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Amendments by Parliament:

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

EUROPEAN PARLIAMENT

2018-2019 SESSION

Sittings of 2 to 5 July 2018

The Minutes of this session have been published in OJ C 201, 14.6.2019.

TEXTS ADOPTED

Tuesday 3 July 2018

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0273

Role of cities in the institutional framework of the Union

European Parliament resolution of 3 July 2018 on the role of cities in the institutional framework of the Union (2017/2037(INI))

(2020/C 118/01)

The European Parliament,

— having regard to the Treaty on European Union, and in particular Article 5(3) thereof, and the Treaty on the Functioning of the European Union,

— having regard to its resolution of 7 May 2009 on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union [1],

— having regard to the Commission communication of 19 May 2015 entitled 'Better regulation for better results — An EU agenda' (COM(2015)0215),

— having regard to the Charter of Fundamental Rights of the European Union [2], and in particular Article 41 thereof,

— having regard to the Pact of Amsterdam establishing the Urban Agenda for the EU, agreed by the EU Ministers Responsible for Urban Matters on 30 May 2016,

— having regard to its resolution of 9 September 2015 on the urban dimension of EU policies [3],

— having regard to the Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds [4],

— having regard to the Commission communication of 18 July 2014 entitled 'The urban dimension of EU policies — key features of an EU urban agenda' (COM(2014)0490),

— having regard to the Declaration towards the EU Urban Agenda, agreed on by the Ministers responsible for Territorial Cohesion and Urban Matters on 10 June 2015,

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[1] OJ C 212 E, 5.8.2010, p. 82.
[2] OJ C 326, 26.10.2012, p. 391
[3] OJ C 316, 22.9.2017, p. 124.
[4] OJ L 74, 14.3.2014, p. 1.

— having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty ([1]),

— having regard to its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union ([2]),

— having regard to the Council conclusions of 24 June 2016 on an Urban Agenda for the EU,

— having regard to the Leipzig Charter on Sustainable European Cities, agreed at the Informal Ministerial Meeting on Urban Development and Territorial Cohesion in Leipzig on 24 and 25 May 2007,

— having regard to the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, Ecuador, on 20 October 2016,

— having regard to the Commission's State of European Cities Report 2016,

— having regard to its resolution of 12 December 2017 on the EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change ([3]);

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

— having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Regional Development (A8-0203/2018),

A. whereas the Maastricht Treaty instituted the European Committee of the Regions, thus involving cities — through their representation on the committee — in its consultative role in the EU decision-making process;

B. whereas the Committee of Regions fulfils this role by carrying out a series of activities aimed at promoting dialogue and active participation in the EU's decision-making process;

C. whereas Protocol No 2 on the application of the principles of subsidiarity and proportionality gives the European Committee of the Regions the power to bring action, via the Court of Justice of the European Union, against legislative acts if the principle of subsidiarity or proportionality is not respected in the case of acts for the adoption of which the treaty provides that the Committee be consulted; whereas cities thus have a tool that can be used to defend their interests in the European Union;

D. whereas a clear distinction should be made between cities' representatives enshrined in the treaties, such as members of the Committee of the Regions, and associations representing cities' interests;

E. whereas the majority of the EU population (more than 70 %) live in urban areas;

F. whereas the process of de-linking power from territory, which is inherent in globalisation, does not dispense with the need for networks of European cities, in which the interests of the citizens of the Union are created and pursued;

G. whereas most EU policies and legislation are implemented at local and regional level, including at the level of cities, and today extend to almost all political, economic and social domains;

([1]) Texts adopted, P8_TA(2017)0049.
([2]) Texts adopted, P8_TA(2017)0048.
([3]) Texts adopted, P8_TA(2017)0487.

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H. whereas the institutional architecture of the EU is based on the principle of multi-level governance and subsidiarity;

I. whereas the Charter for Multilevel Governance in Europe, adopted by the Committee of the Regions, points to the close correlation between loyal cooperation in partnership between the European Union, Member States and regional and local authorities and to the equal legitimacy and accountability of each level within their respective competences;

J. whereas the Committee of Regions created the Subsidiarity Monitoring Network to facilitate the exchange of information, between local and regional authorities in the European Union and the EU institutions, on Commission documents and legislative proposals that have a direct impact on regional and local authorities;

K. whereas in its aforementioned resolution of 12 December 2017, it called on the Commission, with the aim of strengthening Union citizenship and the exercise of that citizenship, to encourage local authorities to designate councillors responsible for European affairs, since this is the level that is closest to the citizens;

L. whereas the Leipzig Charter on Sustainable European Cities employs the term 'European cities';

M. whereas the Covenant of Mayors has helped to develop integrated climate change mitigation and adaptation strategies, improve energy efficiency and make greater use of renewable energy; whereas such initiatives demonstrate how cooperation among cities and exchange of best practices can help deliver the EU's policy goals;

N. whereas, according to the Leipzig Charter, European cities are considered 'valuable and irreplaceable economic, social and cultural assets' and should assume responsibility for territorial cohesion, while one of the core conclusions of the Commission's 2016 Cities Report is that cities are central to reaching key EU economic, social and environmental goals; whereas cities should, therefore, be accorded a key role in cohesion policy;

O. whereas the Leipzig Charter acknowledges the obligation of the Member States' responsible ministers to promote balanced territorial organisation based on a European polycentric urban structure and states that cities should be the main centres for the development of urban regions and assume responsibility for territorial cohesion;

P. whereas the Urban Agenda for the EU ('Pact of Amsterdam'), while affirming its full adherence to the principle of subsidiarity and competences under the EU Treaties, creates a platform of cooperation between Member States, regions, cities, the Commission, Parliament, the Union's advisory bodies, and other stakeholders in the context of partnerships, with a view to making an informal contribution to the design and revision of both future and existing EU legislation;

Q. whereas the scope of the Urban Agenda includes in particular a pillar on Better Regulation, aimed at focusing on a more effective and coherent implementation of EU policies, legislation and legal instruments, while not aiming at initiating new legislation;

R. whereas the Commission invites, as part of the Better Regulation Package local authorities, on an ad-hoc basis, to participate in territorial impact assessments of future legislative proposals;

S. Whereas, in its conclusions of 24 June 2016, the Council welcomed the Pact of Amsterdam and invited the Commission, Member States, local and regional authorities, the European Parliament, among others, to take further action in this context, inviting the Parliament to consider the results and recommendations of the partnerships after guidance by the Directors General responsible for Urban Matters, in the context of the agendas of the relevant Committees when discussing relevant new and existing EU legislation;

T. whereas the same Urban Agenda tasks the Commission, among others, with considering the results and recommendations of the partnerships when drafting or reviewing relevant EU legislation, instruments and initiatives, and with working with urban authorities and their representative organisations through the various existing opportunities for consultation and feedback offered in the development of new policy and legislative initiatives and the evaluation of existing EU strategies, policies and legislation;

U. whereas new global challenges posed by security and immigration, demographic shift, youth unemployment, challenges relating to the quality of public services, access to clean and affordable energy, natural disasters and environmental protection demand local responses and, therefore, a stronger commitment on the part of cities when designing and implementing EU policies;

V. whereas the value of European cities also derives from the fact that they are home to a substantial part of Europe's common cultural heritage;

W. whereas cities represent the level of politics best understood by the public and therefore hold great potential as places for citizens to engage in constructive discussions, for which the Committee of the Regions' experience in organising the Citizens Dialogues, in conjunction with local and regional partners, provides promising prospects;

X. whereas, in the light of the political requirements deriving from the 2030 Agenda for Sustainable Development and from the Paris Agreement on climate change, cities have enhanced their ability to develop innovative policy solutions and instruments in the interests of social, ecological and economic sustainability and fair trading systems, and to link up within the EU, and internationally, going beyond existing formats, in order to put them into practice;

Y. whereas the declaration 'Towards the EU Urban Agenda', agreed on by the EU Ministers Responsible for Territorial Cohesion and Urban Matters in June 2015, recognises the important role of the Committee of the Regions, EUROCITIES and the Council of European Municipalities and Regions (CEMR) in voicing the interests of urban areas;

Z. whereas cities can offer an opportunity to fulfil the potential of European citizenship and to reinforce it through the promotion of active citizenship, stemming from the recognition that cities can implement intermediation structures between the EU and its citizens with greater efficiency;

AA. whereas participation in EU policies by cities contributes to increased local ownership of EU processes, better governance through more participative European democracy, improved administrative capacity and a better quality of public services at the scale of the whole EU, thereby contributing to the implementation of the right to good administration as enshrined in Article 41 of the Charter of Fundamental Rights of the European Union;

AB. whereas it is important to involve local and regional authorities at the earliest stage possible in the policy-making cycle and to enhance them as an integral part in territorial impact assessments;

AC. whereas the current forms of cities' participation remain unsatisfactory from the perspective of the desired impact on the design and implementation of EU policies and legislation; whereas, moreover, this impact would be magnified if the cities joined together in networks founded on shared historical, geographical, demographic, economic, social and cultural affinities;

1. Notes that the involvement of cities, understood as towns, cities and urban and metropolitan areas, as well as small and medium-sized cities, in the EU decision-making is facilitated through their participation in the Committee of the Regions, as a consultative and advisory body; believes that the current institutional set-up allows for encouraging platforms of cooperation between cities, and between cities and their representative organisations and decision-making bodies, at both national and EU level, in line with the principles of sincere cooperation, subsidiarity and proportionality;

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2. Points out that there is no single definition of what constitutes the city in terms of population, area, function or level of autonomy, but only in terms of degree of urbanisation and concentration of residents, and that each Member State, therefore, may and will have a different approach to the term;

3. Observes that the EU is incrementally strengthening the urban dimension of a number of its policies, as is shown, e.g., by the 'smart cities and communities' concept (the European Innovation Partnership) and by such initiatives as the Urban Community Initiative I (URBAN I), URBAN II, sustainable urban development (Article 7 ERDF [1]), the Urban Development Network, Urban Innovative Actions, the European Capital of Culture, the European Green Capital and the European Capital of Innovation, the Covenant of Mayors and the Urban Agenda for the EU;

4. Recalls that cities play an important role in the implementation of certain policies and instruments of the EU, such as in the area of cohesion policy and the European Structural and Investment Funds; calls, therefore, on cities to work in an integrated way by cooperating, with all levels of administration, the private sector and civil society, in line with the partnership principle;

5. Emphasises the key role of cities, as well as of all local authorities, in preparing, designing, financing and implementing key Union policies, e.g. tackling climate change, through an urban, economic, social and territorial development process enabling cities to address new challenges and seize opportunities within the upcoming EU funding period, with a view to mobilising available resources towards not only smart and sustainable, but also creative cities of the future; stresses as well, in this context, the importance of worldwide strategies and initiatives, such as the UN Sustainable Development Goals and the Global Covenant of Mayors;

6. Underlines that since cities have proved their capacity to efficiently manage integrated actions for sustainable urban development, they should be given a greater role in the implementation of all relevant policies;

7. Underlines the potential of giving cities an important role in the Union's external policies as a tool of public diplomacy, bringing people from different countries together and addressing issues that, for various reasons, are absent from high-level policy agendas, and calls, therefore, for better financing of the respective Union support mechanisms;

8. Points out, however, that sometimes cities do not have the appropriate tools and administrative capacity to participate in tendering procedures with a view to obtaining EU funds; welcomes, therefore, the establishment of a 'one-stop shop' for cities, the website and documents of which should be available in all the official languages of the Union; calls for better coordination and integration of the instruments and programmes dedicated to cities in various EU policies, to be achieved by designating a Commissioner responsible for taking a political lead on the matter, so as to give strategic direction to those policies — in keeping with the growing attention being paid by EU policies to urban areas — while also taking into consideration the varied nature of the differences among European local authorities and their respective potential; stresses the importance of promoting a more balanced approach towards cities, regardless of their size, with regard to access to the instruments and programmes concerned, in particular by developing advisory capacities;

9. Welcomes the Urban Agenda for the EU as a new model of multi-level governance based on partnership by engaging cities in the review of existing legislation and reflecting on the future shape of policies; stresses the need for an integrated and comprehensive approach in the practical implementation of the multi-level governance laid down by EU acts, in keeping with the fundamental goals of EU policies; notes the important complementary role played by place-based and bottom-up approaches such as community-led local development;

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[1] Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal (OJ L 347, 20.12.2013, p. 289).

10. Calls for the Urban Agenda to be coordinated, reinforced and formalised; believes that it should not remain a voluntary process and that the Member States and the Commission should acquire more of its ownership, and should commit to carefully examining and, where possible, implementing the recommendations received;

11. Calls on partnerships working in the framework of the Urban Agenda to swiftly adopt their recommendations and action plans; calls on the Commission, furthermore, to demonstrate how such concrete proposals are taken into consideration, in particular as regards better regulation, funding and knowledge, and to incorporate them, where appropriate, into future legislative proposals; calls on the Commission to consistently report to Parliament on these outcomes;

12. Welcomes platforms of cooperation between cities that allow for the creation of synergies for cross-border cooperation and better implementation of EU policies on the ground; believes that the EU Covenant of Mayors for Climate and Energy is a good example to be followed;

13. Welcomes the establishment by the Commission of the Urban Data Platform; calls, however, on Eurostat and the Commission to gather and compile more detailed data, in particular flow data, with a view to efficiently adjusting the existing policies and shaping future ones;

14. Considers it necessary to reinforce the early and coordinated involvement of cities in EU decision making within the current institutional set-up of the EU, particularly regarding legislation that affects them directly, in a manner that safeguards transparency and effectiveness in policy and decision making while respecting the different constitutional realities of the Member States; asks for greater transparency and for the involvement of citizens in the EU decision-making process; salutes, in this regard, the European Citizen's Initiative and calls for a better promotion of this tool within the Member States;

15. Is convinced of the need for the role of cities in shaping future EU policies to be strengthened considerably; calls on the EU, therefore, to reassess the establishment of a European Urban Policy, especially with a view to long-term considerations;

16. Recalls that the Committee of Regions coordinates the Europe 2020 Monitoring Platform (EUROPE 2020MP), the main task of which is to ensure that the views of cities, regions and other local authorities are taken into account in the definition of the Commission's strategy for economic growth and innovation;

17. Recommends strengthening the political representation of cities and municipalities in the current EU institutional framework, also by considering a reinforcement of cities' representation by the Member States within the Committee of the Regions, without diminishing the role of regions and of rural areas;

18. Calls on the Member States to ensure that the diversity of their territorial structures is fully reflected in their proposals for appointment of members to the Committee of the Regions, and to propose, where appropriate, the appointment of more local-level representatives to the Committee of the Regions;

19. Stresses the importance of associations representing cities, such as EUROCITIES and the CEMR; advocates the consolidation of the involvement of European associations representing local authorities and urban interests in policy design, such as the EUROCITIES network and the CEMR and others, and considers that such associations should become key partners of the EU institutions by way of setting up a permanent structured dialogue mechanism, including through the Committee of the Regions, particularly at the pre-legislative stage;

20. Recommends that territorial impact assessments be made of all policy measures and legislation that affect the local level; believes that a dialogue with local and urban authorities' representative associations should enable them to contribute to territorial impact assessments, advise on preparatory studies for policy design and provide regular, targeted, technical expertise on the implementation, at subnational level, of EU legislation; recalls that the Committee of the Regions carries out territorial impact assessments;

21. Encourages greater cooperation between the Council and local authorities; calls for the consultative role of cities and regions, and their representative associations, within the Council to be reinforced when it deals with matters affecting the local level;

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22. Considers that cities, urban centres and municipalities should be regarded more broadly than mere structures of public management under democratic control, and be seen as potential fora for public debate, the transfer of knowledge and for shaping political space in the EU, without undermining the role of rural areas; notes that it is necessary to define the elements upholding that European public space characterised by the enjoyment of fundamental rights and freedoms, and by values such as equality, non-discrimination and justice;

23. Stresses the importance of the role of civil society in the political life of the EU; considers that cities represent the level at which people can most readily become involved, possessing privileged access to a large sector of the population of the EU; notes that cities can thus have a legitimising role, and can contribute to awareness-raising campaigns on EU citizens' rights;

24. Recalls that regions and cities should be recognised as centres with a positive role to play in the development of EU strategies, in which global issues originate locally and are solved locally, contributing to reinforcing the multi-level governance system of the Union, and that this perspective has a practical consequence regarding the institutional framework of the bottom-up or top-down decision-making process of the EU;

25. Believes that the representation of cities should not be limited to official representatives participating in the management and consulting structures, and that cities, towns and villages — and not only capitals of the countries and regions — could become centres of debate on the future of the Union and its policies;

26. Considers that in order to become centres of debate on the future of the Union and its policies, municipalities must appoint a councillor in charge of European affairs, and that a network should be established for local councillors with such a mandate;

27. Calls for the attribution of sufficient support to cities and local authorities to enable them to improve the urban dimension of EU policy making;

28. Recommends harnessing the potential of EU cities for the purposes of designing and implementing EU policies by means of debates and consultations on matters of relevance to them which extend beyond urban policy in a strict sense;

29. Insists that such an objective will only be feasible if the debates and consultations are held in urban areas other than national or regional capitals, which may constitute an easily accessible forum for citizens living nearby, including in towns and villages, the main aim being to bring the European Union closer to its citizens;

30. Acknowledges the importance of providing for involvement models that are tailored to different contexts and urban areas of different size and importance, from European capitals to small and medium-sized cities;

31. Considers that Parliament, together with the Committee of the Regions, are the natural promoters of such a process, as bodies with the ability to frame the questions that constitute the point of departure for discussions and consultations and to draw conclusions based on the voices, opinions and projects collected;

32. Proposes that the citizens consultation process be arranged by Parliament and the Committee of the Regions, in cooperation with those European city councils recognised as fora for European debate, and that such fora should, in close cooperation with the Member States, be established primarily in cities the scope of which has significance for, and an impact on, most of the population of the region concerned, so as to ensure the broadest possible participation;

33. Suggests, furthermore, that the councils of cities recognised as European debating fora should be responsible for providing universities, local schools and other educational institutions, as well as the media, social organisations and associations, and the general public, with extensive professional and public experience and free and open access, as well as the possibility to participate in debates and consultations; believes that the councils should also be responsible for inviting the representatives of all levels of urban governance, including smaller units or partner councils from the wider urban area, and that it would also be sensible to specify the territorial scope of such an obligation in the agreement concluded between relevant bodies at EU level and the council of the European forum city;

34. Suggests the establishment of a pilot programme of 54 European debate fora — ensuring a balanced territorial representation and the representation of cities of different size — to be held in non-capital cities of the Member States, with a view of attaining a system of municipal debate and consultation on EU affairs;

35. Stresses the need for the exchange of good practices between European cities, as some have successfully implemented migration or climate change programmes, or innovative urban management plans.

36. Emphasises that the consolidation of the position of cities in shaping EU policies, inter alia within the Committee of Regions, does not undermine trust in other levels of governance, but rather strengthens it, as it supports multi-level governance and subsidiarity based on the bilateral trust between the EU, the Member States and regional and local authorities;

37. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the European Economic and Social Committee, and the governments and parliaments of the Member States.

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P8_TA(2018)0274

Three-dimensional printing: intellectual property rights and civil liability

European Parliament resolution of 3 July 2018 on three-dimensional printing, a challenge in the fields of intellectual property rights and civil liability (2017/2007(INI))

(2020/C 118/02)

The European Parliament,

— having regard to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights ([1]),

— having regard to Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products ([2]),

— having regard to the Opinion of the European Economic and Social Committee entitled 'Living tomorrow. 3D printing — a tool to empower the European economy' ([3]),

— having regard to the Commission communication of 29 November 2017 entitled 'A balanced IP enforcement system responding to today's societal challenges' (COM(2017)0707),

— having regard to the Commission communication of 29 November 2017 entitled 'Guidance on certain aspects of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights' (COM(2017)0708),

— having regard to the Commission reflection paper of 10 May 2017 on harnessing globalisation (COM(2017)0240),

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

— having regard to the report of the Committee on Legal Affairs (A8-0223/2018),

A. whereas three-dimensional (3D) printing became accessible to the general public when 3D printers for individuals were placed on the market and when companies arrived on the market offering both digital models and 3D printing services;

B. whereas 3D printing is viewed as one of the most prominent technologies, with regard to which Europe can play a leading role; whereas the Commission recognised the benefits of 3D printing by sponsoring 21 projects based on the technology by Horizon 2020 between 2014-2016;

C. whereas, on an experimental level, 3D printing dates back to the 1960s, and whereas, initially developed in the United States, 3D-printing technology started to break through into industry in the early 1980s;

D. whereas the market for 3D printers constitutes a sector which is experiencing rapid growth and whereas this is expected to continue in the coming years;

([1]) OJ L 157, 30.4.2004, p. 45.
([2]) OJ L 210, 7.8.1985, p. 29.
([3]) OJ C 332, 8.10.2015, p. 36.

