden on SMEs remains appropriate and that automated blocking of content is avoided.

Amendments 44 and 219

Proposal for a directive

Recital 39 c (new)

Text proposed by the Commission	*Amendment*
	(39c) Member States should ensure that an intermediate mechanism exists enabling service providers and rightholders to find an amicable solution to any dispute arising from the terms of their cooperation agreements. To that end, Member States should appoint an impartial body with all the relevant competence and experience necessary to assist the parties in the resolution of their dispute.

Amendment 46

Proposal for a directive

Recital 39 d (new)

Text proposed by the Commission	*Amendment*
	(39d) As a principle, rightholders should always receive fair and appropriate remuneration. Authors and performers who have concluded contracts with intermediaries, such as labels and producers, should receive fair and appropriate remuneration from them, either through individual agreements and/ or collective bargaining agreements, collective management agreements or rules having a similar effect, for example joint remuneration rules. This remuneration should be mentioned explicitly in the contracts according to each mode of exploitation, including online exploitation. Members States should look into the specificities of each sector and should be allowed to provide that remuneration is deemed fair and appropriate if it is determined in accordance with the collective bargaining or joint remuneration agreement.

Amendment 47

Proposal for a directive

Recital 40

Text proposed by the Commission	*Amendment*
(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of ***adequate*** information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.	(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers tend to be in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of ***comprehensive and relevant*** information by their contractual counterparts or their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers. ***The information that authors and performers are entitled to expect should be proportionate and cover all modes of exploitation, direct and indirect revenue generated, including revenues from merchandising, and the remuneration due. The information on the exploitation should also include information about the identity of any sub-licensee or sub-transferee. The transparency obligation should nevertheless apply only where copyright relevant rights are concerned.***

Amendment 48

Proposal for a directive

Recital 42

Text proposed by the Commission	*Amendment*
(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case ***as well as of*** the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.	(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant ***direct and indirect*** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case, the specificities and practices of the different content sectors ***as well as of the nature and the contribution to the work of the author or performer. Such a contract adjustment request could also be made by the organisation representing the author or performer on his or her behalf, unless the request would be detrimental to the interests of the author or performer***. Where the parties do not agree on the adjustment of the remuneration, the author or performer ***or a representative organisation appointed by them*** should ***on request by the author or performer*** be entitled to bring a claim before a court or other competent authority.

Amendment 49

Proposal for a directive

Recital 43

Text proposed by the Commission	*Amendment*
(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.	(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism. ***Representative organisations of authors and performers, including collective management organisations and trade unions, should be able to initiate such procedures at the request of authors and performers. Details about who initiated the procedure should remain undisclosed.***

Amendment 50

Proposal for a directive

Recital 43 a (new)

Text proposed by the Commission	*Amendment*
	(43a) When authors and performers license or transfer their rights, they expect their work or performance to be exploited. However, it happens that works or performances that have been licensed or transferred are not exploited at all. When these rights have been transferred on an exclusive basis, authors and performers cannot turn to another partner to exploit their work. In such a case, and after a reasonable period of time has lapsed, authors and performers should have a right of revocation allowing them to transfer or license their right to another person. Revocation should also be possible when the transferee or licensee has not complied with his or her reporting/transparency obligation provided for in Article 14 of this Directive. The revocation should only be considered after all the steps of alternative dispute resolution have been completed, particularly with regard to reporting. As exploitation of works can vary depending on the sectors, specific provisions could be taken at national level in order to take into account the specificities of the sectors, such as the audiovisual sector, or of the works and the anticipated exploitation periods, notably providing for time limits for the right of revocation. In order to prevent abuses and take into account that a certain amount of time is needed before a work is actually exploited, authors and performers should be able to exercise the right of revocation only after a certain period of time following the conclusion of the license or of the transfer agreement. National law should regulate the exercise of the right of revocation in the case of works involving a plurality of authors or performers, taking into account the relative importance of the individual contributions.

Amendment 51

Proposal for a directive

Recital 43 b (new)

Text proposed by the Commission	*Amendment*
	(43b) To support the effective application across Member States of the relevant provisions of this Directive, the Commission should, in cooperation with Member States, encourage the exchange of best practices and promote dialogue at Union level.