E. whereas, however, the development of community spaces for 3D printing (more usually known as 'fablabs') and services for printing at a distance, sometimes linked to an on-line 3D file exchange, enables everyone to have 3D objects printed, which is a boon for inventors and project organisers;

F. whereas 3D printing has an enormous potential to transform supply chains in manufacturing which could help Europe increase output levels; whereas the application of this technology offers new opportunities for business development and innovation;

G. whereas the EU has made 3D printing one of the priority areas of technology; whereas the Commission referred to it, in its recent reflection paper on harnessing globalisation, as one of the main factors in bringing about industrial transformation;

H. whereas the Commission has identified 3D printing as a priority area for action offering significant economic potential, notably for small innovative enterprises; whereas many countries have already recognised the transformative potential of 3D printing and have begun to adopt, albeit in an unequal manner, various strategies to create an economic and technological ecosystem to promote its development;

I. whereas the majority of the 3D-printed products being created are currently prototypes; whereas some industries have been using final parts for a number of years already and the final parts market continues to grow at a relatively fast rate; whereas a growing proportion of the 3D-printed products being created are now more ready-to-be-used or -commercialised items than mere prototypes;

J. whereas the potential advantages of 3D printing for innovative enterprises are numerous; whereas, in particular, 3D printing allows a reduction in overall costs when developing, designing and testing new products or improving existing ones;

K. whereas the use of 3D printing is becoming more and more widespread in society, notably in the field of education, in citizens' and start-up fora, such as 'maker spaces', as well as in the private sphere;

L. whereas 3D printing is becoming simpler and more accessible to all; whereas it is to be expected that the limitations as regards materials that can be used, speed, and the consumption of raw materials and energy will be significantly reduced in a short period of time;

M. whereas most of today's high-tech industries use this technology, whereas opportunities to use 3D printing have highly increased in many areas, and whereas expectations are high in many areas, for example the medical (ranging from regenerative medicine to the manufacture of prosthetics), aeronautics, aerospace, automotive, household electrical appliance, building, archaeological research, architecture, mechanical engineering, leisure and design sectors;

N. whereas the lack of regulation has limited the use of 3D printing in key industrial sectors such as, for instance, the aerospace and medical/dental sectors, and whereas regulating the use of 3D printers will help increase the use of technologies and offer opportunities for research and development;

O. whereas the above-mentioned opinion of the European Economic and Social Committee states that, with the digital revolution as an enabler and 'using the right advanced manufacturing technology, Europe could re-shore production from lower wage regions to spur on innovation and create sustainable growth at home';

P. whereas 3D printing would lower both transport costs and CO_2 emissions;

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Q. whereas 3D-printing technology is expected to create more new jobs for skilled labour that are in some cases less physically demanding and less dangerous (maintenance technicians, engineers, designers, etc.), and whereas with the creation of new technician positions (e.g. operators for 3D printers) new liabilities will emerge and the 3D-printing industry will need to provide appropriate training courses in order for the technicians to be at the same level as their counterparts in traditional manufacturing; whereas 3D-printing technology will also reduce production and storage costs (low-volume manufacturing, personalised manufacturing, etc.); whereas, however, the decrease in manufacturing jobs will greatly affect the economy of countries that rely on a large number of low-skill jobs;

R. whereas the economic impact of developing the 3D industry in the Member States cannot yet be accurately ascertained;

S. whereas 3D-printing might enable consumers to hit back at in-built obsolescence, as they will be able to make replacement parts for household appliances, whose lifespan is becoming increasingly shorter;

T. whereas 3D-printing technology may raise some specific legal and ethical concerns regarding all areas of intellectual property law, such as copyright, patents, designs, three-dimensional trademarks and even geographical indications, and civil liability, and whereas, moreover, those concerns fall within the remit of Parliament's Committee on Legal Affairs;

U. whereas new technologies are able to scan objects or people and generate digital files which can subsequently be printed in 3D, and whereas this can affect image rights and the right to privacy;

V. whereas 3D-printing technology may also raise security and especially cyber-security concerns, particularly with regard to the manufacturing of weapons, explosives and drugs and any other hazardous objects, and whereas particular care should be taken with regard to production of that kind;

W. whereas, from a copyright point of view, useful distinctions should be made: for instance, between home printing for private use and printing for commercial use, and between B2B services and B2C services;

X. whereas a report drawn up by France's Higher Council for Literary and Artistic Property on 3D printing and copyright found that 'the democratisation of 3D printing does not appear, to date, to be causing a huge problem with copyright infringement; whereas it acknowledges that "the main risk of counterfeiting is with works of art";

Y. whereas the few examples which may be envisaged now will probably become more complex as the technology evolves; whereas they raise the question as to what needs to be done to tackle the potential for counterfeiting using 3D printing technologies;

Z. whereas, as a result of the processes that it uses, 3D printing leads to what the industry has described as a kind of "fragmentation of the act of creating" in that a work may be circulated digitally before it takes a physical form, which makes it easier to copy and complicates the fight against counterfeiting;

AA. whereas, in conclusion, legal experts are of the view that 3D printing has not fundamentally altered intellectual property rights, but files created may be considered a work and whereas, if that is the case, the work must be protected as such; whereas, in the short and medium term, and with a view to tackling counterfeiting, the main challenge will be to involve professional copyright intermediaries more closely;

AB. whereas, although the development of 3D printing makes industrial production possible, consideration should be given to the need to establish means of collective redress in order to provide compensation to consumers for damage;

AC. whereas the impact of 3D printing on consumers' rights and on consumer law in general should be carefully examined in light of the directive currently under negotiation on certain aspects of contracts for the supply of digital content;

AD. whereas Directive 85/374/EEC on liability for defective products covers all contracts; whereas it should be noted that it is progress in 3D printing among other things that has led the Commission to undertake a public consultation with the aim of assessing whether this directive is fit for purpose in relation to new technological developments;

AE. whereas general liability rules also cover the liability of intermediary service providers as defined in Articles 12 to 14 of the e-Commerce Directive; whereas a specific liability regime should be envisaged for damage caused by an object created using 3D-printing technology, as the number of stakeholders involved and the complex process used to create the finished product often make it difficult for the victim to identify the person responsible; whereas the liability could lie with the creator or vendor of the 3D file, or the producer of the 3D printer, the producer of the software used in the 3D printer, the supplier of the materials used or even the person who created the object, depending on the cause of the defect discovered;

AF. whereas for the specific use of 3D printing in a commercial setting, the liability rules are generally established in contracts between the stakeholders;

AG. whereas all elements of additive manufacturing technology must meet certain criteria and be certified to guarantee that it is possible to manufacture reproducible quality parts; whereas certification is rendered complex owing to the numerous transformations of machinery, materials and processes, and to the absence of a database; whereas it will therefore be necessary to develop rules allowing a speedier and more cost-effective certification of all materials, processes and products;

AH. whereas 3D printing has a role to play in reducing the consumption of energy and natural resources for the purpose of combating climate change; whereas the use of 3D printing would minimise waste in the production process and prolong the lifespan of consumer products by enabling the production of replacement parts at consumer level;

1. Stresses that, to anticipate problems relating to civil liability or intellectual property infringement that 3D printing might cause in the future, the EU might have to adopt new legislation and tailor existing laws to the specific case of 3D technology, taking into account the decisions of the European Union Intellectual Property Office (EUIPO) and the relevant case law of the EU and Member State courts and after having carried out a thorough impact assessment evaluating all policy options; stresses that, in any case, the legislative response should avoid duplicating existing rules and should take into account projects that are already under way, in particular the legislation on copyright currently applicable to 2D printing; adds that innovation needs to be promoted and accompanied by law, without the law acting as a brake or a constraint;

2. Notes that due care and attention must be given to certain issues, such as the encryption and protection of files, to prevent files and protected objects from being illegally downloaded and reproduced and unlawful objects from being reproduced;

3. Considers that care should obviously be taken in the 3D-printing sector, particularly with regard to the quality of the printed product and any dangers that the product may pose to users or consumers, and that appropriate consideration should be given to including identification and traceability means so as to ensure traceability of products, as well as to facilitate observation of their further use for commercial and non-commercial purposes; considers that close cooperation between right holders and 3D manufacturers in developing such means would be beneficial; considers also that this would help to ensure traceability of the objects created and reduce counterfeiting;

4. Notes that solutions of a legal nature if necessary could make it feasible to control the legal reproduction of 3D objects protected by copyright, e.g. digital and 3D-printing providers could systematically display a notice on the need to respect intellectual property; emphasises, in this context, the importance of elements that make it possible to trace 3D objects; emphasises that, if a 3D copy constitutes a private copy, national laws governing exemptions for private copies will apply, including as regards compensation or revenue;

5. Points out that public awareness raising is needed in order to protect intellectual property rights in the field of 3D printing, and also in relation to infringements of design, trademark and patent rights;

6. Stresses, however, that technical solutions — currently underdeveloped — could be further investigated, for example, the creation of databases of encrypted and protected files, the design of printers connected to and equipped with a system capable of managing intellectual property rights or the promotion of cooperation between manufacturers and platforms to make reliable files available to professionals and consumers; stresses also that, whichever of these measures are adopted, their implementation should not have any cost-related impact on the activities already being carried out by market players;

7. Notes that, at this stage, none of those options is wholly satisfactory on its own;

8. Criticises the fact that the Commission has not revised Directive 2004/48/EC and has instead limited itself to presenting non-binding guidelines, without providing clarifications on issues specific to 3D printing; welcomes, however, the measures announced by the Commission on 29 November 2017, which are intended to step up intellectual property protection;

9. Notes that the intellectual property rights concerning the various elements of 3D printing technology have been determined and that, consequently, the next question will be how to uphold them;

10. Calls on the Commission to give comprehensive consideration to every aspect of 3D-printing technology when taking the measures referred to in its communication (COM(2017)0707), without duplicating existing applicable measures; stresses the importance of involving all stakeholders in that endeavour, including SMEs and consumer;

11. Calls on the Commission to carefully consider the civil liability issues related to 3D-printing technology, including when it assesses the functioning of Council Directive 85/374/EEC;

12. Calls on the Commission to explore the possibility of setting up a civil liability regime for damages not covered by Directive 85/374/EEC;

13. Points out that 3D-printing technology has many economic advantages for the EU as it offers opportunities for customisation specifically meeting the requirements of European consumers, and that it could make it possible to repatriate production activities and thereby help to create new jobs that are less physically demanding and less dangerous;

14. Calls on the Commission to clearly define the various responsibilities by identifying the parties involved in making a 3D object: software designer and supplier, 3D printer manufacturer, raw materials supplier, object printer and all others involved in making the object;

15. Draws attention to the possible implications of new forms of marketing along the lines of 'make it yourself', supplying not the final product but only the software for download and the specifications for printing the product;

16. Stresses the importance of creating a coherent legal framework to provide a smooth transition and legal certainty for consumers and businesses in order to promote innovation in the EU;

17. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

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P8_TA(2018)0279

Violation of rights of indigenous peoples in the world

European Parliament resolution of 3 July 2018 on violation of the rights of indigenous peoples in the world, including land grabbing (2017/2206(INI))

(2020/C 118/03)

The European Parliament,

— having regard to the Universal Declaration of Human Rights (UDHR) and other United Nations (UN) human rights treaties and instruments, in particular the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly on 13 December 2007,

— having regard to International Labour Organisation (ILO) Convention No 169 on Indigenous and Tribal Peoples, as adopted on 27 June 1989,

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

— having regard to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

— having regard to Articles 21, 22 and 47 of the Charter of Fundamental Rights of the European Union,

— having regard to the EU Strategic Framework on Human Rights and Democracy as adopted by the Foreign Affairs Council on 25 June 2012, and to the Action Plan on Human Rights and Democracy 2015-2019 adopted by the Council on 20 July 2015,

— having regard to the UN Declaration on Human Rights Defenders of 1998,

— having regard to the European Union's Human Rights Guidelines, in particular the EU Guidelines on Human Rights Defenders, and to the European Instrument for Democracy and Human Rights (EIDHR),

— having regard to its resolutions on cases of breaches of human rights, democracy and the rule of law,

— having regard to its resolution of 24 November 2016 on the situation of the Guarani-Kaiowá in the Brazilian state of Mato Grosso do Sul [1],

— having regard to its resolution of 14 April 2016 on Honduras: situation of human rights defenders [2],

— having regard to its resolution of 12 March 2015 on Tanzania, notably the issue of land grabbing [3],

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[1] Texts adopted, P8_TA(2016)0445.
[2] OJ C 58, 15.2.2018, p. 155.
[3] OJ C 316, 30.8.2016, p. 122.

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— having regard to the Annual Report on Human Rights and Democracy in the World 2016 and the European Union's policy on the matter ([1]),

— having regard to UN General Assembly resolution 69/2 of 22 September 2014 adopting the outcome document of the World Conference on Indigenous Peoples 2014 ([2]),

— having regard to UN General Assembly resolution 71/178 of 19 December 2016 on rights of indigenous peoples, in particular paragraph 13 thereof proclaiming 2019 as the International Year of Indigenous Languages ([3]),

— having regard to the report of the UN Special Rapporteur on the rights of indigenous peoples to the UN Human Rights Council of 8 August 2017 ([4]),

— having regard to UN Human Rights Council resolution 26/9 of 26 June 2014 establishing an open-ended intergovernmental working group with the aim of drawing up an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights ([5]),

— having regard to the process of the open-ended intergovernmental working group drawing up a Declaration on the Rights of Peasants and Other People Working in Rural Areas, established by the UN Human Rights Council on 13 October 2015 ([6]),

— having regard to the 2030 Agenda for Sustainable Development as adopted by the UN General Assembly on 25 September 2015,

— having regard to the UN Convention on Biological Diversity adopted on 22 May 1992,

— having regard to the Durban Accord and Action Plan adopted by the Vth International Union for Conservation of Nature (IUCN) World Parks Congress in 2003 ([7]),

— having regard to the Commission communication to the Council and the European Parliament of 19 October 2004 on EU Guidelines to support land policy design and reform processes in developing countries (COM(2004)0686),

— having regard to the UN Food and Agriculture Organisation's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security, endorsed by the UN Committee on World Food Security on 11 May 2012 ([8]),

— having regard to the Commission communication to the Council and the European Parliament on EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan endorsed in 2003 (COM(2003)0251) and to the bilateral FLEGT Voluntary Partnership Agreements (VPAs) between the EU and partner countries,

— having regard to the UN Guiding Principles for Business and Human Rights and the UN Global Compact,

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([1]) https://eeas.europa.eu/sites/eeas/files/annual_report_on_human_rights_and_ democracy_in_the_world_2016_0.pdf
([2]) https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/468/28/pdf/N1446828.pdf?OpenElement
([3]) https://undocs.org/en/A/RES/71/178
([4]) https://undocs.org/A/HRC/36/46/Add.2
([5]) https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/082/52/PDF/G1408252.pdf?OpenElement
([6]) https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/234/15/PDF/G1523415.pdf?OpenElement
([7]) https://cmsdata.iucn.org/downloads/durbanactionen.pdf
([8]) http://www.fao.org/docrep/016/i2801e/i2801e.pdf

— having regard to the Maastricht Principles issued on 28 September 2011, which clarify extra-territorial obligations of states on the basis of standing international law ([1]),

— having regard to the Council conclusions of 15 May 2017 on indigenous peoples ([2]),

— having regard to the human rights provisions included in the Cotonou Agreement,

— having regard to the Declaration of 9 August 2017 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, on the occasion of the International Day of the World's Indigenous Peoples ([3]),

— having regard to its decision to nominate Aura Lolita Chavez Ixcaquic for the Sakharov Prize for Freedom of Thought in 2017, as the first ever indigenous human rights defender to be nominated for the award,

— having regard to the Paris Agreement of 12 December 2015 on climate change,

— having regard to the joint staff working document of 21 September 2015 entitled 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020' (SWD(2015)0182),

— having regard to UN General Assembly resolution 64/292 of 3 August 2010 on the human right to water and sanitation ([4]),

— having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ([5]),

— having regard to its resolution of 13 September 2017 on corruption and human rights in third countries ([6]),

— having regard to its resolution of 6 July 2017 on EU action for sustainability ([7]),

— 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 Development and the Committee on Women's Rights and Gender Equality (A8-0194/2018),

A. whereas the total population of indigenous peoples is estimated to be over 370 million people living in over 70 countries worldwide, representing around 5 % of the total world population, and whereas there are at least 5 000 distinct indigenous peoples; whereas despite their geographical dispersion these peoples face similar threats and challenges;

B. whereas indigenous peoples enjoy a unique relationship with the land and the environment in which they live, using the natural resources available to establish unique knowledge systems, innovations and practices, which in turn shape a fundamental part of their identity and spirituality and are of great importance for the conservation and sustainable use of biodiversity; whereas indigenous peoples' traditional knowledge has been a significant contributing factor in the development of humanity; whereas commercialisation and/or marginalisation of indigenous peoples' knowledge threatens their role as the traditional holders and custodians of this knowledge;

([1]) http://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23
([2]) http://data.consilium.europa.eu/doc/document/ST-8814-2017-INIT/en/pdf
([3]) http://www.consilium.europa.eu/en/press/press-releases/2017/08/08/hr-indigenous-peoples/pdf
([4]) http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/292
([5]) OJ C 215, 19.6.2018, p. 125.
([6]) Texts adopted, P8_TA(2017)0346.
([7]) Texts adopted, P8_TA(2017)0315.

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C. whereas indigenous peoples' communal rights arise by virtue of a traditional occupation of their territories and whereas the sense of belonging connecting them to these territories does not coincide with the concept of ownership as commonly conceived in western societies;

D. whereas territories traditionally inhabited by indigenous peoples encompass approximately 22 % of the world's land surface and are estimated to hold 80 % of the planet's biodiversity; whereas indigenous reservations constitute an important barrier against deforestation; whereas the tropical forests inhabited by indigenous peoples and local communities contribute to storing carbon across the tropical forest biome, making them valuable in any strategy to address climate change; whereas indigenous people are among the most vulnerable to the negative impact generated by climate change owing to their lifestyle and close relationship with the land, which depend directly on the constant availability of natural resources;

E. whereas land is a fundamental, limited and non-renewable natural resource which is an integral part of the natural wealth of every country;

F. whereas human rights treaties recognise the right of indigenous peoples to their ancestral lands and resources and provide that states must consult indigenous peoples in good faith in order to obtain their free, prior and informed consent pertaining to projects that can have an impact on their traditional ways of life, that may threaten the natural resources they have traditionally cultivated, and continue to depend upon, or that can lead to the displacement of their populations and to a consequential loss of distinct cultural heritage, both tangible and intangible; whereas such consultations should take place before legislative and administrative measures are adopted or applied, in accordance with the right to self-determination of indigenous people, which implies their right to own, use, develop and control their lands, territories, waters, coastal seas and other resources; whereas indigenous peoples have a right to freely determine their political status, freely pursue their economic, social and cultural development and freely use their natural wealth and resources, and in no case are to be deprived of their means of subsistence;

G. whereas the UNDRIP recognises indigenous peoples' collective and individual rights, in particular their right to their lands, possessions, natural resources, territories, culture, identity and language, to employment, health and education, and to determine freely their political status and economic development;

H. whereas the collective and individual rights of indigenous peoples continue to be violated in various regions of the world by state and non-state actors, and as a result they continue to face physical, psychological and sexual violence as well as racism, exclusion, discrimination, forced evictions, destructive settlement, illegal or forced expropriation of their traditional domains or deprivation of access to their resources, livelihoods and traditional knowledge; whereas according to the UN, indigenous peoples are facing greater violations of their rights than was the case 10 years ago;

I. whereas indigenous women face barriers to sexual and reproductive health and rights, including a lack of sexual and reproductive health advice, lack of access to facilities and supplies and legislation banning abortion even in cases of rape, which leads to high levels of maternal mortality, teenage pregnancy and sexually transmitted diseases;

J. whereas indigenous women face widespread impunity regarding violations of their rights, especially due to the denial of their right to remedy and the lack of monitoring mechanisms and gender-disaggregated data;

K. whereas states are ultimately responsible for guaranteeing the security, safety and rights of indigenous peoples, including those of indigenous environmental and human rights defenders;

L. whereas indigenous languages around the world continue to disappear at an alarming rate, in spite of the fact that languages are a basic component of human rights and fundamental freedoms and are essential to the realisation of sustainable development; whereas intergenerational transmission of indigenous knowledge is vital to addressing global environmental challenges; whereas a UN report published in 2016 ([1]) estimates that 95 % of the almost 6 700 languages spoken in the world today are at risk of vanishing by the end of the century, the great majority of those threatened being indigenous languages; whereas states have an obligation to protect and promote indigenous peoples' languages to ensure that these peoples fully enjoy their cultural rights; whereas states should invest in measures to change socially rooted stereotypes;

M. whereas in some countries large numbers of indigenous people have migrated to major urban centres, where feelings of detachment and loss of cultural values ensue; whereas their traditional knowledge and practices are not adapted to urban contexts and contemporary job market dynamics, which exposes them to poverty and new forms of exclusion and discrimination;

N. whereas indigenous peoples face alarming poverty, disease and illiteracy rates, insufficient access to safe, clean water, sanitation, healthcare, education, employment and civil rights, including political participation and representation, and high rates of substance abuse and suicide among young people;

O. whereas women in indigenous communities are particularly marginalised by a lack of access to healthcare, social services and economic opportunities, are discriminated against as a result of their gender, ethnicity and socio-economic backgrounds, leading to higher mortality rates, and are subject to distinct gender-based violence and feminicide; whereas according to the UN, at least one indigenous woman in three is raped at some point in her life and rates of maternal mortality, teenage pregnancy and sexually transmitted diseases, including HIV/AIDS, are higher than the average; whereas women often face specific gender-based threats and obstacles, which must be understood from an intersectional perspective;

P. whereas illicit drug trafficking disproportionately affects indigenous communities as demand for drugs continues to rise and illicit drug producers increasingly push indigenous communities from their traditional land; whereas indigenous people are often physically or economically forced to participate in the drug trade, particularly in transport operations; whereas armed conflicts increase the militarisation of indigenous lands and lead to human rights abuses and the use of excess force on indigenous communities;

Q. whereas increasing demand and growing competition over natural resources is driving a 'global land rush' that in several countries is putting the territories traditionally inhabited and used by indigenous peoples and local communities under unsustainable pressure; whereas the exploitation of those natural resources by the agribusiness, energy, timber and mining sectors, among other extractive industries, illegal logging, large infrastructure and development projects, governments and the local population constitute one of the main causes of enduring conflict over land tenure and the main cause of water and soil contamination;

R. whereas development cannot be measured on the basis of growth indicators, but should primarily take account of the reduction of poverty and inequality;

S. whereas poorly regulated tourism can have a negative cultural and ecological impact on these communities and, in some cases, is the instigating factor in land grabbing;

T. whereas forcible land grabbing by private companies is usually accompanied by the presence of private security or military forces, leading inter alia to an increase in direct and indirect violence on indigenous peoples' territories, directly affecting communities and, in particular, social leaders and women;

([1]) http://undocs.org/en/E/C.19/2016/10

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U. whereas nowadays there is a trend towards the militarisation of some reserves and protected areas, which sometimes overlap with the lands of indigenous and local communities, causing serious human rights violations;

V. whereas civil conflicts in some countries are related to land rights and are the cause of forced displacements of indigenous and local communities, thus opening the door to land grabbing and landholding concentration;

W. whereas land grabbing is a complex issue which requires a comprehensive international solution; whereas the protection of indigenous women and girls should be given particular emphasis;

X. whereas land grabbing is not necessarily a result of foreign investment, and land grabs may also be conducted by governments and local communities;

Y. whereas there has been an increase in private forms of compensation through which private undertakings offer financial compensation to women who are victims of violence in return for signing an agreement not to sue the undertaking; whereas states bear the primary responsibility for ensuring compliance with international commitments with respect to indigenous peoples' rights and must therefore be primarily responsible for avoiding infringements and promoting truth, justice and reparations for the victims;

Z. whereas some indigenous peoples around the globe have decided to refuse contact with the outside world, living in voluntary isolation, lack the capacity to defend their own rights, and are therefore especially vulnerable when their rights are violated; whereas these communities are the most vulnerable on the planet and their existence is being imperilled, in particular by oil prospecting, deforestation, drug trafficking and the infrastructures associated with those activities;

AA. whereas many indigenous peoples continue to be victims of murder, extrajudicial executions, mutilation, torture, rape, arbitrary detentions, physical assault, harassment and intimidation for defending the right to their ancestral territories and natural resources, including their access to water and food, and to their spiritual sites and sacred burial grounds;

AB. whereas human rights defenders are among the most central and crucial agents of sustainable development, especially when it comes to building societal resilience, and are among the key actors in inclusive democratic governance; whereas these defenders work towards securing not only the rights of their peoples but also the environmental sustainability and natural heritage of all humanity; whereas indigenous human rights defenders and activists work to enable their communities to participate in political processes, social inclusion and economic empowerment and to democratically and peacefully make their voices heard in their respective countries and in the international community;

AC. whereas in recent years there has been a disturbing increase in homicides, attacks and other forms of violence against human rights defenders and activists, who are among the key actors in sustainable development, in the context of the defence of the rights of indigenous peoples and local communities, environmental rights and land rights; whereas according to Front Line Defenders, of the 312 human rights defenders reportedly murdered around the world in 2017, 67 % were fighting for indigenous peoples' land and defending environmental rights against extractive projects; whereas indigenous human rights defenders often face the systemic impunity of the perpetrators of attacks against them;

AD. whereas even though indigenous female human rights defenders play a vital role in the protection of women in indigenous communities, their activities have been criminalised and they have been subjected to various forms of violence, including harassment, rape and murder;

AE. whereas the implementation of non-binding corporate social responsibility and voluntary regulation schemes needs to be improved to protect indigenous and local communities from the violation of their human rights, prevent land grabbing and ensure effective corporate accountability; whereas the lack of control and accountability mechanisms constitutes a major impediment to effective and adequate remedy;

AF. whereas a number of EU-based investors and companies, among many others, are involved in hundreds of land acquisition operations in Africa, Asia and Latin America, which in some cases has led to violations of the rights of indigenous and local communities; whereas EU-based actors may be implicated in human rights violations related to land grabbing in different ways, such as through EU-based private and finance companies, that finance land grabbing directly or indirectly, or through public-private partnerships; whereas in many cases, their multiple foreign ramifications can make it difficult to trace their roots directly to countries of origin; whereas even where those roots can be traced, there remain significant legal and practical barriers to accessing justice and accountability via the courts of the EU and its Member States, including as a result of jurisdictional limitations in respect of cases concerning immovable property (including land and natural resources), severe constraints on the value of the remedy available and on legal aid availability, and difficulties in demonstrating parent-company liability;

AG. whereas most land in developing countries is inhabited, thus exposing the investments and reputation of companies to tenure risks and significantly increasing their operating costs when land transfers occur in a context of conflict, without the prior consent of indigenous and local communities and in contempt of their rights;

AH. whereas the UN Special Rapporteur for human rights defenders, Michael Frost, has singled out Latin America as a region of concern, where 'government and corporate actors are involved in the murders of environmental human rights defenders';

AI. whereas the obligation to protect and provide access to remedy under the European Convention on Human Rights applies both to extraterritorial activities and to domestic activities with extraterritorial impact; whereas the degree of commitment of the EU and its Member States to their extraterritorial obligations should be increased considerably;

AJ. whereas the EU provides assistance for the promotion and protection of democracy and human rights worldwide through the EIDHR, which is complementary to its other external assistance instruments and is mainly channelled through civil society organisations; whereas through its protectdefenders.eu mechanism, the EU provides swift assistance to human rights defenders at risk, helps them meet their most urgent needs and reinforces their capacity to do their work in the medium and long term;

AK. whereas international financial institutions have a central role to play in ensuring that the projects they fund do not entail or contribute to the violation of the human and environmental rights of indigenous peoples; whereas multinational corporations carry the responsibility of ensuring that their operations and/or supply chains are not implicated in human and environmental rights violations, specifically the rights of indigenous peoples;

AL. whereas the EU is the largest provider of development aid in the world, a large proportion of which goes to Africa; whereas the European External Action Service (EEAS) and the Commission must carry out exhaustive controls of the funds third-country receptors use, by putting respect for human rights at the forefront of their aid granting policy;

AM. whereas indigenous peoples within Europe still suffer from marginalisation, discrimination, and social exclusion, which must be combated and redressed using a rights-based approach;

1. Calls for the EU, the Member States and their partners in the international community to adopt all necessary measures for the full recognition, protection and promotion of the rights of indigenous peoples, including to their lands, territories and resources; welcomes the work that civil society and NGOs are doing on these issues;

2. Calls for the EU to make sure that all its development, investment and trade policies respect the human rights of indigenous peoples as enshrined in human rights treaties and conventions and in the legal instruments that deal with indigenous peoples' rights in particular;

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3. Calls for all states, including the EU and its Member States, to follow all the necessary steps to effectively comply with the provisions contained in ILO Convention No 169 on Indigenous and Tribal Peoples ([1]) and recalls that all ratifying states are obliged to develop coordinated and systematic action to protect indigenous peoples' rights;

4. Appeals to all states that have not yet ratified ILO Convention No 169 on Indigenous and Tribal Peoples, and in particular to the EU Member States, to do so; deplores the fact that only a few Member States have ratified the Convention so far; calls on the EU to make every effort, through its political and human rights dialogues with third countries, to encourage the ratification of ILO Convention No 169, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, to adopt their optional protocols, and to uphold the UNDRIP;

5. Recognises that steps forward have been made in the recognition of the rights of indigenous peoples and that civil society is increasingly aware of their situation; recognises the EU's contribution in this regard; warns, however, that the presence of this issue in EU policies is still minimal, including in the negotiation of trade and cooperation agreements;

6. Calls for the EU and its Member States to create conditions for the fulfilment of the objectives set out in the UNDRIP and to encourage its international partners to adopt and implement it fully;

7. Draws attention to the role that diasporas play as an interface with and a conduit for knowledge to indigenous peoples;

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8. Calls for the EU and its Member States to support and vote in favour of the Declaration on the Rights of Peasants and Other People Working in Rural Areas that will be voted on in 2018 in the UN Human Rights Council; notes with interest the focus of the 2018 session of the UN Commission on the Status of Women on rural women;

9. Calls on all states, including the EU and its Member States, to legally recognise and accept the territorial autonomy and self-determination of indigenous people, which implies their right to own, use, develop and control their lands, territories, waters and costal seas, and other resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired;

10. Calls on all states, including the EU and its Member States, to adopt or participate in strategies for the reconstruction of conflict areas in order to promote and safeguard the rights of indigenous people;

11. Takes note of the alarming findings of the study published by the UN in 2010 indicating that the incidence of violence and rape affecting women members of indigenous populations is higher than that for the female population globally; calls, therefore, for the Member States and the EU to condemn unequivocally the use of violence, including sexual violence, against indigenous women; considers that special attention should be devoted to women and girls who are victims of violence, ensuring that they have access to emergency medical and psychological support;

12. Calls for the withdrawal of private security and military forces deployed in the territories of indigenous peoples in violation of their rights;

([1]) List of countries that have ratified ILO Convention No 169, which entered into force on 5 September 1991: Argentina, Bolivia, Brazil, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Nepal, the Netherlands, Nicaragua, Norway, Paraguay, Peru, Spain and Venezuela.

13. Calls on all states to ensure that indigenous peoples, in particular women, have access to judicial mechanisms in cases of corporate violations of their rights, and that private forms of remedy that do not ensure effective access to justice are not legitimised; calls on all states to recruit more women into their judicial systems in order to break the patriarchal system that is generally present in those structures; stresses the need to put in place the necessary mechanisms to ensure that indigenous women are not treated in a discriminatory way, including appropriate interpretation services and legal assistance;

14. Welcomes the fact that the European Council made the protection of indigenous peoples' rights a priority, as set out in the Council conclusions of May 2017;

15. Calls on partner countries to ensure that indigenous peoples have universal access to their national population registers as the first step towards recognising their individual and collective rights; calls for the EU to support partner countries in establishing civil registry offices and managing them properly;

16. Notes with concern that human rights risks associated with mining, oil and gas extraction fall disproportionally on indigenous peoples; calls on developing countries to carry out mandatory human rights impact assessments prior to all new activities in these sectors and to disclose their findings; stresses the need to ensure that the legislation governing the granting of concessions includes provisions on free, prior and informed consent; recommends broadening the standards of the Extractive Industries Transparency Initiative to include protection of the human rights of local and indigenous communities;

17. Calls on all states, particularly the EU and the Member States, to include indigenous peoples and rural communities in the decision-making process with regard to strategies for tackling climate change, which should also cover the case of irreparable damage resulting from climate change can force them to migrate and lead to their double discrimination as environmentally displaced and indigenous people;

18. Calls on all states, including the EU and its Member States, to recognise the importance of consulting indigenous peoples in all deliberations on issues that could affect them, thereby guaranteeing their right to free, prior and informed consultation; calls, in this regard, for the establishment of mechanisms at EU level for the consultation and participation of indigenous peoples with a mandate to engage in policy dialogue and monitor the implementation of EU policy, commitments and action plans relating to indigenous peoples; calls on all states, including the EU and its Member States, to create conditions for the effective presence of representatives and leaders of indigenous peoples in civil society and public space, and for their more visible participation in the political system and decision-making processes in matters relevant to them, including constitutional reforms;

19. Invites all states, including the EU and its Member States, to adopt and implement the outcome document's recommendations of the World Conference of Indigenous Peoples 2014 to the UN as well as the recommendations from the UN Permanent Forum on Indigenous Issues and those put forth by the UN Special Rapporteur on the Rights of Indigenous Peoples;

20. Points out that in its resolution on the rights of indigenous peoples, the UN General Assembly proclaimed 2019 the International Year of Indigenous Languages; emphasises that culture is a factor for development;

21. Invites all states, including the EU and its Member States, to contribute to the implementation and realisation of 2019 as the International Year of Indigenous Languages;

22. Urges the EU and its Member States to continue working to ensure physical integrity and legal assistance for indigenous, environmental, intellectual property and land rights defenders, namely through reinforcement of the EIDHR and various existing instruments and mechanisms such as protectdefendeurs.eu, in order to protect human rights and environmental activists, with a dedicated emphasis on women human rights defenders and increased involvement in the initiatives proposed by international organisations such as the UN; requests that the EU instruct its delegations to monitor and support rights defenders, taking particular account of the protection of women, children and people with disabilities, and to report human rights violations in a systematic and forceful manner; calls on the EEAS to take part in the plan

designed by the Inter-American Commission on Human Rights (IACHR) and the Office of the UN High Commissioner for Human Rights (OHCHR) to protect human rights defenders in Latin America;

23. Denounces the continuing criminalisation of those who defend the rights of indigenous peoples and the right to land throughout the world; calls on all states, including the EU and its Member States, to prevent impunity for any crime committed against defenders of the human rights of indigenous peoples through due investigation and prosecution;

24. Calls on all states, including the EU and its Member States, to ensure that their political strategies fully respect the rights of indigenous peoples and rural communities so that compliance with these rights is always ensured at the time of both creation and expansion of protected areas and in relation to pre-existing protected areas whose creation has previously evicted, excluded or otherwise disproportionately curtailed the rights of indigenous peoples and rural communities;

25. Supports indigenous peoples' requests for international repatriation and the establishment of an international mechanism to fight the sale of indigenous artefacts taken from them illegally; calls on the Commission to support such efforts, including through financial assistance under the EIDHR;

26. Stresses that the international community, including the EU and the Member States, has to make serious commitments to including indigenous persons with disabilities, particularly children, in all policy areas, to promoting the rights and needs of indigenous people with disabilities in the international legal framework, and to ensuring that the free, prior and informed consent of people with disabilities, especially children, is taken into account;

27. Calls on the Commission to launch the EU Action Plan on responsible business conduct to address the implementation of the UN Guiding Principles for Business and Human Rights, including with regard to due diligence and access to remedy; calls on the Commission to mandate the EU Agency for Fundamental Rights (FRA) to collect information on judicial and non-judicial mechanisms in Member States concerning access to remedy for victims of business-related violations, including indigenous people; is of the view that EU partners in the private and public sector should provide complete and accessible information on their compliance with the free, prior and informed consent of indigenous people;

Land grabbing

28. Welcomes the International Criminal Court's 2016 announcement that land grabbing and environmental destruction are the root causes of many human rights violations and may henceforth precipitate charges of crimes against humanity;

29. Remains concerned about the situation of land grabbing as a result of corrupt practices by corporations, foreign investors, national and international state actors, officials and authorities; calls for EU and Member State human rights agendas to place greater emphasis on the issue of land grabbing;

30. Calls for the EU and its Member States to encourage partner states engaged in post-conflict peace building involving land rights to develop measures to enable the return of dislocated indigenous and local communities to their traditional territories, as a crucial factor in achieving sustainable peace and social stabilisation;

31. Deplores the fact that in many countries affected by land grabbing, effective access to justice and remedy for indigenous peoples and pastoralists is limited owing to weak governance and because their land rights are often not formally recognised under local or national legal frameworks; notes, for example, that grazing rights and common pastures are traditional land-use rights based on common law and not on vested ownership rights; urges partner countries to recognise and protect pastoralists' and indigenous peoples' rights, notably to customary ownership and control of their

lands and natural resources as set out in the UNDRIP and ILO Convention No 169, i.e. by enabling collective registration of land use and by putting in place policies aimed at ensuring more equitable access to land; calls for the EU and its Member States to actively support partner countries in this and in applying the principle of free, prior and informed consent to large-scale land acquisitions, as set out in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests and in compliance with international human rights law; calls for the EU, furthermore, to support partner countries in improving their land ownership legislation by recognising the universal right of women to have access to land as full owners;

32. Calls for the EU to strengthen the EU Land Policy Guidelines and the protection of human rights in international agreements and treaties, and to promote its values regarding the protection of women and girls, especially women and girls in rural areas who are generally more vulnerable when faced with land changes and who tend to have less access and rights to land;

33. Calls on all states to invest in research to close the gap in knowledge on the impact of land grabs on women and to produce deeper analysis of the gender implications of the phenomenon which would lead to enforceable guidelines to govern land transactions;

34. Urges the EU and all its Member States to request disclosure of land acquisitions involving EU-based corporations and actors or EU-funded development projects in order to increase the transparency and accountability of those acquisitions; calls for the EU to monitor the indispensable free, prior and informed consent of indigenous communities, in order to increase the transparency and accountability of future acquisitions, by instructing and empowering EU delegations and embassies to do so, in association with the relevant NGOs; calls for the EU to be particularly vigilant when it comes to projects supported by international and European financial institutions so as to ensure that this funding does not entail or contribute to the violation of the human and environmental rights of indigenous peoples;

35. Calls on all states to provide for adequate regulations that would hold community leaders accountable for their decisions and actions in the field of land governance involving public, state and community lands and to encourage changes in legal and customary practices that discriminate against women in relation to land ownership and inheritance;