Wednesday 12 September 2018

Amendment 52

Proposal for a directive

Recital 46

Text proposed by the Commission	*Amendment*
(46) Any processing of personal data under this Directive should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and must be in compliance with ***Directive 95/46/EC of the European Parliament and of the Council***[35] and Directive 2002/58/EC ***of the European Parliament and of the Council***[36].	(46) Any processing of personal data under this Directive should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and must be in compliance with ***Regulation (EU) 2016/679*** and Directive 2002/58/EC. ***The provisions of the General Data Protection Regulation, including the "right to be forgotten" should be respected.***

Amendment 53

Proposal for a directive

Recital 46 a (new)

Text proposed by the Commission	*Amendment*
	(46 a) It is important to stress the importance of anonymity, when handling personal data for commercial purposes. Additionally, the "by default" not sharing option with regards to personal data while using online platform interfaces should be promoted.

Wednesday 12 September 2018

Amendments 54 and 238

Proposal for a directive

Article 1

Text proposed by the Commission	*Amendment*
Article 1	*Article 1*
Subject matter and scope	**Subject matter and scope**
1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.	1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.
2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.	2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, ***2000/31/EC***, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment 55

Proposal for a directive

Article 2 – paragraph 1 – point 1 – introductory part

Text proposed by the Commission	*Amendment*
(1) 'research organisation' means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:	(1) 'research organisation' means a university, ***including its libraries***, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Amendment 57

Proposal for a directive

Article 2 – paragraph 1 – point 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a ***decisive*** influence upon such organisation;	in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a ***significant*** influence upon such organisation;

Wednesday 12 September 2018

Amendment 58

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'text and data mining' means any automated analytical technique ***aiming to analyse text and data*** in digital form in order to generate information ***such as*** patterns, trends and correlations;	(2) 'text and data mining'means any automated analytical technique ***which analyses works and other subject matter*** in digital form in order to generate information, ***including, but not limited to***, patterns, trends and correlations.

Amendment 59

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(4) 'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.	(4) 'press publication' means a fixation ***by publishers or news agencies*** of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider. ***Periodicals which are published for scientific or academic purposes, such as scientific journals, shall not be covered by this definition***;

Amendment 60

Proposal for a directive

Article 2 – paragraph 1 – point 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) 'out of commerce work' means:
	(a) an entire work or other subject matter in any version or manifestation that is no longer available to the public in a Member State through customary channels of commerce;
	(b) a work or other subject matter that has never been in commerce in a Member State, unless, from the circumstances of that case, it is apparent that its author objected to making it available to the public;

Wednesday 12 September 2018

Amendment 150

Proposal for a directive

Article 2 – paragraph 1 – point 4b (new)

Text proposed by the Commission	*Amendment*
	(4b) 'online content sharing service provider' means a provider of an information society service one of the main purposes of which is to store and give access to the public to a significant amount of copyright protected works or other protected subject-matter uploaded by its users, which the service optimises and promotes for profit making purposes. Microenterprises and small-sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC and services acting in a non-commercial purpose capacity such as online encyclopaedia, and providers of online services where the content is uploaded with the authorisation of all right holders concerned, such as educational or scientific repositories, shall not be considered online content sharing service providers within the meaning of this Directive. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods, should not be considered online content sharing service providers within the meaning of this Directive;

Amendment 62

Proposal for a directive

Article 2 – paragraph 1 – point 4 c (new)

Text proposed by the Commission	*Amendment*
	(4c) 'information society service' means a service within the meaning of point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council [1a];

[1a] ***Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).***

Wednesday 12 September 2018

Amendment 63

Proposal for a directive

Article 2 – paragraph 1 – point 4 d (new)

Text proposed by the Commission	*Amendment*
	(4d) 'automated image referencing service' means any online service which reproduces or makes available to the public for indexing and referencing purposes graphic or art works or photographic works collected by automated means via a third-party online service.

Amendment 64

Proposal for a directive

Article 3

Text proposed by the Commission	*Amendment*
Article 3	*Article 3*
Text and data mining	**Text and data mining**
1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions ***made by research organisations in order to carry out text and data mining*** of works or other subject-matter ***to which they have lawful access*** for the purposes of scientific research.	1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions of works or other subject-matter ***to which research organisations have lawful access and made in order to carry out text and data mining*** for the purposes of scientific research ***by such organisations.***
	Member States shall provide for educational establishments and cultural heritage institutions conducting scientific research within the meaning of point (1)(a) or (1)(b) of Article 2, in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisations, to also be able to benefit from the exception provided for in this Article.
	1a. Reproductions and extractions made for text and data mining purposes shall be stored in a secure manner, for example by trusted bodies appointed for this purpose.
2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.	2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.
3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.	3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.
4. Member States ***shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.***	4. Member States ***may continue to provide text and data mining exceptions in accordance with point (a) of Article 5(3) of Directive 2001/29/EC.***

Wednesday 12 September 2018

Amendment 65

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission	*Amendment*
	Article 3a
	Optional exception or limitation for text and data mining
	1. Without prejudice to Article 3 of this Directive, Member States may provide for an exception or a limitation to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions of lawfully accessible works and other subject-matter that form a part of the process of text and data mining, provided that the use of works and other subject matter referred to therein has not been expressly reserved by their rightholders, including by machine readable means.
	2. Reproductions and extractions made pursuant to paragraph 1 shall not be used for purposes other than text and data mining.
	3. ***Member States may continue to provide text and data mining exceptions in accordance with point (a) of Article 5 (3) of Directive 2001/29/EC.***

Wednesday 12 September 2018

Amendment 66

Proposal for a directive

Article 4

Text proposed by the Commission	*Amendment*
Article 4	*Article 4*
Use of works and other subject-matter in digital and cross-border teaching activities	**Use of works and other subject-matter in digital and cross-border teaching activities**
1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:	1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:
(a) takes place on the premises of an educational establishment or through a secure electronic ***network*** accessible only by the educational establishment's pupils or students and teaching staff;	(a) takes place on the premises of an educational establishment, ***or in any other venue in which the teaching activity takes place under the responsibility of the educational establishment***, or through a secure electronic ***environment*** accessible only by the educational establishment's pupils or students and teaching staff;
(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.	(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible ***for reasons of practicability***.
2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate ***licences*** authorising the acts described in paragraph 1 are easily available in the market.	2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, ***such as material which is primarily intended for the educational market or sheet music***, to the extent that adequate ***licencing agreements*** authorising the acts described in paragraph 1 ***and tailored to the needs and specificities of educational establishments*** are easily available in the market.
Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.	Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.
3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic ***networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.	3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic ***environments*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.
4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.	4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.
	4a. Without prejudice to paragraph 2, any contractual provision contrary to the exception or limitation adopted pursuant to paragraph 1 shall be unenforceable. Member States shall ensure that rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.

Amendment 67

Proposal for a directive

Article 5

Text proposed by the Commission	*Amendment*
Article 5	*Article 5*
Preservation of cultural heritage	**Preservation of cultural heritage**
Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the ***sole*** purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.	***1.*** Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the ***purposes*** of preservation of such works or other subject-matter and to the extent necessary for such preservation. ***1a. Member States shall ensure that any material resulting from an act of reproduction of material in the public domain shall not be subject to copyright or related rights, provided that such reproduction is a faithful reproduction for purposes of preservation of the original material.*** ***1b. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.***

Amendment 68

Proposal for a directive

Article 6

Text proposed by the Commission	*Amendment*
Article 6	*Article 6*
Common provisions	**Common provisions**
Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.	***1. Accessing content covered by an exception provided for in this Directive shall not confer on users any entitlement to use it pursuant to another exception.*** ***2.*** Article 5(5) and the first, third, ***fourth*** and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Wednesday 12 September 2018

Amendment 69

Proposal for a directive

Article 7

Text proposed by the Commission	*Amendment*
Article 7	*Article 7*
Use of out-of-commerce works by cultural heritage institutions	**Use of out-of-commerce works by cultural heritage institutions**
1. Member States shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:	1. Member States shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:
(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;	(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;
(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;	(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;
(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.	(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.
	1a. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, permitting cultural heritage institutions to make copies available online of out-of-commerce works that are located permanently in their collections for not-for-profit purposes, provided that:
	(a) the name of the author or any other identifiable rightholder is indicated, unless this turns out to be impossible;
	(b) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the exception to their works or other subject-matter.