36. Calls on all states, especially the EU and its Member States, to adopt and support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, and to sign forest law enforcement, governance and trade VPAs with as many relevant countries as possible; calls on the Commission to ensure strict compliance with and implementation of the Timber Regulation ([1]) and to sanction Member States that fail to comply with the regulation in the fight against deforestation;

37. Calls on all countries, including the EU and its Member States, to enable the indigenous community to pursue economic development in accordance with global environmental protection policies; urges the EU and its Member States to promote and support indigenous peoples' organisations that have a social development agenda involving the design and development of a legal and institutional framework for the demarcation and titling of indigenous territories; underlines that recognising and formalising indigenous peoples' lands and empowering indigenous peoples' authorities and community members would ensure sustainability and social accountability, and contribute to the resolution of land disputes and conflicts within the state concerned;

38. Calls on all states to take the necessary measures to ensure that state authorities refrain from making public statements or declarations that stigmatise and undermine the legitimate role played by indigenous women in protecting their territory in the context of land grabbing and resource extraction, and encourages public recognition of the important role they play in democratic societies;

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

39. Calls on all states to respect, protect and uphold smallholders' land rights and the right of individuals to other resources such as water, forests, livestock and fisheries; recognises that discriminatory expropriation of land and forced evictions, which adversely affect populations in developing countries, may have significant impacts on their livelihoods and undermine fundamental human rights such as the right to life, food, housing, health and property;

Business and human rights

40. Calls for the EU to ensure that the UN Guiding Principles for Business and Human Rights are fully integrated into the national programmes of Member States and incorporated into the practices and operations of transnational corporations and business enterprises with European ties;

41. Urges the Union to maintain support for the UN Guiding Principles for Business and Human Rights and to continue to promote their proper application;

42. Calls for the EU to engage in constructive negotiations on a UN treaty on transnational corporations that guarantees respect for the human rights of indigenous peoples, and of women and girls in particular;

43. Recommends that the EU develop a European regional action plan for business and human rights, guided by the principles enshrined in the UNDRIP, and calls for the development and enforcement of national action plans focused on this issue;

44. Insists that the EU and its Member States must work to hold multinational corporations and international financial institutions to account for their impact on indigenous communities' human and environmental rights; calls for the EU to ensure that all violations of the rights of indigenous peoples by European companies are duly investigated and sanctioned through appropriate mechanisms and encourages the EU to withdraw any form of institutional or financial support in the case of human rights violations;

45. Calls for the EU to set up a grievance mechanism, in accordance with Commission Recommendation 2013/396/EU of 11 June 2013 ([1]), whereby indigenous and local communities can lodge complaints regarding violations and abuses of their rights resulting from EU-based business activities, regardless of the country where the violations and abuses occurred, in order to ensure that the victims have effective access to justice as well as to technical and legal assistance; encourages all states, including Member States and the EU, to engage in the negotiations to adopt a legally binding international human rights instrument for transnational corporations and other companies with respect to human rights, through active participation in the open-ended intergovernmental working group created at UN level;

46. Calls for the Union and its Member States to guarantee access to remedy for victims of human rights abuses and violations arising from the activities of Union-based companies by removing all barriers, both practical and legal, so that the division of responsibilities does not prevent accountability or deny access to justice in the country in which the abuse occurred;

47. Recalls the responsibility of companies to guarantee the right of indigenous peoples to free, prior and informed consultation when projects, works or activities are to be carried out within their territories, and to incorporate and subsequently apply corporate social responsibility in their policies;

48. Calls for the EU to fulfil its extraterritorial duties related to human rights; calls for the EU to devise clear rules of conduct and regulatory frameworks for extraterritorial action by companies and investors that fall within its jurisdiction, in order to ensure that they respect the rights of indigenous peoples and local communities and that they can be properly held accountable and sanctioned when their activities result in the violation of those rights; encourages the Commission to consider effective mechanisms on due diligence obligations for companies to make sure that imported goods are not linked to land grabbing and serious violations of the rights of indigenous people; urges the EEAS to develop operational tools to provide guidance for staff in EU delegations;

([1]) OJ L 201, 26.7.2013, p. 60.

Sustainable and economic development for indigenous peoples

49. Invites the EU and its Member States to integrate the issue of the rights of indigenous peoples and land grabbing into the EU's implementation of the 2030 Agenda for Sustainable Development;

50. Highlights the key role played by indigenous people, through their lifestyle and development models, in protecting the environment;

51. Invites the EU to urge its partner states, in the framework of their development cooperation with third countries, to take particular account of the situation of indigenous peoples, including by drawing up inclusive social policies in traditional territories or urban environments, and, in the context of poverty reduction measures, to mitigate the effects of uprooting and of the mismatch between urban contexts and their traditional capabilities and cultural specificities;

52. Underlines the direct impact that climate change has on indigenous women, forcing them to abandon their traditional practices or to be displaced, with the consequent risk of experiencing violence, abuse and exploitation; calls on all states, including the EU and the Member States, to include indigenous peoples, and especially indigenous women and rural communities, in their strategies for tackling climate change and in the design of efficient climate strategies relating to adaptation and mitigation, taking gender-specific factors into account; requests that the issue of climate-induced displacement be taken seriously; calls for strengthened international cooperation in order to ensure climate resilience;

53. Stresses the high relevance of the Sustainable Development Goals (SDGs) with regard to indigenous peoples, notably SDG 2 (zero hunger), 4.5 (access to education) and 5 (gender equality); reiterates that indigenous peoples around the world suffer disproportionally from violations of human rights, crime, racism, violence, exploitation of natural resources, health problems, and high rates of poverty, accounting for 15 % of those living in poverty while representing only 5 % of the world's population; emphasises that full and thorough protection must be given to indigenous leaders and human rights defenders who speak out against injustices;

54. Recalls that the 2030 Agenda addresses these development concerns of indigenous peoples, and underlines that further efforts are needed for its implementation; stresses the need to strengthen the Indigenous Peoples Major Group for Sustainable Development (IPMG) as the global mechanism for coordination and concerted efforts to advance the rights and development priorities of indigenous peoples; calls on the Commission to better liaise with the IMPG and to include it in its multi-stakeholder platform on the implementation of the SDGs;

55. Recalls that 80 % of forests worldwide constitute traditional lands and territories of indigenous peoples; stresses the vital role of indigenous peoples for sustainable management of natural resources and conservation of biodiversity; recalls that the UN Framework Convention on Climate Change (UNFCCC) calls upon its states parties to respect the knowledge and rights of indigenous peoples as safeguards in implementing the REDD+ programme; urges partner countries to adopt measures to effectively engage indigenous peoples in climate change adaptation and mitigation measures;

56. Notes that between 200 and 500 million people worldwide practise pastoralism and that pastoralism is central to livelihood strategies in the drylands and mountainous regions of East Africa; stresses the need to foster sustainable pastoralism in order to achieve the SDGs; encourages the EU and its Member States to support the African Governance Architecture (AGA), and in particular the African Court of Human and Peoples' Rights, in order to implement the African Union Policy Framework on Pastoralism in Africa and, more broadly, to recognise pastoralists' and indigenous peoples' rights related to communal ownership of ancestral land, their right to freely dispose of their natural resources and their rights to culture and religion;

57. Recalls the right of governments to regulate in the public interest; recalls equally that international investment agreements have to comply with international human rights law, including the provisions on indigenous peoples, and calls for greater transparency in this regard, notably through the setting up of adequate consultation procedures and mechanisms in cooperation with indigenous peoples; calls on development finance institutions that fund investments to strengthen their human rights safeguards to ensure that the exploitation of land and resources in developing countries does not lead to any human rights violations or abuses, with particular regard to indigenous peoples;

58. Calls on all states to commit to ensuring that indigenous peoples have genuine access to health, education, employment and economic opportunities; urges all states to promote the inclusion of intercultural public policies and indigenous languages, history and culture in their school programmes or to offer supplementary extracurricular classes to preserve, revitalise and promote indigenous peoples' culture at both national and international level; considers that the development of initiatives to raise awareness among civil society, the general public and the media of the importance of respect for the rights, beliefs and values of indigenous peoples could contribute to tackling prejudice and misinformation;

59. Calls for the EU and its partner states to provide culturally competent mental health services in partnership with indigenous communities in order to prevent substance abuse and suicide; stresses the importance of supporting organisations of indigenous women in order to empower women and increase their ability to engage in civil society;

60. Calls for the EU and its Member States to support the efforts of indigenous peoples and local communities to develop their own business and land management models;

61. Calls on all states to ensure that indigenous communities benefit from sustainable tourism revenues and are protected from the adverse impact that mass tourism might bring, and welcomes examples of shared management of reserves and protected areas that allow better protection of ecosystems and control of tourism flows; recalls, in this connection, the importance of the concept of sustainable development;

EU cooperation policy with third countries

62. Recommends that greater prominence be given to the situation of indigenous people in the EU's foreign policy, including in its human rights dialogues with third countries and in trade, cooperation and development agreements; insists that the Council systematically report back on EU action in support of indigenous peoples in the Annual Report on Human Rights and Democracy in the World; calls for the EU and its Member States to take into account the findings of the Universal Periodic Review (UPR) and of the UN Human Rights Treaty Bodies in the abovementioned EEAS Annual Report in order to ascertain the alignment of their policies with the rights of indigenous peoples;

63. Emphasises that the EU and its Member States must raise the human rights of indigenous peoples and indigenous human rights defenders in bilateral and multilateral negotiations and diplomatic communications, and push for the release of imprisoned human rights defenders; calls for the EU and its Member States to work to ensure that third country governments provide appropriate protection to indigenous communities and human rights defenders, and bring perpetrators of crimes against them to justice;

64. Urges EU delegations and Member State embassies to review and improve their implementation of the EU Guidelines on Human Rights Defenders, taking into account the specific needs of and threats to indigenous human rights defenders, as well as the specific situation of indigenous human rights defenders who face multiple discrimination, such as women, the elderly, LGBTI people and those with disabilities; insists, in that connection, that EU delegations and Member State embassies provide their staff with appropriate training to enable them to work with civil society and human rights defenders, maintain contacts and provide support where needed;

65. Stresses the need to enable indigenous communities to benefit from the latest information technology in order to provide them with a better quality of life and better healthcare, and that this is an area in which the EU can play a vital role; reiterates the right of indigenous peoples to determine their own livelihoods and stresses the need for sustainable development;

66. Calls on all states to ensure access to high-quality health services and rights, particularly sexual and reproductive health services and rights, for indigenous women and girls; calls on the Commission and the EEAS to promote their access to sexual and reproductive health services in EU development cooperation programmes;

67. Calls on all states, including the EU and its Member States, to collect gender-disaggregated data on the situation of indigenous women, including with regard to recognition of and access to land rights, violence against women and food security;

68. Stresses that foreign investment by companies can bring economic and technological progress, result in employment and infrastructure development and give women the opportunity to become self-sufficient by boosting employment; underlines that increasing investment activity in developing countries is an important step towards boosting national and regional economies;

69. Calls for the EU and its Member States to continue to develop specific strategies to ensure the effective implementation of SDG 16 on the promotion of peaceful and inclusive societies, thereby ensuring that the targeting, persecution and killings of human rights defenders are combated and prevented and that the perpetrators are prosecuted and held accountable;

70. Calls for the EU to ensure that all EU-funded development projects that are implemented on indigenous lands should rigorously comply with the principles of free, prior and informed consent, respect for human rights, and freedom of expression and association, in order to prevent a negative impact on the livelihoods and culture of indigenous peoples;

71. Notes that the Commission, the EEAS and the Member States must take a holistic and integrated approach to sustainable development, and take account of human rights and environmental considerations when addressing trade and economic relations; calls on the Commission to raise cases of human rights violations and attacks on or persecution of human rights defenders in the context of trade negotiations and systems such as the Generalised Scheme of Preferences (GSP);

72. Calls for the EU to establish a mechanism to carry out independent impact assessment studies prior to the conclusion of trade and cooperation agreements and the implementation of development projects in order to measure and prevent their deleterious effects on the rights of indigenous and local communities; insists that the impact assessment be conducted with the significant participation of civil society and that the findings duly be taken into account in economic agreements and development projects; calls for the EU to reassess the execution of projects in the event of human rights violations;

73. Calls for the EU and its Member States to work in all appropriate international arenas to raise awareness of the situation of the human and environmental rights of indigenous peoples and the key role of environmental human rights defenders in the conservation of biodiversity and sustainable development;

74. Recalls with concern that the EU and its Member States must continue to work to guarantee the rights and social inclusion of indigenous peoples in Europe, notably the Sami people, and recognises the important role of community activists and human rights defenders in that regard;

75. Calls for the EU to increase support to indigenous peoples in its development cooperation programmes and to strengthen projects to empower them, notably in terms of capacity building, under the EIDHR and the Development Cooperation Instrument (DCI); underlines the need for continued resources for indigenous peoples to enable them to effectively engage through their representatives with EU and UN policies and institutions, including in relation to business and human rights; urges the EU delegations in relevant countries to monitor closely the situation of indigenous human rights defenders and to provide all appropriate support;

76. Calls on the EU delegations to monitor closely the situation of indigenous peoples and to engage in a continuous dialogue with them at both national and regional level; insists that the human rights focal points in relevant EU delegations be made explicitly responsible for issues related to indigenous peoples and that staff in these delegations receive regular training on the rights of indigenous peoples;

77. Calls for the EU and its partner states to enhance cooperation with indigenous communities in discussions of drug policies; reiterates that strategising against the illicit drug market is necessary in order to protect indigenous people and lands; calls for the EU and its partner states to ensure that security measures aimed at combating the drug trade respect the rights of indigenous communities and prevent innocent casualties in the conflict;

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78. Exhorts the EU to deepen, expand and strengthen the objectives, priorities and actions concerning indigenous peoples contained in the Strategic Framework and Action Plan on Democracy and Human Rights, and asks for the mandate of the Special Representative for Human Rights to be modulated, empowering the Special Representative to give greater visibility to issues of indigenous peoples rights and their advocates;

79. Recalls the EU's commitment to following a rights-based approach to development, which includes respect for indigenous peoples' rights as defined in the UNDRIP, and draws particular attention to the principles of accountability, participation and non-discrimination; strongly encourages the EU to continue its work on operationalising this rights-based approach in all development activities and to set up a task force with Member States for this purpose; calls for the respective implementation plan to be updated with clear timelines and indicators to measure progress;

80. Recalls Article 208 of the Treaty on the Functioning of the European Union and the principle of Policy Coherence for Development; deplores the fact that the ongoing revision of the Renewable Energy Directive [1] has so far failed to introduce social and sustainability criteria that take into account the risk of land grabbing; recalls that the directive should be consistent with international tenure right standards;

81. Calls on the EU delegations to reinforce the dialogue with indigenous peoples in order to identify and prevent human rights violations; asks, in particular, the European Commission and the Member States to establish an effective administrative complaint mechanism for victims of human rights violations and other harmful impacts induced by official development assistance-funded activities with a view to initiating investigation and reconciliation processes; stresses that this mechanism should have standardised procedures, be of an administrative nature, and thus be complementary to judicial mechanisms;

82. Highlights that the FLEGT Action Plan, and in particular VPAs, could play a more significant role in empowering indigenous and forest communities in a number of tropical forested countries, and urges the EU and VPA partners to allow these communities to play a greater role in national policy processes; calls for the EU to provide more financial and technical assistance to partner countries in order to protect, maintain and restore forest ecosystems, including by improving governance, to clarify and strengthen land tenure, to respect human rights, including the rights of indigenous peoples, and to support protected areas that uphold community rights;

83. Stresses the need to adopt specific measures to address the problem of conflict timber, to stem the flow of conversion timber, and to shift investment away from forest-damaging activities resulting in displacement of local and indigenous communities; calls for the EU to adopt additional measures to support the protection and restoration of forest ecosystems and their communities, and to eliminate deforestation from the EU's supply chains, as part of a new EU Action Plan on deforestation, forest degradation and respect for forest communities' tenure rights;

84. Points out that we in the EU still have much to learn about sustainable use, for example of forests, from indigenous peoples, who, moreover, scarcely contribute to climate change because of their way of life, but are particularly affected by it, because of drought or desertification, for example, an impact that affects women in particular;

85. Calls on the EEAS, the Commission and the Member States to prioritise investment in support of civil society, human rights defenders and, in particular, indigenous environmental human rights defenders, to ensure the existence of long-term protection mechanisms to support them, in particular protectdefenders.eu, and to guarantee that they meet existing funding commitments to human rights defenders at risk; encourages its delegations and committees to meet regularly with indigenous communities and human rights defenders when visiting the relevant countries; recommends that a standing rapporteur on indigenous people be appointed by the relevant committee/subcommittee with the objective of monitoring the human rights situation, and in particular the implementation of the UNDRIP and ILO Convention No 169;

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[1] Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

86. Calls for the EU and its Member States to engage in dialogue and cooperate with the indigenous peoples and local communities of the Arctic in order to guarantee that their positions and rights are respected within the framework of EU development policies likely to affect that region;

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87. 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 and the EU delegations.

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P8_TA(2018)0280

Climate diplomacy

European Parliament resolution of 3 July 2018 on climate diplomacy (2017/2272(INI))

(2020/C 118/04)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 21, 191,192, 220 and 221 thereof,

— having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),

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

— having regard to the Universal Declaration of Human Rights (UDHR),

— having regard to the Paris Agreement, Decision 1/CP.21, the 21st Conference of the Parties (COP21) to the UNFCCC and the 11th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP11) held in Paris from 30 November to 11 December 2015,

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

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

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

— having regard to its resolution of 4 October 2017 on the 2017 UN Climate Change Conference in Bonn, Germany (COP23) ([2]),

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

— having regard to the Commission communication of 16 April 2013 on 'An EU Strategy on adaptation to climate change' (COM(2013)0216),

— having regard to the EU Climate Diplomacy Action Plan 2015 adopted by the Foreign Affairs Council,

([1]) OJ C 215, 19.6.2018, p. 46.
([2]) Texts adopted, P8_TA(2017)0380.