Text proposed by the Commission	*Amendment*
	1b. Member States shall provide that the exception adopted pursuant to paragraph 1a does not apply in sectors or for types of works where appropriate licensing-based solutions, including but not limited to solutions provided for in paragraph 1, are available. Member States shall, in consultation with authors, other rightholders, collective management organisations and cultural heritage institutions, determine the availability of extended collective licensing-based solutions for specific sectors or types of works.
2. A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.	2. ***Member States may provide a cut-off date in relation to determining whether a work previously commercialised is deemed to be out of commerce.***
Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.	Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 ***or used in accordance with paragraph 1a*** do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.
3. Member States shall provide that appropriate publicity measures are taken regarding:	3. Member States shall provide that appropriate publicity measures are taken regarding:
(a) the deeming of works or other subject-matter as out of commerce;	(a) the deeming of works or other subject-matter as out of commerce;
(b) ***the*** licence, and in particular its application to unrepresented rightholders;	(b) ***any*** licence, and in particular its application to unrepresented rightholders;
(c) the possibility of rightholders to object, referred to in point (c) of paragraph 1;	(c) the possibility of rightholders to object, referred to in point (c) of paragraph 1 ***and point (b) of paragraph 1a***;
including during a ***reasonable*** period of ***time*** before the works or other subject-matter are digitised, distributed, communicated to the public or made available.	including during a period of ***at least six months*** before the works or other subject-matter are digitised, distributed, communicated to the public or made available.
4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where:	4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where:
(a) the works or phonograms were first published or, in the absence of publication, where they were first broadcast, except for cinematographic and audiovisual works;	(a) the works or phonograms were first published or, in the absence of publication, where they were first broadcast, except for cinematographic and audiovisual works;
(b) the producers of the works have their headquarters or habitual residence, for cinematographic and audiovisual works; or	(b) the producers of the works have their headquarters or habitual residence, for cinematographic and audiovisual works; or
(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after reasonable efforts, according to points (a) and (b).	(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after reasonable efforts, according to points (a) and (b).
5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.	5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.

Wednesday 12 September 2018

Amendment 70

Proposal for a directive

Article 8

Text proposed by the Commission	*Amendment*
Article 8	*Article 8*
Cross-border uses	**Cross-border uses**
1. ***Works*** or other subject-matter covered by ***a licence granted in accordance with*** Article 7 may be used by the cultural heritage institution in accordance with ***the terms of the licence*** in all Member States.	1. ***Out-of-commerce works*** or other subject-matter covered by Article 7 ***may be*** used by the cultural heritage institution in accordance with ***that Article*** in all Member States.
2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by ***a licence granted in accordance with*** Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made ***publicly*** accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.	2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by Article 7 and information about the possibility of rightholders to object referred to in ***point (c) of*** Article 7(1) ***and point (b) of Article 7(1a)*** are made ***permanently, easily and effectively*** accessible in a ***public*** single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, ***or in the cases covered by Article 7(1a), where the cultural heritage institution is established*** and for the whole duration of the licence.
3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.	3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.

Amendment 71

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).	Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1) ***and the exception referred to in Article 7(1a)***, ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Amendment 72

Proposal for a directive

Article 10

Text proposed by the Commission	*Amendment*
Article 10	*Article 10*
Negotiation mechanism	**Negotiation mechanism**
Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. ***That body*** shall provide assistance with negotiation and help reach agreements.	Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of ***audiovisual*** rights, they may rely on the assistance of an impartial body with relevant experience. ***The impartial body created or designated by the Member State for the purpose of this Article*** shall provide assistance ***to the parties*** with negotiation and help ***them to*** reach agreement.
No later than [date mentioned in Article 21(1)] Member States shall ***notify to*** the Commission the body ***referred to in*** paragraph 1.	No later than [date mentioned in Article 21(1)] Member States shall ***inform*** the Commission ***of*** the body ***they create or designate pursuant to the first paragraph.***
	To encourage the availability of audiovisual works on video-on-demand platforms, Member States shall foster dialogue between representative organisations of authors, producers, video-on-demand platforms and other relevant stakeholders.