— having regard to the Foreign Affairs Council conclusions of 6 March 2017 and 19 June 2017,

— having regard to the European Council conclusions of 22 June 2017,

— having regard to the Council conclusions of 26 February 2018 on Climate Diplomacy,

— having regard to the European External Action Service (EEAS) communication of June 2016 on a Global Strategy for the European Union's Foreign and Security Policy and the Commission and EEAS joint communication of 7 June 2017 on a Strategic Approach to Resilience in the EU's External Action (JOIN(2017)0021),

— having regard to the opinion of the European Committee of the Regions of 9 February 2017 entitled 'Towards a new EU climate change adaptation strategy — taking an integrated approach' ([1]),

— having regard to the opinion of the European Economic and Social Committee of 26 April 2016 entitled 'The Road from Paris' ([2]),

— having regard its resolution of 13 December 2017 on the Annual Report on the implementation of the Common Foreign and Security Policy ([3]),

— having regard to its resolution of 16 January 2018 on women, gender equality and climate justice ([4]),

— having regard to UNFCCC Decision 36/CP.7 of 9 November 2001 on improving the participation of women in the representation of Parties in bodies established under the United Nations Framework Convention on Climate Change and the Kyoto Protocol,

— having regard to the study of 2009 conducted by the International Organisation for Migration (IOM) on 'Migration, Environment and Climate Change: Assessing the Evidence',

— having regard to its resolution of 13 March 2018 on gender equality in EU trade agreements ([5]),

— having regard to Pope Francis' encyclical letter 'Laudato Si" on 'care for our common home',

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

— having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on the Environment, Public Health and Food Safety under Rule 55 of the Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the Committee on the Environment, Public Health and Food Safety (A8-0221/2018),

A. whereas the effects of climate change are having increasingly severe impacts on different aspects of human life as well as on development opportunities, the worldwide geopolitical order and global stability; whereas those with fewer resources to adapt to climate change will be hardest hit by the impact of climate change; whereas climate diplomacy can be understood as a form of targeted foreign policy to promote climate action through reaching out to other actors,

([1]) OJ C 207, 30.6.2017, p. 51.
([2]) OJ C 487, 28.12.2016, p. 24.
([3]) Texts adopted, P8_TA(2017)0493.
([4]) Texts adopted, P8_TA(2018)0005.
([5]) Text adopted, P8_TA(2018)0066.

cooperating on specific climate-related issues, building strategic partnerships and strengthening relations between state and non-state actors, including major contributors to global pollution, thereby contributing to mitigating the effects of climate change, as well as to enhancing climate action and strengthening Union's diplomatic relationships;

B. whereas the effects of climate change include the rise, warming and acidification of the oceans, a loss of biodiversity and an increase in extreme climate events; whereas the first victims of these disturbances are the most vulnerable countries and populations, in particular people living on islands; whereas climate change has a particularly severe social and cultural impact on indigenous communities, which not only contribute marginally to CO_2 emissions, but in fact play an active and vital role in protecting the ecosystems in which they live, thereby mitigating the effects of climate change;

C. whereas the EU has been one of the leading forces on climate action and has shown its leadership in international climate negotiations; whereas the EU has used climate diplomacy to create strategic alliances with relevant stakeholders to fight jointly against climate change as a key component of sustainable development and preventive action in view of climate-related threats;

D. whereas EU climate diplomacy contributed to the conclusion of the Paris Agreement and, since then, the EU's approach to climate diplomacy has been broadened; whereas, as part of the EU's Global Strategy, climate policy has been integrated into foreign and security policy, and the link between energy and climate, security and climate change adaptation and migration has been strengthened;

E. whereas the responsibility for long-term sustainable climate actions cannot be put on individuals and their individual choices as consumers; whereas a human rights-based climate policy should clarify that responsibility for creating sustainable societies lies primarily with politicians who have the means to create climate-sustainable policies;

F. whereas climate change and security concerns are interlinked and transnational, and require climate diplomacy aimed, inter alia, at the full implementation of Paris Agreement commitments; whereas several studies have found indirect links between climate change, natural disasters and the outbreak of armed conflicts, and whereas climate change can be regarded as a 'threat multiplier' which has the ability to amplify existing social tensions; whereas the negative long-term implications of climate change may lead to an increase in political tensions, both inside and outside of national borders, and hence risk being an element of crisis and putting a strain on international relations as such;

G. whereas climate change has a direct and indirect impact on migration, propelling increasing numbers of people to move from vulnerable to more viable areas of their countries or abroad to build new lives;

H. whereas Parliament's resolution of 4 October 2017 on the 2017 UN Climate Change Conference in Bonn, Germany (COP23) recognised the nature and extent of climate-induced displacement and migration resulting from disasters caused by global warming; whereas, according to various important and well-founded studies and reports, such as those by the International Organisation for Migration and the World Bank, unless serious efforts are made, the number of migrants, as well as internally displaced persons, driven by environmental changes could, in the worst scenario, reach up to 200 million by 2050, many of whom are currently living in coastal areas or could be internal migrants in sub-Saharan Africa, South Asia and Latin America;

I. whereas people who migrate for environmental reasons do not benefit from refugee status nor from the international protection granted to refugees because they are not recognised by the 1951 Geneva Convention;

J. whereas, as a contribution to the achievement of a net-zero carbon economy, the Commission has set the promotion of energy efficiency and making the EU the world leader in renewables as objectives for Union energy policy;

K. whereas EU climate diplomacy must encourage risk management projects, model public opinion and encourage political and economic cooperation to counter climate change and to promote a low-carbon economy;

L. whereas EU climate diplomacy should produce a model of proactive adjustment encouraging interaction between policies countering climate change; whereas the institutionalisation of climate change policies would mean greater public awareness and should translate into a clearer political will;

M. whereas the problem of the scarcity of water resources is at the root of an ever increasing number of conflicts between communities; whereas those resources are often exploited unsustainably for intensive and industrial farming in situations that are already unstable;

N. whereas, in order to achieve its objectives, the fight against climate change should become a strategic priority in all diplomatic dialogues and initiatives with a human rights-based approach; whereas Parliament has been actively contributing to the process and has been using both its legislative power and its political influence to further integrate climate change into development action and the aid portfolio, as well as into several other EU policies, such as investments, agriculture, fisheries, energy, transport, research and trade;

O. whereas sources of discrimination and vulnerability based on gender, race, ethnicity, class, poverty, ability, indigeneity, age, geography, and traditional and institutional discrimination all combine intersectionally to obstruct access to the resources and means required to cope with dramatic changes such as climate change;

P. whereas there is an intrinsic link between climate change and deforestation caused by land grabbing, fossil fuel extraction and intensive agriculture;

Q. whereas the proportion of women in political decision-making and diplomacy, and especially in climate change negotiations, is still unsatisfactory and whereas little or no progress has been made in this respect; whereas women account for only 12 to 15 % of heads of delegation and around 30 % of the delegates;

1. Recalls that the effects of climate change have an impact on all aspects of human life, especially on global resources and development opportunities, as well as on business models, trade relations and regional relations; recalls that climate impacts exacerbate food insecurity, threats to health, loss of livelihood, displacement, migration, poverty, gender inequalities, human trafficking, violence, lack of access to infrastructure and essential services, have an impact on peace and security and are increasingly affecting EU citizens, as well as challenging the international community; underlines the increasing urgency of climate action and points out that addressing climate change requires a joint effort at international level; urges the Commission and the Member States to continuously facilitate multilateral discourse, as it constitutes a collective responsibility towards the entire planet, for the current and future generations; notes that the fight against climate change is necessary for the protection of human rights;

2. Notes with concern the deterioration of the world's water resources and ecosystems, as well as the growing threat posed by water scarcity, water-related risks and extreme events;

Implementation of the Paris Agreement and Agenda 2030

3. Reaffirms the EU's commitment to the Paris Agreement and to the UN Agenda 2030, including the SDGs; stresses the need to fully and swiftly implement the Paris Agreement, and to meet its objectives of mitigation, adaptation and redirecting finance flows, and the SDGs both in the EU and globally in order to develop a more sustainable economy and society; reaffirms the need for an ambitious EU climate policy and its readiness to significantly increase the existing EU Nationally

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Determined Contribution (NDC) for 2030 as well the necessity of developing by the end of 2018 an ambitious and coordinated long-term net-zero carbon strategy for 2050, in line with the Paris Agreement commitment to holding the increase in the global average temperature to well below 2 °C and pursuing efforts to limit the increase to 1,5 °C above pre-industrial levels; calls on the Commission to take into account in this long-term strategy the views of all actors which can contribute to or be affected by it;

4. Underlines the importance of an ambitious EU climate policy in order to avoid a further rise in temperature and to act as a credible and reliable partner vis-à-vis third states; calls on the Commission and the Member States to play an active and constructive role during the 2018 Talanoa Dialogue and COP24 as 2018 will be a crucial year for the implementation of the Paris Agreement; calls for the EU to show its commitment to an ambitious climate policy as this will help it to lead by example and to advocate for strong mitigation commitments on the part of other countries;

5. Regrets the US President's announcement of his decision to withdraw from the Paris Agreement; reaffirms that the EU has a responsibility — and an opportunity — to assume a leading role in global climate action, to step up its climate diplomacy efforts and to form a strong alliance of countries and actors that will continue to support and contribute to the objectives of limiting global warming to well below 2 °C while pursuing efforts to limit the temperature increase to 1,5 °C as recommended by the IPCC; highlights nevertheless the importance of closely cooperating with the US Government, and in particular US states and cities;

6. Stresses that the credibility of the EU in the fight against climate change is dependent on the strict and comprehensive implementation of its own climate policy;

7. Highlights that EU foreign policy should develop capacities to monitor climate change-related risks, including crisis prevention and conflict sensitivity; believes that consequential and rapid climate action contributes essentially to the prevention of social, economic, but also security risks, the prevention of conflicts and instabilities and ultimately the prevention of major political, social and economic costs; stresses, therefore, the importance of mainstreaming climate diplomacy in the EU conflict prevention policies, broadening and adapting the scope of EU missions and programmes in third countries and conflict areas; reiterates that moving towards a circular net-zero carbon economy will contribute to prosperity and enhanced equality, peace and human security both within and outside the EU as climate change can often create new instabilities and conflicts or exacerbate existing ones, and deepening existing inequalities or create new ones, due to the scarcity of resources, the lack of economic opportunities, the loss of land as a result of rising sea levels or prolonged droughts, a fragile governance structure, an insufficient supply of water and food and a deterioration in living conditions;

8. Points with concern, in particular, to the deterioration in the planet's ecosystems and water resources and the growing threat posed by the scarcity of water and by water-related risks, along with extreme climate and weather events that are increasing in frequency and devastating impact, making it necessary to strengthen the links between adapting to climate change and reducing the risk of disasters;

9. Notes also with concern that insufficient attention is being paid to the role played by soil as a component of the climate system, and to its importance for reducing greenhouse gases and adapting to the effects of climate change; appeals to the EU to develop an ambitious strategy that should be included in climate diplomacy;

10. Underlines that, due to melting polar caps and rising sea levels, people living on the coast line or on small island states are in particular danger; urges the Commission and the Member States to protect and preserve these living spaces by facilitating the achievement of ambitious climate change mitigation goals and multilateral coastal protection measures;

11. Acknowledges that climate change exacerbates the conditions that lead to migration in vulnerable areas and recalls that future migration will increase if the negative repercussions of climate change are not adequately managed; calls for the EU to support the launch of discussions at UN level with a view to delivering a tangible response to the movement of people that is expected to occur as a result of climate change, and highlights that any international response should focus on regional solutions in order to prevent unnecessary large-scale movements;

12. Calls on the Member States to show progressive leadership in the ongoing negotiations on a global compact for safe, orderly and regular migration, prepared under the auspices of the United Nations and building on the 2016 New York Declaration for Refugees and Migrants, which recognised that vast numbers of people are moving 'in response to the adverse effects of climate change';

13. Welcomes the inclusiveness of the UNFCCC process; considers that ensuring effective participation requires that the issue of vested or conflicting interests be addressed; supports the initiative by governments representing the majority of the world's population to introduce a specific conflict of interest policy and calls on the Commission to engage constructively in this process;

14. Calls on the Commission to devise programmes to raise EU citizens' awareness of the connection between climate change and migration, poverty and conflicts regarding access to resources;

15. Points out that every environment-related initiative taken by the EU must be underpinned by the legislative powers provided for in the Treaties and that EU parliamentary democracy must continue to play a leading role in each proposal aimed at promoting international measures to protect the environment;

Strengthening the EU capacity for climate diplomacy

16. Notes that the EU and its Member States are the largest providers of public climate finance and that this is an important and trust-building instrument to support adaptation and mitigation in other countries; urges the Commission and the Member States to continue to make meaningful financial contributions and to actively support the mobilisation of international climate finance through public sources by other countries as well as private sources; welcomes the announcements made at the ONE Planet Summit on 12 December 2017;

17. Stresses that the global transition to net-zero carbon, climate resilient economies and societies requires significant transformational investment; stresses the need for governments to create the enabling environments to reorient capital flows towards sustainable investment and to avoid stranded assets, building on the conclusions of the High-Level Expert Group on Sustainable Finance and in line with the Commission Communication on Financing Sustainable Growth (COM(2018)0097); believes that the financial system needs to contribute to the targets of the Paris Agreement and the SDGs; is convinced that an EU financial system which contributes to climate mitigation and incentivises investments in clean technologies and sustainable solutions will be a role model for other countries and could help them to implement similar systems;

18. Underlines the importance of the EU speaking with a single and unified voice in all international forums and calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to coordinate a joint EU effort to ensure its commitment to the implementation of the Paris Agreement; encourages the EU to consider ways to further raise the level of ambition of the Paris Agreement; insists on the need to develop a comprehensive strategy for EU climate diplomacy and to integrate climate into all fields of EU external action, including trade, development cooperation and humanitarian aid; highlights the importance of strengthening the social dimension, integrating a gender perspective and the human rights-based approach in all future multilateral negotiations;

19. Urges the Commission and the Member States to raise international awareness for climate change through coordinated communication strategies and activities to increase public and political support; calls, in particular, for an international understanding of the interconnections between climate change and social injustice, migration, famine and poverty and of the fact that global climate action can largely contribute to the solution of these issues;

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20. Points out that technological progress, duly driven forward by a combined political effort, will be key to reaching the goals of the Paris Agreement and that account must therefore also be taken of the EU's science diplomacy as part of the global strategy for climate diplomacy, boosting and financing climate change research;

21. Recalls that, as pointed out in the Commission Green Paper 'Adapting to climate change in Europe — options for EU action' (COM(2007)0354), the areas in Europe most vulnerable to climate change are southern Europe and the Mediterranean basin, mountain and coastal areas, densely populated floodplains, Scandinavia and the Arctic region; urges the EU, therefore, to promote research and development programmes involving the relevant Member States in each case, in line with Article 185 TFEU;

22. Highlights, as a good example of science diplomacy as referred to in the previous paragraph, the PRIMA initiative (research and innovation partnership in the Mediterranean area), which focuses on the development and application of innovative solutions to food production and water supply in the Mediterranean basin; calls on the Commission to step up cooperation, provide the necessary support and ensure the continuity of the initiative, as well as other similar initiatives; urges the Commission to introduce a new initiative under Article 185 TFEU specifically targeting the EU's climate diplomacy objectives;

23. Appeals for action to be taken to coordinate the EU's action plans on energy and water diplomacy with climate diplomacy, boosting synergies and joint actions, where appropriate, between the corresponding elements at EU and Member State level;

24. Calls for Parliament's greater involvement and an annual process, initiated by the Commission and the EEAS and carried out in cooperation with the Member States, to identify key priorities for EU climate diplomacy in the year in question and to come forward with concrete recommendations for addressing capacity gaps;

25. Commits itself to formulating an own position and recommendations for a new EU long-term mid-century strategy, to be considered by the Commission and the Council before being submitted to the UNFCCC;

26. Expresses its intention to initiate a process that will contribute to this effort through regular reports on the EU's climate diplomacy activities and its achievements, as well as its shortcomings; adds that the regular reports should contain clear benchmarks in this regard;

27. Highlights the vital role of parliamentary diplomacy in combating climate change; commits itself to making better use of its international role and its membership of international parliamentary networks, to stepping up climate activities within the work of its delegations as well as through delegation visits, and especially those of its Committee on the Environment, Public Health and Food Safety and its Committee on Foreign Affairs and during European and international interparliamentary meetings as well as in dialogue platforms with national parliaments and subnational actors/non-state actors and civil society, seeking to include the necessary gender mainstreaming at all times;

28. Calls for an increased allocation of human and financial resources in the EEAS and the Commission, in order to better reflect the strong commitment to and increased engagement in climate diplomacy; urges the EEAS to include climate diplomacy on EU delegations' agendas when meeting their counterparts from third countries and international or regional organisations and to orchestrate and assign strategic importance to climate diplomacy efforts in every EU delegation with the representations of the Member States in third countries; calls, therefore, for the inclusion of a focal point on climate change in the main EU delegations in third countries and of a higher percentage of climate experts when creating mixed posts in the EU delegations;

29. Stresses that climate-related spending in the EU budget can create high added value and should be significantly increased in order to reflect the increased importance and urgency of climate action and the need for further climate diplomacy actions; urges the Commission and the Member States, therefore, to increase climate diplomacy-related spending in the next multiannual financial framework (MFF), to approve earmarking of at least 30 % for climate-related spending, as

advocated by Parliament in its resolution of 14 March 2018 on the next MFF: Preparing the Parliament's position on the MFF post-2020 ([1]) and to align the EU budget as a whole to the objectives of the Paris Agreement and the SDGs in order to ensure that budget spending does not run contrary to climate efforts; notes in this context that sensitive sectors (such as agriculture, industry, energy and transport) in particular will need to make a greater effort in the transition to a zero carbon economy; calls for better use of other EU funds to ensure resource efficiency, optimised outcomes and an enhanced impact for EU actions and initiatives;

30. Calls on the Commission and the Member States, within the framework of bilateral agreements with partner countries, to develop environmental cooperation in order to foster sustainable development policies based on energy efficiency and renewable energy;

31. Calls on the Commission to fully reflect the global dimension, including EU climate diplomacy objectives, in its upcoming communications on the 'Future of EU energy and climate policy' and on the long-term EU strategy for reduction of greenhouse gas emissions; also invites the Commission and the EEAS to further develop a long-term vision in order to put forward a joint communication setting out their understanding of EU climate diplomacy as well as a strategic approach for the EU's climate diplomacy activities within 12 months following the adoption of this report, and taking into account Parliament's approach as laid down in this text;

32. Calls on the EEAS and the Commission to increase their internal coordination regarding climate displacement by establishing a panel of experts to explore climate change and migration, through an inter-agency task force;

33. Underlines that women's empowerment and their full and equal participation and leadership are vital for climate action; calls on the EU and the Member States to mainstream gender perspectives into climate policies and to take a gender-responsive approach as climate change often exacerbates gender inequalities and the situation of women, promotes the participation of indigenous women and women rights defenders within the UNFCCC framework as their knowledge on the management of natural resources is essential in the fight against climate change;

The Fight against Climate Change as a Driver of International Cooperation

34. Stresses that the EU and its Member States must be active partners in international organisations and forums (such as the UN, the UNFCCC, the High-level Political Forum on Sustainable Development (HPFL), the Office of the UN High Commissioner for Human Rights (OHCHR), the International Labour Organisation (ILO), the World Health Organisation (WHO), NATO, the International Civil Aviation Organisation (ICAO), the International Maritime Organisation (IMO), the Arctic Council and the G7 and G20) and closely cooperate with regional organisations (such as the African Union (AU), the Economic Community of West African States (ECOWAS), the Association of Southeast Asian Nations (ASEAN), the African Caribbean and Pacific Group of States (ACP), MERCOSUR and the Gulf Cooperation Council (GCC)) to foster global partnerships and ensure the implementation of the Paris Agreement and the SDGs, while defending, strengthening and further developing multilateral cooperation regimes;

35. Calls for the EU and its Member States to give climate action a stronger place on the agendas of G20 summits and meetings and of bilateral meetings of G20 members, and to engage with developing countries, such as the Group of 77 at the United Nations (G77) and other networks such as the Alliance of Small Islands States (AOSIS);

36. Calls on the Member States to enhance their engagement in the framework of the Organisation for Security and Cooperation in Europe (OSCE) in line with the targets of the Paris Agreement; emphasises also the need for the IMO to take swift and appropriate additional action in order for international shipping to contribute its fair share to the fight against climate change;

([1]) Texts adopted, P8_TA(2018)0075.