Wednesday 12 September 2018

Amendment 73

Proposal for a directive

Title III – Chapter 2 a (new) – Article 10 a (new)

Text proposed by the Commission	*Amendment*
	CHAPTER 2a
	Access to Union publications
	Article 10 a
	Union Legal Deposit
	1. Any electronic publication dealing with Union-related matters such as Union law, Union history and integration, Union policy and Union democracy, institutional and parliamentary affairs, and politics, that is made available to the public in the Union shall be subject to a Union Legal Deposit.
	2. The European Parliament Library shall be entitled to delivery, free of charge, of one copy of every publication referred to in paragraph 1.
	3. The obligation set out in paragraph 1 shall apply to publishers, printers and importers of publications for the works they publish, print or import in the Union.
	4. From the day of the delivery to the European Parliament Library, the publications referred to in paragraph 1 shall become part of the European Parliament Library permanent collection. They shall be made available to users at the European Parliament Library's premises exclusively for the purpose of research or study by accredited researchers and under the control of the European Parliament Library.
	5. The Commission shall adopt acts to specify the modalities relating to the delivery to the European Parliament Library of publications referred to in paragraph 1.

Wednesday 12 September 2018

Amendments 151, 152, 153, 154 and 155

Proposal for a directive

Article 11

Text proposed by the Commission	*Amendment*
Article 11	*Article 11*
Protection of press publications concerning digital uses	**Protection of press publications concerning digital uses**
1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.	1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC ***so that they may obtain fair and proportionate remuneration*** for the digital use of their press publications ***by information society service providers***.
	1a. The rights referred to in paragraph 1 shall not prevent legitimate private and non-commercial use of press publications by individual users.
2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.	2. The rights referred to in paragraph 1shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.
	2a. The rights referred to in paragraph 1 shall not extend to mere hyperlinks which are accompanied by individual words.
3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.	3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.
4. The rights referred to in paragraph 1 shall expire ***20*** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.	4. The rights referred to in paragraph 1 shall expire ***5*** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication. ***The right referred to in paragraph 1 shall not apply with retroactive effect.***
	4a. Member States shall ensure that authors receive an appropriate share of the additional revenues press publishers receive for the use of a press publication by information society service providers

Wednesday 12 September 2018

Amendment 75

Proposal for a directive

Article 12

Text proposed by the Commission	*Amendment*
Article 12	*Article 12*
Claims to fair compensation	**Claims to fair compensation**
Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.	Member States ***with compensation-sharing systems between authors and publishers for exceptions and limitations*** may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right, ***provided that an equivalent compensation-sharing system was in operation in that Member State before 12 November 2015.***
	The first paragraph shall be without prejudice to the arrangements in Member States concerning public lending rights, the management of rights not based on exceptions or limitations to copyright, such as extended collective licensing schemes, or concerning remuneration rights on the basis of national law.

Amendment 76

Proposal for a directive

Title IV - Chapter 1 a (new) – Article 12 a (new)

Text proposed by the Commission	*Amendment*
	CHAPTER 1 a
	Protection of sport event organizers
	Article 12 a
	Protection of sport event organizers
	Member States shall provide sport event organizers with the rights provided for in Article 2 and Article 3 (2) of Directive 2001/29/EC and Article 7 of Directive 2006/115/EC.