37. Calls on the Commission to integrate the climate change dimension into international trade and investment agreements and to make ratification and implementation of the Paris Agreement a condition for future trade agreements; calls on the Commission, in this connection, to make a comprehensive assessment of the consistency of existing agreements with the Paris agreement wherever appropriate; calls on the Commission to streamline financial instruments and programmes with a view to ensuring coherence, to support third countries in tackling climate change and to increase the effectiveness of EU climate action; recommends the development and systematic inclusion of a mandatory fundamental climate change clause in international agreements, including trade and investment agreements, regarding mutual commitment to ratifying and implementing the Paris Agreement, thereby supporting the European and international decarbonisation process;

38. Supports sustained and active EU engagement within the High Ambition Coalition (HAC) and with its member countries to give visibility to their determination to achieve meaningful implementation of the Paris Agreement through the conclusion of a robust rulebook in 2018 and a successful Talanoa Dialogue at COP24 that is aimed at motivating further states to join in these efforts and to establish a group of climate leaders in the next few years that are ready to ramp up their climate targets in line with the Paris Agreement goals, in order to establish shared leadership to jointly lead on mainstreaming climate across different foreign policy issues, including trade, the reform of international financial institutions and security;

39. Recognises the importance of effective and efficient adaptation action, strategies and plans, including the use of ecosystem-based solutions to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change in the context of the Paris Agreement;

40. Highlights the particular vulnerability of the ecosystems in the Arctic to climate change, taking into account the fact that, in the last few decades, the temperature in the Arctic has been increasing at about twice the rate of the global average; recognises that the pollution appearing in the Arctic climate is mostly derived from Asian, North American and European emitters, and that the emission reduction measures in the EU therefore play a great role in tackling climate change in the Arctic; takes into account also the interest shown in the Arctic and its resources because of the changing environment of the area and of the growing geopolitical importance of the Arctic; considers that healthy and sustainable Arctic ecosystems, inhabited by viable communities, are strategically important for the political and economic stability of Europe and the world; considers it necessary to finally implement the EU's formal status as an observer in the Arctic Council;

41. Highlights the responsibility incumbent on the EU and other affluent countries, given that they are historically the major contributors to global warming, to show greater solidarity towards the vulnerable states, mainly in the Global South and islands, that are most affected by the impact of climate change and to ensure continuous support in order to increase their resilience, contribute to disaster risk reduction, including through conserving nature and restoring ecosystems that play an important role in regulating climate, help them recover from damage related to climate change, and improve adaptation measures and resilience through adequate financial support and by means of capacity building, particularly through NDC partnerships; notes that vulnerable states are crucial partners in pushing for ambitious climate action internationally, given the existential threat posed to them by climate change;

42. Calls for the EU and its Member States to provide support for less affluent countries in efforts to decrease dependence on fossil fuels and increase access to affordable renewable energy, as well as through programmes to support access to science, technology and innovation in line with SDG 17, and by making them aware of the technologies available to monitor and protect the environment and citizens, such as the flagship space programme Copernicus and its climate change service; highlights the opportunities offered by the EU External Investment Plan in stimulating climate-smart investments and supporting sustainable development; stresses the importance of ensuring that humanitarian agencies devise a long-term perspective for their action, based on well-founded knowledge of climate impacts in vulnerable areas; calls also on the Commission to develop a comprehensive strategy to promote EU excellence in green technologies at global level;

43. Highlights the need to streamline EU policies in order to adequately respond to situations such as water and food scarcity, which are likely to occur more often in the future; recalls that such scarcities of fundamental nutrition would pose severe long-term security challenges, which risk potentially offsetting other achievements of EU development policy;

44. Calls on the EU to give priority to aid in the form of grants and technology transfers to the poorest countries in order to carry out the energy transition;

45. Recommends that the EU deepen its strategic cooperation at state- and non-state level through zero-carbon development dialogues and partnerships with emerging economies and other countries which have a major impact on global warming, but which are also decisive in terms of global climate action; notes against this backdrop that climate can be an entry point for diplomatic engagement with partners with whom other agenda items are highly contested, thereby offering an opportunity to enhance stability and peace; calls for the EU to share policy experiences and lessons learnt with its partners in order to accelerate the implementation of the Paris Agreement; calls on the EU to create dedicated panels to debate climate and sustainability policies economic and technology dialogues on transition and resilience solutions, including at high-level ministerial meetings; calls for the EU to build up and support partnerships in areas of common interest, including 2050 pathways, sustainable finance reform, clean transport, carbon markets and other carbon pricing instruments beyond Europe with the aim of limiting global emissions while establishing a level playing field for all economic sectors;

46. Calls for the EU to be at the forefront of developing international and regional partnerships on carbon markets, as set out in Article 6 of the Paris Agreement and make use of its expertise in setting up, adjusting and operating the EU Emissions Trading System (ETS) and its experience in linking the ETS with the Swiss carbon market; calls on the Commission and the Member States to promote the development of carbon pricing mechanisms in third states and regions and to foster international cooperation with the aim of making them largely compatible in the medium term and creating an international carbon market in the long term; emphasises, in this connection, the successful cooperation in recent years between the EU and China, which enabled the launch of the nationwide emission trading system in China in December 2017; looks forward to the results of the ongoing work which will be key to the good functioning of the system; urges the EU to continuously support China's carbon trading ambition and enhance future cooperation in order to work towards a global level playing field;

47. Calls for the EU to actively promote at international level a proactive policy to tackle greenhouse gas emissions, including through the establishment of emission limits and immediate measures to reduce emissions in the international maritime and aviation sectors;

48. Believes that further work on developing carbon border adjustments is necessary as a leverage for further efforts by all countries to achieve the objectives enshrined in the Paris Agreement;

49. Recommends that the EU, together with the UN, support greater global cooperation to address the issue of sandstorms which, especially in the Middle East, is heightening existing tensions and creating new ones; points out that these storms, as well as causing serious health problems, are drying up the already limited water resources in the Middle East; urges the EU, in this regard, to cooperate with the United Nations in improving monitoring and alert systems;

50. Urges the EEAS, the Commission and the Member States to focus their strategic dialogues on energy with fossil fuel exporting countries in the EU's wider neighbourhood on decarbonised energy cooperation and zero carbon economic development models in order to enhance peace as well as human security and well-being in Europe and globally;

51. Calls on the EEAS, the Commission and the Member States to make their international policy dialogues and cooperation with partner countries fully consistent with the objectives of the Paris Agreement and with the EU's ambition to be the world leader in renewables;

The EU's Strategic Partners

52. Considers it important for the EU to keep up its efforts to re-engage the US in multilateral cooperation on climate action, urging the US to respect the Paris Agreement without jeopardising its level of ambition; considers that parliamentary dialogue and cooperation with local authorities are key to this end;

53. Points out that the Brexit negotiations and future relations with the UK must reflect the need for continued cooperation on climate diplomacy;

54. Notes that regions and cities play an increasingly important role as regards sustainable development, given that they are directly affected by climate change, that their growth has a direct impact on the climate and that they are becoming more active in the mitigation of and adaptation to climate change, sometimes in the light of the opposing policies of their national governments; reiterates the key importance of cities and regions in introducing innovations and environmental protection measures, using green technologies, investing in skills, training and increasing competitiveness by developing pure technologies at local level; calls, therefore for the EU to further intensify its relations with local and regional authorities and indigenous peoples in third countries and overseas countries and territories (OCTs), to enhance thematic and sectoral cooperation between cities and regions both within and outside the EU, to develop adaptation and resilience initiatives, and to strengthen sustainable development models and emission reduction plans in key sectors such as energy, industry, technology, agriculture and transport in both urban and rural areas, e.g. through twinning programmes, through the International Urban Cooperation programme, through support for platforms such as the Covenant of Mayors and by building new fora for exchanging best practice; calls on the EU and the Member States to support efforts by regional and local actors to introduce regionally and locally determined contributions (similar to NDCs) where climate ambition can be increased through this process; notes the role EU delegations in third countries can play in this regard;

55. Notes also that the increasing urbanisation visible in many parts of the world is aggravating existing challenges caused by climate change owing to a higher demand for resources such as energy, land and water and contributing to a further heightening of environmental problems in many conurbations in and outside the EU, such as air pollution and increased volumes of waste; notes that further consequences of climate change, such as extreme weather events, droughts and land degradation, are often felt in rural areas in particular; believes that local and regional authorities need to receive special attention and support to address these challenges, to establish better resilience and to contribute to mitigation efforts by developing new forms of energy supply and transport concepts;

56. Highlights the importance of cross-border cooperation between Member States and partner countries, particularly as regards cross-border environmental impact assessments, in keeping with the relevant international rules and conventions, notably the UNECE Water Convention, the Aarhus Convention and the Espoo Convention;

57. Calls for the EU and its Member States to strengthen their ties with and support for civil society around the globe as agents for climate action, and to form alliances and build up synergies with the scientific community, non-governmental organisations, local communities, indigenous communities and non-traditional actors in order to better align the goals, ideas and methods of different actors, feeding into a coordinated approach to climate action; encourages the EU and its Member States to engage with the private sector, to enhance cooperation on how to reap the opportunities from the transition towards a zero-carbon economy, to develop export strategies for climate technologies for countries globally and to encourage technology transfer to and capacity-building in third countries which encourage the use of renewables;

58. Underlines the importance of scientific research for climate political decision making; notes that transboundary scientific exchange is a fundamental component of international cooperation; urges the Commission and the Member States to continuously support scientific organisations that work on climate risk assessment and that seek to estimate the implications of climate change and that offer possible adaptation measures for political authorities; urges the EU to use its own research capacities in order to contribute to global climate action;

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59. Instructs its President to forward this resolution to the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the European External Action Service and, for information, the United Nations General Assembly and the Secretary-General of the United Nations.

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P8_TA(2018)0284

Partnership Agreement between the EU and EAEC and Armenia (resolution)

European Parliament non-legislative resolution of 4 July 2018 on the draft Council decision on the conclusion, on behalf of the Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part (12543/2017 — C8-0422/2017 — 2017/0238(NLE) — 2017/2269(INI))

(2020/C 118/05)

The European Parliament,

— having regard to the draft Council decision (12543/2017),

— having regard to the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part (12548/2017),

— having regard to the request for consent submitted by the Council in accordance with Article 37 of the Treaty on European Union and in accordance with Article 91, Article 100(2) and Articles 207 and 209, Article 218(6), the second subparagraph, point (a), Article 218(7) and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (C8-0422/2017),

— having regard to its relevant resolutions on EU-Armenia relations,

— having regard to its resolution of 13 December 2017 on the Annual report on the implementation of the Common Foreign and Security Policy ([1]),

— having regard to the joint declarations of the Eastern Partnership summits, notably that agreed in 2017 in Brussels,

— having regard to the joint communications from the Commission and the European External Action Service (EEAS) on the European Neighbourhood Policy (ENP), notably the report of 18 May 2017 on the implementation of the ENP review (JOIN(2017)0018) and the joint working document of 9 June 2017 entitled 'Eastern Partnership — 20 Deliverables for 2020: Focusing on key priorities and tangible results' (SWD(2017)0300), as well as the 2016 communication on 'A Global Strategy for the European Union's Foreign And Security Policy',

— having regard to its previous resolutions on the situation in the Eastern Neighbourhood and, in particular, its recommendation of 15 November 2017 to the Council, the Commission and the EEAS on the Eastern Partnership, in the run-up to the November 2017 Summit ([2]), and to its resolution of 15 April 2015 on the centenary of the Armenian Genocide ([3]),

— having regard to its legislative resolution of 4 July 2018 ([4]) on the draft decision,

— having regard to the Partnership Priorities between the European Union and Armenia, signed on 21 February 2018,

— having regard to Article 49 of the Treaty on European Union,

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([1]) Texts adopted, P8_TA(2017)0493.
([2]) Texts adopted, P8_TA(2017)0440.
([3]) OJ C 328, 6.9.2016, p. 2.
([4]) Texts adopted, P8_TA(2018)0283.

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— having regard to Rule 99(2) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0179/2018),

A. whereas the current framework for relations between Armenia and the European Union is the 1996 Partnership and Cooperation Agreement, which entered into force in 1999 and is to be replaced by the proposed Comprehensive and Enhanced Partnership Agreement (CEPA);

B. whereas, through the Eastern Partnership, the EU and Armenia have based their relations on a shared commitment to international law and fundamental values, including democracy, the rule of law and good governance, and respect for human rights and fundamental freedoms;

C. whereas there remain concerns about Armenia's full respect for some of the above-mentioned core values, notably as regards democracy and the rule of law, which are being undermined by corruption, vote-buying, organised crime and abusive oligarchic control;

D. whereas the geographic location of Armenia between Europe, Central Asia and the Middle East and neighbouring regional powers, notably Russia, Iran and Turkey, is both strategic and challenging; whereas the non-recognition by some of past tragedies, notably the Armenian genocide, the presence of foreign troops in Armenia as well as the protracted conflicts in the southern Caucasus, affecting also Azerbaijan and Georgia, pose a major threat to all partners' security and regional stability; whereas the Nagorno-Karabakh conflict can only be solved peacefully in line with the OSCE 2009 Basic Principles, notably through the efforts and proposals of the OSCE Minsk Group Co-Chairs;

E. whereas the EU is Armenia's main trading partner and most important donor; whereas Armenia is also a member of the Eurasian Economic Union, thus demonstrating that the EU does not make it a prerequisite that partners should have to choose a deepening of relations with the EU at the expense of their relations with third parties, even if some opportunities — such as a Deep and Comprehensive Free Trade Area (DCFTA) with the EU — were not attainable in this context;

F. whereas the new agreement sets a new legal basis to reinvigorate the political dialogue and broaden the scope of economic cooperation, as well as cooperation in sectors such as energy, transport, infrastructure and the environment; whereas these provisions are expected to have a positive impact on Armenia in terms of promoting democratic standards, economic growth and sustainable development; whereby such prospects are particularly important for Armenia's, youth including through improved education and more job opportunities; whereas both EU and Armenian citizens stand to benefit from increased cooperation;

1. Warmly welcomes the signature of the Comprehensive and Enhanced Partnership Agreement, which constitutes a significant step forward in EU-Armenian relations and embodies a commitment to a further deepening of political and economic relations;

2. Notes that the signing of the Agreement is not the end point in terms of EU-Armenian cooperation; emphasises, rather, the importance of swift and effective implementation before moving on to consider the potential for further enhancing cooperation and integration between the two parties, at a pace and on a scale mutually agreeable to both;

3. Recalls that significant progress in terms of upholding core values such as the rule of law, human rights and fundamental freedoms, as well as a functioning democratic system defending the independence and impartiality of the judiciary and delivering concrete results in the fight against corruption, is key to unlocking further prospects for cooperation; in this respect, looks forward to the EU considering, in due course, the opening of visa liberalisation dialogue with Armenia, provided that the conditions for well-managed and secure mobility are in place, including the effective implementation of visa facilitation and readmission agreements between the parties;

4. Applauds the citizens of Armenia for the transition of power in April and May 2018 which took place peacefully and led to a change in government in accordance with the Constitution of Armenia; welcomes the restraint shown by the law enforcement bodies, but expresses concern over the unjustified arrests of peaceful demonstrators, including Members of Parliament; warmly congratulates Nikol Pashinyan on his election as the new Prime Minister of Armenia; looks forward to increasing cooperation with him, his government and the National Assembly, not least to support them in fulfilling the expectations of Armenian society as voiced during the demonstrations, and expresses its readiness to observe future parliamentary elections in Armenia;

Scope, general principles, core values and commitment to conflict resolution

5. Stresses that the territorial application of the Agreement covers, on the one hand, the territories in which the Treaty of the European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community are applied and under the conditions laid down in those treaties, and, on the other hand, the territory of the Republic of Armenia; calls on the Commission to ensure that no products are exported illegally to the EU via Armenia;

6. Notes that the Agreement is in keeping with the spirit and principles expressed in the European Parliament recommendation of 15 November 2017, which unambiguously states that no comprehensive agreement will be ratified with a country that does not respect the EU's values of democracy, the rule of law, good governance, and human rights and fundamental freedoms; urges the Armenian authorities nevertheless to ensure, with the support of the EU, that there is no backsliding on those values, since this could trigger suspension of the application of the Agreement through its Article 379; reiterates that EU financial assistance to Armenia remains conditional on the implementation and quality of reforms;

7. Encourages Armenia to swiftly adopt and implement mutually agreed reforms, in particular concerning the stability of the electoral system, the independence of the judiciary, and transparency in the governance of state institutions, notably in the context of the EU-Armenia partnership priorities, which should act as a guiding framework for the implementation of the Agreement, in order to deliver tangible and positive results for Armenian citizens;

8. Emphasises the utmost importance of the meaningful involvement and inclusion of relevant civil society organisations during this implementation phase, including through the new Civil Society Platform established by the Agreement, going beyond the limited obligations to keep civil society representatives informed and to exchange views with them, as currently foreseen in Article 366 of the Agreement; recalls that the civil society organisations involved should reflect the broadest possible range of political and social interests;

9. Calls on the Commission to follow through on the conditionality of the EU's financial assistance by systematically linking EU support — including through the European Neighbourhood Instrument, macrofinancial assistance and other instruments — to the effective implementation of reforms, progress in which should be the subject of thorough monitoring;

10. Notes that the Agreement is also in keeping with the spirit and principles expressed in the European Parliament recommendation of 15 November 2017, including as regards making the ratification of a new agreement with Armenia or Azerbaijan conditional on meaningful commitment to and substantial progress towards resolving the Nagorno-Karabakh conflict; urges both sides to increase, in good faith, the pace and output of their negotiations following the 2018 elections in both countries, in order to make history by ending a conflict which cannot be solved militarily yet has claimed too many lives, especially of civilians, and which has not only prevented the establishment of peace and stability, but also hampered socio-economic development in the region for almost three decades; expresses deep concern at the military build-up and the disproportionate defence spending in the region; supports all initiatives conducive to peace and to developing good neighbourly relations, including high-level talks and a ceasefire monitoring mechanism, and calls on the EEAS and the Commission to increase EU support for programmes to enable increased contacts between Armenian and Azerbaijani NGOs and youth organisations, while ensuring that EU Member States avoid indirect exports of dual-use goods and technology to parties to the conflict;

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Political reform

11. Calls on both Armenia and the EU to attach a high priority to domestic reforms, as outlined in Article 4, so as to ensure in particular a smooth transition from a presidential to a parliamentary system and the non-politicisation of state institutions; encourages the Armenian government to ensure that major reforms — such as those related to the structure and activities of the government or to the criminal code — are subject to greater transparency and to an inclusive dialogue with the opposition and civil society, in the interests of Armenian society at large;

12. Emphasises the need to ensure a level playing field for the opposition and an environment in which civil society, including media representatives and human rights defenders can operate free from fear of reprisals; calls on Armenia, in this context, to ensure a swift and fair trial for all prisoners, including Andreas Ghukasyan, free from any political considerations; calls on the Armenian authorities to ensure that journalists face no pressure or fear of retaliation or violence over their work and that the right to freedom of assembly is upheld, and to refrain from excessive use of force and pressure such as unjustified criminal charges against peaceful protesters and protest leaders; calls for impartial investigations and fair trials in all cases, including as regards past disproportionate actions of the police against peaceful protesters and in the 'Sasna Tsrer' case, during which the police seriously hampered the work of defence lawyers;

13. Urges the Armenian authorities, with a view to future elections, to swiftly and fully implement all the recommendations of the international observation missions led by the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), as highlighted in their final report, in particular in relation to allegations of vote-buying, voter intimidation, pressuring of civil servants and private-sector employees, and undue interference in the voting process by party representatives or law enforcement officers resulting in failure to improve public confidence in the country's electoral system;

14. Encourages Armenia to implement the recommendations of the Venice Commission, such as those in its 2017 opinion on the Draft Judicial Code, according to which the Code has implemented positive changes brought by the constitutional reform, but contains gaps and inconsistencies which need to be addressed;

The rule of law and respect for human rights and fundamental freedoms

15. Reiterates its strong attachment to international law and fundamental values, including democracy, the rule of law and good governance, and respect for human rights and fundamental freedoms, and encourages Armenia to make significant progress in these areas, in particular as regards media freedom, the independence of the judiciary and the fight against corruption, organised crime, money laundering, tax evasion, nepotism and abusive oligarchic control; encourages the Armenian authorities to start a deep and genuine process of economic reforms with a view to overcoming the current oligarchic structure and eliminating the relevant monopolies; encourages the Armenian authorities to continue to consistently act on the country's obligations as a State Party to the UN Convention against Torture in order to prevent, prosecute and punish violations;

16. Regrets that violence based on gender and sexual orientation continues to remain of serious concern in Armenia; takes note of the recognition of domestic violence as a major problem with the adoption, on 8 December 2017, of the Law on the Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace (Cohesion) in the Family by the National Assembly, but calls for stronger legislation to effectively combat such violence and for the authorities to better protect and support survivors; commends Armenia on the signature, on 18 January 2018, of the Council of Europe's Istanbul Convention on preventing and combating violence against women and domestic violence, and encourages Armenia to swiftly ratify and thoroughly implement this Convention in order to effectively meet its commitments to international standards in this field;

17. Calls on Armenia to address the issues of gender equality and anti-discrimination by taking swift but effective steps aimed at achieving equal opportunities for all, notably in terms of employment, equal pay and public office, ideally through a comprehensive standalone law on anti-discrimination, also protecting other vulnerable groups such as LGBTI people, in line with international standards and Armenia's various human rights commitments, and to ensure effective and adequately resourced protection mechanisms; in this regard, expresses concern about the incompatibility of pending legislation with international standards on anti-discrimination;