Amendments 156, 157, 158, 159, 160 and 161

Proposal for a directive

Article 13

Text proposed by the Commission	*Amendment*
Article 13	***Article 13***
Use of protected content by *online content sharing* service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users	**Use of protected content by *online content sharing* service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users**
1. ***Information society service providers that store and provide*** to the public ***access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies***, shall ***be*** appropriate ***and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***	1. ***Without prejudice to Article 3(1) and (2) of Directive 2001/29/EC, online content sharing*** service providers ***perform an act of communication*** to the public. ***They*** shall ***therefore conclude fair and*** appropriate ***licensing agreements with right holders***.
2. ***Member States shall ensure that the*** service providers referred to in paragraph 1 ***put in place complaints and redress mechanisms that are available to*** users ***in case of disputes over the application of the*** measures referred to in paragraph 1.	2. ***Licensing agreements which are concluded by online content sharing*** service providers ***with right holders for the acts of communication*** referred to in paragraph 1, ***shall cover the liability for works uploaded by the*** users ***of such online content sharing services in line with the terms and conditions set out in the licensing agreement, provided that such users do not act for commercial purposes***. ***2a. Member States shall provide that where right holders do not wish to conclude licensing agreements, online content sharing service providers and right holders shall cooperate in good faith in order to ensure that unauthorised protected works or other subject matter are not available on their services. Cooperation between online content service providers and right holders shall not lead to preventing the availability of non-infringing works or other protected subject matter, including those covered by an exception or limitation to copyright.*** ***2b. Members States shall ensure that online content sharing service providers referred to in paragraph 1 put in place effective and expeditious complaints and redress mechanisms that are available to users in case the cooperation referred to in paragraph 2a leads to unjustified removals of their content. Any complaint filed under such mechanisms shall be processed without undue delay and be subject to human review. Right holders shall reasonably justify their decisions to avoid arbitrary dismissal of complaints. Moreover, in accordance with Directive 95/46/EC, Directive 2002/58/EC and the General Data Protection Regulation, the cooperation shall not lead to any identification of individual users nor the processing of their personal data. Member States shall also ensure that users have access to an independent body for the resolution of disputes as well as to a court or another relevant judicial authority to assert the use of an exception or limitation to copyright rules.***
3. Member States shall ***facilitate, where appropriate, the cooperation*** between ***the information society service providers and rightholders through stakeholder*** dialogues to define best practices, ***such as*** appropriate ***and proportionate content recognition technologies***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.	

Wednesday 12 September 2018

Text proposed by the Commission	*Amendment*
	3. ***As of [date of entry into force of this directive], the Commission and the*** Member States shall ***organise*** dialogues between ***stakeholders to harmonise and*** to define best practices ***and issue guidance to ensure the functioning of licensing agreements and on cooperation between online content sharing service providers and right holders for the use of their works or other subject matter within the meaning of this Directive. When defining best practices, special account shall be taken of fundamental rights, the use of exceptions and limitations as well as ensuring that the burden on SMEs remains*** appropriate and ***that automated blocking of*** content ***is avoided***.

Amendments 78 and 252

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission	*Amendment*
	Article 13a
	Member States shall provide that disputes between successors in title and information society services regarding the application of Article 13(1) may be subject to an alternative dispute resolution system.
	Member States shall establish or designate an impartial body with the necessary expertise, with the aim of helping the parties to settle their disputes under this system.
	The Member States shall inform the Commission of the establishment of this body no later than (date mentioned in Article 21(1)).

Wednesday 12 September 2018

Amendment 79

Proposal for a directive

Article 13 b (new)

Text proposed by the Commission	*Amendment*
	Article 13b
	Use of protected content by information society services providing automated image referencing
	Member States shall ensure that information society service providers that automatically reproduce or refer to significant amounts of copyright-protected visual works and make them available to the public for the purpose of indexing and referencing conclude fair and balanced licensing agreements with any requesting rightholders in order to ensure their fair remuneration. Such remuneration may be managed by the collective management organisation of the rightholders concerned.

Amendment 80

Proposal for a directive

Chapter 3 –Article -14 (new)

Text proposed by the Commission	*Amendment*
	Article -14
	Principle of fair and proportionate remuneration
	1. Member States shall ensure that authors and performers receive fair and proportionate remuneration for the exploitation of their works and other subject matter, including for their online exploitation. This may be achieved in each sector through a combination of agreements, including collective bargaining agreements, and statutory remuneration mechanisms.
	2. Paragraph 1 shall not apply where an author or performer grants a non-exclusive usage right for the benefit of all users free of charge.
	3. Member States shall take account of the specificities of each sector in encouraging the proportionate remuneration for rights granted by authors and performers.
	4. Contracts shall specify the remuneration applicable to each mode of exploitation.

Wednesday 12 September 2018

Amendment 81

Proposal for a directive

Article 14

Text proposed by the Commission	*Amendment*
Article 14	*Article 14*
Transparency obligation	**Transparency obligation**
1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, ***adequate and sufficient*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.	1. Member States shall ensure that authors and performers receive on a regular basis, ***not less than once a year***, and taking into account the specificities of each sector ***and the relative importance of each individual contribution***, timely, ***accurate, relevant and comprehensive*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, ***direct and indirect*** revenues generated, and remuneration due.
	1a. Member States shall ensure that where the licensee or transferee of rights of authors and performers subsequently licenses those rights to another party, such party shall share all information referred to in paragraph 1 with the licensee or transferee.
	The main licensee or transferee shall pass all the information referred to in the first subparagraph on to the author or performer. That information shall be unchanged, except in the case of commercially sensitive information as defined by Union or national law, which, without prejudice to Articles 15 and 16a, may be subject to a non-disclosure agreement, for the purpose of preserving fair competition. Where the main licensee or transferee does not provide the information as referred to in this subparagraph in a timely manner, the author or performer shall be entitled to request that information directly from the sublicensee.
2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures ***an appropriate*** level of transparency.	2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures ***a high*** level of transparency.
3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.	
4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.	4. 4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU ***or to collective bargaining agreements, where those obligations or agreements provide for transparency requirements comparable to those referred to in paragraph 2.***

Amendment 82

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ensure that authors and performers are entitled to ***request*** additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.	Member States shall ensure, ***in the absence of collective bargaining agreements providing for a comparable mechanism***, that authors and performers ***or any representative organisation acting on their behalf*** are entitled to ***claim*** additional, appropriate ***and fair*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant ***direct or indirect*** revenues and benefits derived from the exploitation of the works or performances.

Amendment 83

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.	Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure. ***Member States shall ensure that representative organisations of authors and performers may initiate such procedures at the request of one or more authors and performers.***

Wednesday 12 September 2018

Amendment 84

Proposal for a directive

Article 16 a (new)

Text proposed by the Commission	*Amendment*
	Article 16 a
	Right of revocation
	1. Member States shall ensure that where an author or a performer has licensed or transferred her or his rights concerning a work or other protected subject-matter on an exclusive basis, the author or performer has a right of revocation where there is an absence of exploitation of the work or other protected subject matter or where there is a continuous lack of regular reporting in accordance with Article 14. Member States may provide for specific provisions taking into account the specificities of different sectors and works and anticipated exploitation period, notably provide for time limits for the right of revocation.
	2. The right of revocation provided for in paragraph 1 may be exercised only after a reasonable time from the conclusion of the licence or transfer agreement, and only upon written notification setting an appropriate deadline by which the exploitation of the licensed or transferred rights is to take place. After the expiration of that deadline, the author or performer may choose to terminate the exclusivity of the contract instead of revoking the rights. Where a work or other subject-matter contains the contribution of a plurality of authors or performers, the exercise of the individual right of revocation of such authors or performers shall be regulated by national law, laying down the rules on the right of revocation for collective works, taking into account the relative importance of the individual contributions.
	3. Paragraphs 1 and 2 shall not apply if the non-exercise of the rights is predominantly due to circumstances which the author or the performer can be reasonably expected to remedy.
	4. Contractual or other arrangements derogating from the right of revocation shall be lawful only if concluded by means of an agreement which is based on a collective bargaining agreement.

Amendment 85

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission	*Amendment*
	Article 17 a
	Member States may adopt or maintain in force broader provisions, compatible with the exceptions and limitations existing in Union law, for uses covered by the exceptions or the limitation provided for in this Directive.

Amendment 86

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].	***deleted***

Wednesday 12 September 2018

P8_TA(2018)0338

Controls on cash entering or leaving the Union ***I

European Parliament legislative resolution of 12 September 2018 on the proposal for a regulation of the European Parliament and of the Council on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (COM(2016)0825 – C8-0001/2017 – 2016/0413(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/36)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0825),

— having regard to Article 294(2) and Articles 33 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0001/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the contributions submitted by the Czech Chamber of Deputies and the Spanish General Courts on the draft legislative act,

— having regard to the opinion of the European Economic and Social Committee of 27 April 2017 ([1]),

— after consulting the Committee of the Regions,

— having regard to the provisional agreement approved by the responsible committees under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 27 June 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 joint deliberations of the Committee on Economic and Monetary Affairs and the Committee on Civil Liberties, Justice and Home Affairs under Rule 55 of the Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A8-0394/2017),

([1]) OJ C 246, 28.7.2017, p. 22.