18. Urges the Armenian authorities to put a high priority on ending gender based sex-selection taking place through selective abortion, the incidence of which in Armenia and Azerbaijan remains among the most widespread in the world following China; encourages Armenia's commitment to improving the lives of children — notably disabled and orphaned children — by consistently implementing the priorities set out in the National Strategy for the Protection of the Rights of the Child and in the relevant Action Plan for implementing the UNCRC, as well as guaranteeing inclusive education for all children by 2025 and eradicating child labour;

19. Encourages further efforts to increase cooperation on preventing and combating criminal activities such as terrorism, organised crime, cybercrime and cross-border crime, and calls on Armenia to align itself more closely with the EU's foreign and security policy;

20. Calls on Armenia to ratify the Rome Statute of the International Criminal Court (ICC), which it signed in 1999;

Trade and economic cooperation

21. Welcomes the deepening of trade and economic relations between the EU and Armenia and the fact that CEPA in some instances goes beyond WTO commitments in terms of transparency and market access for EU products and operators, in areas such as trade in services, intellectual property rights and public procurement;

22. Calls on Armenia to engage in a trustful trade relationship with the EU, in line with its commitments taken on with WTO accession; recalls that the terms and conditions of WTO membership, as well as the obligations under the WTO agreements and the provisions of those agreements, apply only to the territories of the Republic of Armenia as recognised by the UN;

23. Expresses the hope that the Agreement will swiftly provide new and attractive economic opportunities for Armenian citizens living in or returning to Armenia, not least for young people in the country;

24. Regrets, however, that the Agreement cannot include the removal of tariff barriers, as a result of Armenia's membership of the Eurasian Economic Union; welcomes nevertheless, the high utilisation rate of the EU Generalised System of Preferences (GSP+) by Armenia, but notes with some concern that these GSP+ exports are heavily concentrated in only a few types of goods; notes that the Agreement respects Armenia's multi-vector foreign policy, but calls on the Commission to ensure that EU assistance is not directed within Armenia towards sectors affected by Russian sanctions against the EU, and urges the Commission to strictly oversee the adherence of EU Member States to Council Regulation (EU) No 833/2014, in order to avoid Russia procuring dual-use goods and technology via Armenia;

25. Welcomes the agreement reached on the protection of trademarks, including the transitional provisions in Article 237 on cognac and champagne, thereby protecting EU interests and also allowing Armenia to develop its trade in all the major sectors of its economy;

Energy and other areas of cooperation

26. Welcomes the emphasis placed, notably in Article 42, on nuclear safety on the basis of the standards and practices of the International Atomic Energy Agency (IAEA) and of the European Union; regrets the decision of the Armenian authorities to extend the life of the Medzamor nuclear plant, and reiterates its grave concern over the persisting discrepancy between the safety standards of this nuclear plant and the major risks arising from its location in a seismic area; praises the

negotiators for the inclusion in Article 42 of the CEPA of specific cooperation on 'the closure and safe decommissioning of Medzamor nuclear power plant and the early adoption of a road map or action plan to that effect, taking into consideration the need for its replacement with new capacity to ensure the energy security of the Republic of Armenia and conditions for sustainable development';

27. Welcomes, furthermore, the specific provisions for cooperation on environmental issues in Armenia, given the urgent need for progress in this area as well as the opportunities for job creation and reduced dependency on energy imports that may result from the development of clean alternative sources of energy; in particular, calls on the Commission to assist and support the Armenian government both technically and financially in its ambitious plan to develop renewable energy;

28. Calls on the Armenian authorities to enhance transparency and accountability in public finance management, as well as in public procurement and the privatisation process, and, furthermore, to strengthen supervision of the banking sector;

29. Emphasises the importance of the provisions on dialogue and cooperation on employment policy, labour rights such as health and safety at work, gender equality and anti-discrimination, including for vulnerable and marginalised groups, in order to provide better jobs with improved working conditions, notably for young Armenians, and contribute to the fight against high unemployment and severe poverty;

Institutional provisions

30. Welcomes the establishment of a Parliamentary Partnership Committee under Article 365 of the Agreement, and commits to swiftly establishing, together with the Parliament of Armenia, its rules of procedure with a view to an early launch of its activities;

31. Reiterates its request to the Commission and the EEAS to transmit to Parliament a detailed written report on the implementation of international agreements every six months, in line with its recommendation of 15 November 2017 to the Council, the Commission and the EEAS on the Eastern Partnership, in the run-up to the November 2017 Summit, which reaffirmed Parliament's resolve to increase its monitoring of the implementation of international agreements with the eastern partners and to increase its scrutiny of EU support provided in this respect;

32. Calls on the EU and the Armenian authorities to step up their communication efforts regarding the aims and objectives of this new agreement, in order to further improve public awareness, both in Armenia and in the EU, of the expected opportunities and benefits that would arise from its conclusion; calls, furthermore, on both parties to maintain their efforts to counter any disinformation campaigns related to EU-Armenian relations;

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33. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Government and Parliament of Armenia.

P8_TA(2018)0286

EU-Iraq Partnership and Cooperation Agreement (resolution)

European Parliament non-legislative resolution of 4 July 2018 on the draft Council decision on the conclusion of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part (10209/1/2012 — C8-0038/2018 — 2010/0310M(NLE))

(2020/C 118/06)

The European Parliament,

— having regard to the draft Council decision (10209/1/2012),

— having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part ([1]),

— having regard to the request for consent submitted by the Council in accordance with Article 91, Article 100, Article 207, Article 209 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0038/2018),

— having regard to its resolution of 17 January 2013 on the EU-Iraq Partnership and Cooperation Agreement ([2]),

— having regard to the joint communication from the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the Commission of 8 January 2018 on elements for an EU strategy for Iraq,

— having regard to the Council conclusions of 22 January 2018 establishing a new strategy on Iraq,

— having regard to the Commission's Multiannual Indicative Programme for Iraq (2014-2017),

— having regard to its resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' ([3]),

— having regard to its resolution of 27 October 2016 on the situation in Northern Iraq/Mosul ([4]),

— having regard to UN Security Council resolutions 2367 (2017) of 14 July 2017 and 2379 (2017) of 21 September 2017,

— having regard to its legislative resolution of 4 July 2018 ([5]) on the draft decision,

— having regard to Rule 99(2) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A8-0224/2018),

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([1]) OJ L 204, 31.7.2012, p. 20.
([2]) OJ C 440, 30.12.2015, p. 83.
([3]) OJ C 35, 31.1.2018, p. 77.
([4]) OJ C 215, 19.6.2018, p. 194.
([5]) Texts adopted, P8_TA(2018)0285.

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A. whereas Europe and Iraq are linked by thousands of years of mutual cultural influences and a common history;

B. whereas Iraq has been ravaged by decades of dictatorial rule by Saddam Hussein, who initiated wars of aggression against Iran in 1980 and against Kuwait in 1990, by crippling sanctions, and by internal conflict after the US-led invasion of 2003, including sectarian violence and Kurdish secessionism, and jihadist terrorism by Daesh; whereas all of these factors explain the magnitude of the challenges that Iraq faces as it strives to make progress towards better governance, economic progress and national reconciliation;

C. whereas the EU has reaffirmed its commitment to building a strong partnership with Iraq, based on the Partnership and Cooperation Agreement, and to supporting the Iraqi authorities throughout the transition to democracy and reconstruction process, while also tackling the root causes of the political, social and economic instability; whereas the reconstruction efforts have been estimated to cost as much as USD 88 billion;

D. whereas the EU Member States involved in the 2003 war, and the EU as a whole, have a particular responsibility in assisting the Iraqi population and supporting efforts to achieve peace and stability in the country;

E. whereas parliamentary elections took place on 12 May 2018; whereas in the region, beset with the retrenchment of authoritarian regimes and practices, Iraq provides one of the few examples of a competitive political environment, including a multi-party system and relatively free media; whereas the political forces in the country seem to realise the need to form cross-sectarian alliances in order to enhance the legitimacy and stability of the system; whereas genuine and competitive elections are of fundamental importance for democratic consolidation in Iraq; whereas the full participation of all parts of Iraqi society will be an important step towards an inclusive democracy and a shared sense of nationhood;

F. whereas a significant improvement in the security situation is needed to promote stabilisation, reconciliation, inclusive governance and economic and social progress in the country both at national and local level; whereas accountability for the crimes committed by all parties is necessary to achieve reconciliation; whereas the EU provides assistance for security sector reform in Iraq through the EU Advisory Mission; whereas the UN Assistance Mission to Iraq (UNAMI) has been present in the country since 2003 and has undertaken significant work in advancing inclusive political dialogue and national reconciliation; whereas NATO continues to carry out its Capacity Building Initiative in Iraq, which focuses on countering improvised explosive devices, explosive ordnance disposal, de-mining, civil-military planning, Soviet-era equipment maintenance, military medicine and reform of Iraqi security institutions;

G. whereas Iraq faces governance challenges in terms of institutional and administrative capacity-building and consolidating the rule of law, law enforcement and respect for human rights, including women rights and rights of all ethno-religious minorities;

H. whereas it is important to tackle unemployment and social exclusion, especially among young people, in order to prevent them from becoming radicalised and hence easy recruits for terrorist organisations or other organised crime groups;

I. whereas the Iraqi Counter Terrorism Service, the main actor behind the liberation of Mosul, suffered heavy casualties and must receive proper recognition and support in order to enhance its recruitment capabilities so that the force can return to an equitable and sustainable size;

J. whereas the Iraqi authorities should view the country's oil revenues as an opportunity and a tool for achieving sustainable social and economic reconstruction which will benefit Iraqi society as a whole, rather than distributing these revenues on the basis of clientelism; whereas significant oil deposits lie within the autonomous Kurdistan Region of Iraq; whereas it is necessary to normalise relations between the central government in Baghdad and the Kurdistan Regional Government of the autonomous Kurdistan Region of Iraq in line with the provisions of the constitution;

K. whereas Iraq is a patchwork of communities often in competition for power and control over national resources; whereas thousands of Iraqi citizens, including from minority communities, and in particular women and girls, were inhumanly exterminated or enslaved by Daesh in acts of war crimes and crimes against humanity; whereas terrorist and extremist groups are still able to easily exploit inter-sectarian and local tensions; whereas more than 1,5 million Christian Iraqi citizens (Chaldeans, Syriacs, Assyrians and members of other Christian minorities) were living in Iraq in 2003, and whereas they constitute an ancient, native population group which is in serious danger of persecution and exile; whereas millions of Iraqi citizens, including Christians, were forced to flee the violence, either leaving their country completely or being displaced within its borders; whereas Kurds make up a significant minority of the population of Iraq, the majority of whom live within the autonomous Kurdistan Region of Iraq;

L. whereas Daesh, al-Qaeda and like-minded terrorist organisations are inspired by the extreme version of Salafism/Wahhabism; whereas, despite the military and territorial defeat of Daesh, the threat of this ideology still needs to be tackled through improved governance, education, provision of services, de-radicalisation efforts and full inclusion of the Sunni community in the Iraqi political process;

M. whereas, to date, in a country of 26 million inhabitants, there are 11 million people in need of humanitarian aid, more than 3 million Iraqis have been internally displaced, many of whom are hosted within the Kurdistan Region of Iraq, and there are 246 000 refugees from Syria; whereas providing economic support for internally displaced persons (IDPs) to rebuild their livelihoods is essential for their return;

N. whereas the territorial defeat of Daesh is the result of the efforts of the Iraqi armed forces, supported by the Global Coalition against Daesh, as well as the various Popular Mobilisation Units, the Peshmerga and other allied forces; whereas, despite the territorial defeat of Daesh in Iraq, the jihadist threat persists and endangers the consolidation of stability and security in the country, especially along the Syrian border; whereas it is necessary, for the reconstruction of the country and the integration of Iraqi society, to surpass the differences based on religious criteria, dissolving the Popular Mobilisation Units and integrating its members according to the needs of the state, a move without which it will not be possible to achieve a functional state based on democracy and pluralism; whereas in 2016 the Iraqi Parliament passed a law that effectively made the constellation of militias a permanent fixture of Iraq's security forces; whereas a united, plural and democratic Iraqi state is the prerequisite for stability and development of the country and its citizens;

1. Welcomes the conclusion of a Partnership and Cooperation Agreement (PCA) between the EU and Iraq; calls for full use to be made of the mechanisms it establishes in order to deepen the ties between the EU and Iraq;

2. Stresses that the PCA is an essential instrument for implementing the EU strategy for Iraq and for strengthening our cooperation in the country's reconstruction, stabilisation and reconciliation at national and local level with a long-term strategy; emphasises the importance of Iraqi ownership in the process of building a democratic, federal and pluralist state based on respect for human rights and rule of law;

3. Welcomes the initiative taken in convening the International Conference for the Reconstruction of Iraq, which took place in Kuwait on 12 February 2018; calls for the EU and its Member States to deliver on their financial and technical assistance commitments;

4. Welcomes the EU's commitment to providing longer term support to the country and the fact that it has identified Iraq as a pilot country in which to better address and operationalise the humanitarian-development nexus in order to foster a transition from humanitarian assistance to longer term reconstruction and stabilisation; recalls that the Iraq crisis is a UN level 3 emergency and that 11 million people are currently in need of assistance; urges the EU and its Member States, therefore, to first of all step up their efforts to urgently address key humanitarian challenges and human needs, in particular regarding the more than 3 million IDPs;

5. Stresses that poverty is widespread in the country and that, in spite of Iraq being an upper-middle income country, years of violence, conflict and sectarianism have considerably undermined progress in development; calls for the EU to focus its development assistance, through targeted projects, on the most vulnerable groups and the people most in need, namely women and children, young people, IDPs and refugees;

The priorities of EU action in Iraq

6. Calls for the EU and its Member States to maintain the humanitarian assistance they are currently providing to help and protect all Iraqis affected by the conflicts, using aid as a means to help consolidate governance, democracy and rule of law; calls on the Commission and the Member States to ensure comprehensive oversight of the financial assistance they have provided to ensure that it is reaching those in need; stresses that all Iraqi people have the legal right to obtain civil documentation and to access aid without any discrimination;

7. Calls for the EU to intensify its cooperation to facilitate the stabilisation and security of recently liberated areas and allow for the safe, informed, voluntary and dignified return of IDPs; calls for the EU to continue supporting the Iraqi authorities to ensure democratic election processes, and to help the Iraqi Independent High Electoral Commission with its efforts to allow IDPs to vote in the elections; encourages the EU to provide technical assistance for enhancing Iraq's capacity in terms of demining and removal of explosive hazards from liberated areas; calls on the Iraqi Government to work towards accelerating the registration processes for demining organisations;

8. Urges the EU and the Member States to provide urgent financial assistance for the reconstruction of priority infrastructure and the restoration of essential public services, such as access to water and sanitation, electricity, education and healthcare, so as to ensure basic living standards for the population, to enhance support for civil society and to prioritise funding for projects that support actors promoting accountability and democratic change; calls on EU Member States to support an urban reconstruction planning process that enables citizen engagement in the decision-making processes related to reconstruction so as to ensure inclusivity in urban planning and recovery with the aim of improving trust between citizens and the state; urges the Commission to ensure that the reconstruction funds provided are spread evenly among communities in need, regardless of the recipients' ethnic or religious identification, and channelled through legitimate state agencies rather than through sub-state actors; believes that financial assistance could also be introduced and distributed to local entrepreneurs and businesses to ensure provision of capital for small and medium-sized enterprises;

9. Calls for the EU to make every effort to encourage the pursuit of a sustained and constructive dialogue between the central authority and the authorities of the Kurdistan Region of Iraq, in particular after the September 2017 referendum held in Kurdistan, with a view to establishing stable relations which satisfy both parties, fostering inclusive decision-making at the highest level and fully respecting the country's diversity and the rights of all parts of Iraqi society, as well as the principles of the Iraqi Constitution and the unity, sovereignty and territorial integrity of Iraq; stresses the need to solve the demarcation of the boundary between the Kurdish region and the rest of Iraq through dialogue with UN support; believes that Iraq and the autonomous Kurdistan Regional Government should be able to benefit from oil exports without outside interference; calls also for the EU to promote stronger cooperation between federal and local authorities to effectively rebuild the country and reach long-term stability and a peaceful coexistence; stresses the urgent need for the Kurdistan region of Iraq to implement the necessary political and economic reforms, combat corruption and enable the emergence of functioning new parties and guarantee genuine and competitive elections to the regional parliament in 2018;

10. Believes that, during the transition from emergency assistance to development, a long-term approach, stabilisation, reforms and improvements in the areas of good governance and accountability, education and skills development, access to livelihood opportunities and provision of health and basic social services are priority areas for development assistance; stresses also the importance of reforms to improve the gender balance and the representation of women in the country's political life; looks forward to receiving concrete proposals on envisaged actions that respond to those needs and urges the Commission to provide evidence of the results and impacts achieved within the framework of the multiannual indicative programme 2014-2017;

11. Expresses its concern at the high degree of fragmentation of Iraqi society; calls for the EU, in coordination with UNAMI and the Iraqi authorities, to fully support the work of the National Reconciliation Commission to promote inter-communal reconciliation and an Iraqi-owned national reconciliation process, to ensure respect for the diversity of Iraq and to promote inclusive and representative governance, at national and local level, which will help strengthen a common sense of Iraqi citizenship; notes that the need for conflict prevention and for addressing security challenges, as well as the demand for reconciliation, mediation and dialogue initiatives, makes it necessary to significantly increase the funds available for such initiatives, mainly through the use of the Instrument contributing to Stability and Peace (IcSP); welcomes the recommendations by Iraqi religious leaders for the Government of Iraq to establish a council of senior clerics and scholars in Iraq, to send a request to the Iraqi Parliament to endorse a law that criminalises extremist religious speeches that incite hatred and violence and to punish those who encourage such acts, to review the curricula and to focus on reconciliation and national citizenship and not on sectarian identity;

12. Encourages the international community and the EU to provide support for preserving the diversity of ethnic, cultural and religious identities in Iraq; calls, within the framework of the Constitution of Iraq, for ways to be explored to recognise, protect and enhance the local self-rule of ethnic and religious minorities living in areas where they have historically had a strong presence and lived peacefully alongside each other — for example in the Sinjar mountains (Yazidis) and the Nineveh plains (Chaldean-Syrian-Assyrian peoples); calls on the Iraqi authorities to allow Kurds, Christians and Yezidis to return to their original areas of residence and to ensure it is safe for them to do so;

Political dialogue

13. Calls for the EU to strengthen its political dialogue with the Iraqi authorities in order to promote respect for human rights and the strengthening of democratic institutions through greater respect for the rule of law, good governance and an efficient judicial system; calls, in this context, for the abolition of the death penalty to be prioritised in this dialogue, and calls on the Iraqi authorities to apply a moratorium on the death penalty with immediate effect;

14. Stresses the need to support the development of Iraqi civil society and its full political representation and participation in the various reform processes; maintains that particular attention should be paid to the representation of women, young people and people from all ethnic and religious groups of Iraqi society, including Christians, Shia and Sunni Muslims, Yazidis and Mandaeans, Shabak, Kurds, Turkmens and others, whose demands need to be addressed; stresses, at the same time, the need to establish as a priority the achievement of an inclusive, non-sectarian political class, representative of all parts forming Iraqi society;

15. Calls for the EU and its Member States, taking into account the body of EU law in the area of combating corruption, to initiate, with the Iraqi authorities, programmes for judicial cooperation and exchange of best practices and effective tools in order to tackle widespread corruption and thereby ensure a fair distribution of the country's wealth; emphasises the importance of the EU as a source of advice to the Iraqi Government on issues of security and governance to ensure the stability of Iraq;

16. Praises the contribution of the Iraqi armed forces to the global fight against the terrorist organisation Daesh; continues to provide support for the comprehensive action to combat terrorism being carried out by the Global Coalition against Daesh, which remains a prominent threat in spite of recent military gains against the organisation, while ensuring respect for international law and human rights; recognises that the fight against terrorism in Iraq is greatly influenced by situations surrounding it, such as the war in Syria; calls for the EU to establish a dialogue on issues relating to the fight against terrorism with a view to reforming anti-terrorism legislation and strengthening the country's capacity to deal with terrorist threats and to work with the Iraqi authorities to combat impunity for any crimes aimed against any group, whether ethnic, religious or other, including minorities in all their forms; understands that the root causes of terrorism must be addressed in order to be able to combat it;

17. Calls for the EU to encourage the Iraqi authorities to adopt a national strategy to deal with crimes committed by Daesh and to accede to the Rome Statute of the International Criminal Court (ICC), voluntarily accepting the ICC's jurisdiction to investigate transparently and fairly and ensure accountability for the human rights violations, war crimes and

crimes against humanity committed by Daesh; stresses the need for credible prosecution of those responsible for the crimes committed by Daesh, with the meaningful participation of victims and the creation of a thorough judicial record of these crimes; is concerned, at the same time, that an excessively broad scope for prosecutions may risk further injustices, impeding future community reconciliation and reintegration;

18. Underlines the need for extensive expertise in issues related to media and freedom of expression when training local media actors in peace journalism;

19. Calls for the EU to acknowledge its responsibility for EU citizens who travelled to Iraq to take part in crimes committed by Daesh and who should be subject to the rule of law and stand trial; calls for clear procedures to be set up between Iraq and the respective EU Member States regarding repatriation and the legal responsibility of those involved;

20. Calls on the Commission to support reform of the judicial system, in particular with regard to transitional justice, in order to ensure compliance with international standards on due process, fair trials and judicial independence and impartiality so as to ensure accountability within government structures; calls also for the EU to work with the Iraqi authorities to combat impunity for any crimes aimed against any groups, whether ethnic, religious or other, including minorities in all their forms;

21. Calls on the Iraqi authorities to prioritise gender equality and the eradication of all violence and discrimination against women and girls, including gender-based violence; stresses in this regard the importance of abolishing the law that exonerates the accused from prosecution for rape, sexual assault, statutory rape, abduction or similar acts if the rapist marries his rape victim;

22. Calls for the EU to promote good and constructive relations between Iraq and its neighbours as well as its role as a contributor to regional peace; underlines that Iraq engages extensively with the United States and Iran, and has recently improved its relations with Saudi Arabia, which could potentially make Iraq a focal point of regional efforts to de-escalate tensions; calls on all parties involved to implement paragraph 8 of UN Security Council Resolution 598 calling for a regional security arrangement among the littoral states of the Persian Gulf;

23. Calls for the EU to work with the Iraqi authorities in the drafting of a national strategy for the protection and exhumation of mass graves in order to preserve mass graves in areas of recent conflicts, with the aim of exhuming and forensically analysing the human remains therein, in order to allow for decent burial of the victims' remains or release to the family, and in order to secure evidence and enable the investigation and prosecution of suspected crimes against humanity; calls also for actions from the EU and the Member States in order to urgently set up a group of experts seeking to collect all evidence of any ongoing international crime, including genocide, wherever such crimes may be committed, in preparation for the international prosecution of those responsible;

24. Calls for an annual commemoration day for the victims of the terrorist atrocities of Daesh, al-Qaeda and similar terrorist organisations to be instituted globally;

Sectoral cooperation

25. Stresses that the reconstruction and stabilisation process must be accompanied by coherent economic and social development policies which benefit all Iraqis in a sustainable and inclusive manner; calls for the EU to engage fully with the Iraqi authorities not only to address the economic and budgetary imbalances but also to promote sustainable and inclusive economic growth capable of generating jobs, particularly for young people, in addition to establishing a framework for trade and creating a favourable environment for investment; calls for the EU to encourage and support Iraq in providing young people who missed out on formal education when they became forcibly displaced by Daesh with opportunities to access formal educational programmes that will equip them with knowledge and skills to improve their chances of getting jobs;

26. Calls for the EU to encourage and support Iraq in the diversification of its economy;

27. Is concerned about the high drop-out rate among students of both sexes from Iraqi schools (as denounced by civil society organisations, according to which 60 % of those who had enrolled in primary schools in 2015 have since dropped out); highlights that high levels of literacy are key to building positive peace in conflict-affected contexts;

28. Calls for the EU to enhance its cooperation in the education sectors and for education reform in order to ensure access to quality education at all levels and for all, especially minors; recognises the problem of lack of access to school for girls on account of customs, perceptions in society, poverty and safety; calls for the EU to promote awareness regarding the education of girls and to work with the Iraqi Government to improve the situation, as this is crucial for the improvement of their quality of life;

29. Calls for the EU to develop cooperation opportunities in the field of science and research, notably university cooperation and partnerships, in particular as regards Erasmus+ and exchange opportunities in the field of teaching and research;

30. Calls for the EU to pursue and strengthen cooperation on cultural matters in order to protect, preserve and reconstruct the artistic and cultural heritage of Iraq;

31. Welcomes the launch, at the request of the Iraqi authorities and as part of the Iraqi security strategy, of a mission to support security sector reform in Iraq (EUAM Iraq); hopes that this will help strengthen the public institutions and allow an impartial and inclusive police force to be established; underlines that security sector reform in Iraq is an important challenge that should be also supported by the UN; stresses the need to encourage the demobilisation of militias and reintegration of fighters as part of a larger effort to reform the security sector and through tailor-made reintegrating programmes, when needed;

32. Calls for the EU to provide enhanced technical assistance to the Iraqi authorities for sound natural resource management, improved tax collection and the reduction of illicit financial flows, with the aim of ensuring that Iraq will be able to finance its development domestically in the medium term and reduce inequality among its population and its regions; stresses the need to actively advise the private sector and investors with a view to enhancing both conflict sensitivity and their contribution to peacebuilding and sustainable development;

33. Calls for the EU to establish with Iraq, within the framework provided for by the PCA, a dialogue on all aspects of migration, and to implement a human-rights based approach to address migration, bearing in mind the need to find long-term, effective and viable solutions, for the benefit of the citizens of both the EU and Iraq;

34. Stresses that Iraq is a potentially important partner in ensuring the rebuilding of energy-linked infrastructure and a greater diversification of energy sources for Iraq and of sources of supply for the EU; calls for the EU, therefore, to support Iraq in its energy transition and to cooperate with Iraq in establishing common projects and the exchange of good practices and know-how in the key areas of energy efficiency, renewable energy, the environment and efficient management of resources, including water, with the objective, inter alia, of accelerating the implementation of the Sustainable Development Goals;

35. Recalls that women and girls are disproportionately affected by conflict and extremism, and that they are more vulnerable to violence and abuse, including sexual violence, torture, human trafficking, slavery and child marriage; stresses the need to address the specific humanitarian and development needs of women and girls, particularly in displaced communities; calls for the EU to further promote equality between women and men and women's empowerment though its development efforts and to emphasise the role of women in recovery and peacebuilding in the country;

36. Highlights the need to invest in Iraqi agriculture in view of its high employment potential and the importance of repopulating rural areas, where the population is in constant decline on account of the conflicts;

37. Commends Iraq's firm commitment to joining the World Trade Organisation and asks the Commission to assist the Iraqi authorities in their efforts to re-join the world economy and trade;

Institutional relations

38. Insists that all assistance provided by the Union is subject to strict compliance with the principles of respect for human rights and the rule of law, and will be accompanied by a constant evaluation process, the results of which the Parliament is to be duly informed in accordance with Article 113 of the PCA;

39. Undertakes to set up, with the Iraqi Parliament, a parliamentary cooperation committee, as provided for by the PCA, so that it can begin its activities, including monitoring the implementation of EU-Iraq cooperation projects;

40. Calls for its Democracy Support and Election Coordination Group (DEG) to include Iraq in its list of priority countries for 2019 and to engage in capacity-building programmes for the Iraqi Parliament; calls on the Commission to support these programmes;

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41. Instructs its President to forward this resolution to the President of the European Council, the President of the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the Government and the Council of Representatives of the Republic of Iraq.

Wednesday 4 July 2018

P8_TA(2018)0292

Towards an EU external strategy against early and forced marriages

European Parliament resolution of 4 July 2018 Towards an EU external strategy against early and forced marriages — next steps (2017/2275(INI))

(2020/C 118/07)

The European Parliament,

— having regard to its resolution of 4 October 2017 on ending child marriage [1],

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

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

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

— having regard to the UN Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989, and its four fundamental principles of non-discrimination (Article 2), the best interests of the child (Article 3), survival, development and protection (Article 6) and participation (Article 12), and having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child [2],

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

— having regard to the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,

— having regard to the UN General Assembly resolutions of 18 December 2014 and 19 December 2016 on child, early and forced marriage,

— having regard to the UN Human Rights Council's resolution 29/8 of 2 July 2015 on Strengthening efforts to prevent and eliminate child, early and forced marriage, its resolution 24/23 of 9 October 2013 on Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps and its resolution 35/16 of 22 June 2017 on Child, early and forced marriage in humanitarian settings,

— having regard to the position adopted by the Conference of Heads of State and Government of the African Union in June 2015 on child marriage, in Johannesburg (South Africa),

— having regard to the Joint General Comment of the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on Ending Child Marriage,

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[1] Texts adopted, P8_TA(2017)0379.
[2] OJ C 289, 9.8.2016, p. 57.

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

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

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

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

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

— having regard to the Council conclusions of 3 April 2017 on the promotion and protection of the rights of the child,

— having regard to the fundamental principles laid down in the 2016 European External Action Service communication on a Global Strategy for the European Union's Foreign and Security Policy,

— having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted by the Council on 25 June 2012 ([1]); having regard to the Action Plan on Human Rights and Democracy 2015-2019, adopted by the Council on 20 July 2015 ([2]); having regard to the joint staff working document of the Commission and of the High Representative of the Union for Foreign Affairs and Security Policy of 27 June 2017 entitled 'EU Action Plan on Human Rights and Democracy (2015-2019): Mid-Term Review — June 2017' (SWD(2017)0254),

— having regard to the revised EU guidelines for the promotion and protection of the rights of the child of 6 March 2017 entitled 'Leave No Child Behind',

— having regard to the European Consensus on Development of 7 June 2017, which underscores the EU's commitment to mainstreaming human rights and gender equality in line with the 2030 Agenda for Sustainable Development,

— having regard to 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 Women's Rights and Gender Equality (A8-0187/2018),

A. whereas child, early and forced marriages are a serious violation of human rights and, in particular, women's rights, including the rights to equality, autonomy and bodily integrity, access to education and freedom from exploitation and discrimination, and are a problem that exists not only in third countries, but might also occur in some Member States; whereas eliminating these practices is one of the priorities for the EU's external action in the field of promoting women's rights and human rights; whereas various international charters and laws prohibit the marriage of minors such as the UN Convention on the Rights of the Child and its Optional Protocols; whereas child, early and forced marriages have an extremely negative impact on the physical and mental health and personal development of the individuals concerned and on the children born from the marriages, and, as a result, on society as a whole; whereas child marriage is a form of forced marriage since children inherently lack the ability to give their full, free and informed consent to their marriage or its timing; whereas children represent part of a highly vulnerable group;

([1]) https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf
([2]) https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf

B. whereas the EU is committed to promoting the rights of the child, and whereas child, early, and forced marriages are a violation of these rights; whereas the EU is committed to comprehensively protecting and promoting the rights of a child in its external policy;

C. whereas no marriage shall be legally entered into without the full and free consent of both parties, and by any person under a minimum age for marriage;

D. whereas child marriage is a global problem which cuts across countries, cultures and religions; whereas child brides can be found in all regions of the world, from the Middle East to Latin America, from Asia to Europe and from Africa to North America; whereas child marriage also affects boys, but to a much lesser extent than girls;

E. whereas, to date, more than 750 million women have married before the age of 18, of whom 250 million were married before the age of 15; whereas there are currently around 40 million girls between the ages of 15 and 19 who are married or cohabiting; whereas, every year, some 15 million more get married before the age of 18, of whom 4 million get married before the age of 15; whereas 156 million boys have also married before the age of 18, of whom 25 million were married before the age of 15; whereas child, early and forced marriages are more frequent in poor, underdeveloped regions; whereas the number of child, early and forced marriages is increasing as the global population grows; whereas a recent UNICEF report estimates that, in 2050, around 1,2 billion girls will have married before the age of 18; whereas nine out of 10 countries with the highest child marriage rates are classified as fragile states;

F. whereas the root causes of child marriage are, in general, poverty, lack of education, deep-rooted gender inequalities and stereotypes, the perception that marriage will provide 'protection', family honour and the lack of effective protection of the rights of boys and girls as well as harmful practices, perceptions, customs, and discriminatory norms; whereas these factors are often exacerbated by limited access to quality education and job opportunities and are reinforced by certain entrenched social standards of child, early and forced marriages;

G. whereas child, early and forced marriages are linked to a high risk of early and unwanted pregnancies, high rates of maternal and child mortality, lower use of family planning and unwanted pregnancies with increased health risks, inadequate or non-existent access to information about sexual and reproductive health services and usually signal the end of a girl's education; whereas some countries even prohibit pregnant girls and young mothers from returning to the classroom; whereas child marriage can also lead to forced labour, slavery, and prostitution;

H. whereas, although the UN Convention on the Rights of the Child emphasises the importance of measures that encourage regular school attendance, many girls are not in education due to a number of factors, for example because schools are inaccessible or expensive; whereas child, early and forced marriages have a disproportionate devastating impact and lifelong consequences for their victims and very often deprive the persons concerned of the possibility of continuing their studies as girls tend to drop out of school during the preparatory time before a marriage or shortly afterwards; whereas education, including sex education, is an effective way of preventing child, early and forced marriages because access to education and training contributes to empowerment, employment opportunities and promotes freedom of choice, the right to self-determination and active participation in society enabling individuals to free themselves from any form of control adversely affecting their rights without which the economic, legal, health and social situation of women and girls and the development of society as a whole continues to be hampered;

I. whereas, every year, 17 million children have a child, forcing them to take on adult responsibilities and endangering their health, education and economic prospects; whereas child, early and forced marriages expose girls to early childbearing involving considerable risks and difficulties during pregnancy and childbirth, particularly owing to highly inadequate or non-existent access to medical support, including high-quality health centres, frequently resulting in maternal mortality and morbidity; whereas there is an increased risk of contracting transmitted infections including HIV; whereas complications in pregnancy and childbirth are the leading cause of death in girls aged 15 to19 in low- and middle-income countries; whereas the mortality rate of babies born to adolescent mothers is around 50 % higher and

these babies have a higher risk of physical and cognitive development problems; whereas the experience of frequent and early pregnancies may also cause a range of long-term health complications, and even death;

J. whereas child, early and forced marriages are a violation of the rights of the child and a form of violence against girls and boys, and whereas, as such, states have an obligation to investigate allegations, prosecute perpetrators and provide redress to the victims, who are primarily women and girls; whereas these marriages must be condemned and cannot be justified on any cultural or religious grounds; whereas child, early and forced marriages increase the risk of gender-based violence, and are often at the origin of domestic and intimate partner violence and sexual, physical, psychological, emotional and financial abuse and other practices harmful to girls and women, such as female genital mutilation and so-called honour crimes, as well as increasing the risk of girls and women being exposed to discrimination and gender-based violence during their lives;

K. whereas the number of child, early and forced marriages increases significantly in situations of instability, armed conflict and natural and humanitarian disasters, during which medical and psychological care or access to education as well as opportunities to make a livelihood are often lacking and social networks and routines are disrupted; whereas during the recent migration crises, some parents, seeking to protect their children, especially daughters, from sexual aggression, or because they are regarded as a financial burden on their families, feel they have no choice but to have them marry before the age of 18 in the belief that it could provide a route out of poverty;

L. whereas the Istanbul Convention classifies forced marriage as a form of violence against women, and calls for the acts of forcing a child to enter into a marriage and of luring a child abroad with the purpose of forcing her or him to enter into a marriage to be criminalised; whereas the lack of access by victims to legal, medical, and social support can exacerbate the issue; whereas 11 EU Member States have yet to ratify the convention;

M. whereas the nature of child, early or forced marriages means many cases often go unreported, with cases of abuse crossing international borders and cultural boundaries, and can amount to a form of human trafficking, leading to slavery, exploitation, and/or control;

N. whereas in July 2014 the first Girl Summit, aimed at mobilising domestic and international efforts to end female genital mutilation and child, early and forced marriages within a generation, took place in London;

O. whereas preventing and responding to all forms of violence against girls and women, including child, early and forced marriages, is one of the targets of the EU Gender Action Plan 2016-2020;

P. whereas child marriage will cost developing countries trillions of dollars by 2030 ([1]);

Q. whereas early and child marriages remain a taboo subject which needs to be addressed publicly so as to put an end to the daily suffering of the young and adolescent girls involved and the continuous violation of their human rights; whereas one way of doing so would be to support and disseminate the work of journalists, artists, photographers and activists addressing the issue of early marriages;

([1]) Wodon, Quentin T.; Male, Chata; Nayihouba, Kolobadia Ada; Onagoruwa, Adenike Opeoluwa; Savadogo, Aboudrahyme; Yedan, Ali; Edmeades, Jeff; Kes, Aslihan; John, Neetu; Murithi, Lydia; Steinhaus, Mara; Petroni, Suzanne, *Economic Impacts of Child Marriage: Global Synthesis Report*, Economic Impacts of Child Marriage, Washington, D.C., World Bank Group, 2017.

1. Notes that some EU Member States allow marriage at 16 years with parental consent; calls on legislators, both in the EU Member States and in third countries, to set the minimum uniform age for marriage at 18 years and to adopt necessary administrative, legal and financial measures to ensure effective implementation of this requirement, for example by promoting the registration of marriages and births and by ensuring that girls have access to institutional support mechanisms including psycho-social counselling, protection mechanisms and opportunities for economic empowerment; reiterates that child, early and forced marriages should be regarded as a serious violation of human rights and an infringement of the fundamental rights of the children concerned, first and foremost of the right to freely express their consent and the right to their physical integrity and mental health, but also indirectly of the right to education and to the full enjoyment of civil and political rights; condemns child, early and forced marriages and considers that any infringement of legislation should be addressed in a proportionate and effective manner;

2. Believes it is important to tackle the multiple causes of child, early and forced marriages, including harmful traditions, endemic poverty, conflicts, customs, consequences of natural disasters, stereotypes, a lack of regard for gender equality and women's and girls' rights, health and well-being, the lack of appropriate educational opportunities, weak legal and policy responses with special attention to children from disadvantaged communities; calls, in that regard, for the EU and its Member States to work together with the relevant UN bodies and other partners to draw attention to the issue of child, early and forced marriage; calls for the EU and Member States to meet the objectives of the 2030 Sustainable Development Agenda to combat harmful practices, such as female genital mutilation, more effectively and to hold those responsible to account; supports increased funding from the EU and its Member States via development aid mechanisms which promote gender equality and education, in order to improve access to education for girls and women and strengthen opportunities for them to participate in community development and in economic and political leadership, with a view to addressing the causes of child, early and forced marriages;

3. Recognises that a statutory ban on child, early and forced marriages by itself would not guarantee an end to these practices; calls for the EU and its Member States to better coordinate and strengthen the enforcement of international treaties, legislation and programmes, as well as via diplomatic relations with governments and organisations in third countries, in order to address issues related to child, early and forced marriages; calls for every effort to be made to enforce statutory bans and complement them with a broader set of laws and policies; recognises that this requires the adoption and implementation of comprehensive and holistic policies, strategies and programmes, including the repeal of discriminatory legal provisions concerning marriage and the adoption of affirmative measures to empower girl children;

4. Notes that gender inequality, the lack of respect for girls and women in general and adherence to cultural and social traditions which perpetuate discrimination against girls and women are among the biggest obstacles to combating child, early and forced marriages; recognises, furthermore, the link between child, early and forced marriages and honour-based violence and calls for such crimes to be properly investigated and for the prosecution of the accused; notes, in addition, that boys and young men can also be the victims of such violence; calls for these