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0413

Position of the European Parliament adopted at first reading on 12 September 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1672.)

Wednesday 12 September 2018

P8_TA(2018)0339

Countering money laundering by criminal law ***I

European Parliament legislative resolution of 12 September 2018 on the proposal for a directive of the European Parliament and of the Council on countering money laundering by criminal law (COM(2016)0826 – C8-0534/2016 – 2016/0414(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/37)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0826),

— having regard to Article 294(2) and Article 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0534/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the contributions submitted by the Czech Chamber of Deputies, the Czech Senate and the Spanish Parliament on the draft legislative act,

— having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 7 June 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 Civil Liberties, Justice and Home Affairs and also the opinions of the Committee on Development, the Committee on Economic and Monetary Affairs and the Committee on Legal Affairs (A8-0405/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Wednesday 12 September 2018

P8_TC1-COD(2016)0414

Position of the European Parliament adopted at first reading on 12 September 2018 with a view to the adoption of Directive (EU) 2018/… of the European Parliament and of the Council on combating money laundering by criminal law

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2018/1673.)

Thursday 13 September 2018

P8_TA(2018)0347

Cooperation Agreement between Eurojust and Albania *

European Parliament legislative resolution of 13 September 2018 on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Albania (08688/2018 – C8-0251/2018 – 2018/0807(CNS))

(Consultation)

(2019/C 433/38)

The European Parliament,

— having regard to the Council draft (08688/2018),

— having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0251/2018),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0275/2018),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Thursday 13 September 2018

P8_TA(2018)0348

Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and free movement of such data ***I

European Parliament legislative resolution of 13 September 2018 on the proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM(2017)0008 – C8-0008/2017 – 2017/0002(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/39)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0008),

— having regard to Article 294(2) and Article 16(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0008/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the contributions submitted by the Czech Chamber of Deputies, the Spanish Parliament and the Portuguese Parliament on the draft legislative act,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 7 June 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 Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A8-0313/2017),

1. Adopts its position at first reading hereinafter set out;

2. Takes note of the statements by the Commission annexed to this resolution;

3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Thursday 13 September 2018

P8_TC1-COD(2017)0002

Position of the European Parliament adopted at first reading on 13 September 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1725.)

ANNEX TO THE LEGISLATIVE RESOLUTION

STATEMENTS BY THE COMMISSION

The Commission regrets the exclusion of missions referred to in Articles 42(1), 43 and 44 TEU from the scope of the Regulation and notes that, as a result, there will be no data protection rules in place for such missions. The Commission notes that a Council decision, based on Article 39 TEU, could only lay down the data protection rules for processing of personal data by Member States when carrying out activities that fall within the scope of the Common Foreign and Security Policy. Such a Council decision could not include rules that apply to activities carried out by EU institutions, bodies, offices and agencies. In order to remedy the legal lacuna, a possible Council decision therefore would need to be accompanied by an additional, complementary instrument, based on Article 16 TFEU.

The Commission notes that paragraph 3 of Article 9 (former Article 70a of the Council's General Approach) does not create a new obligation on Union institutions and bodies as regards the balance to be struck between personal data protection and public access to documents.

Thursday 13 September 2018

P8_TA(2018)0349

Single Digital Gateway ***I

European Parliament legislative resolution of 13 September 2018 on the proposal for a regulation of the European Parliament and of the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012 (COM(2017)0256 – C8-0141/2017 – 2017/0086(COD))

(Ordinary legislative procedure: first reading)

(2019/C 433/40)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0256),

— having regard to Article 294(2) and Articles 21(2), 48 and 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0141/2017),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 18 October 2017 [1],

— having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 June 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 Rules 59 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0054/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] OJ C 81, 2.3.2018, p. 88.

Thursday 13 September 2018

P8_TC1-COD(2017)0086

Position of the European Parliament adopted at first reading on 13 September 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1724.)

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)

Publications Office of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN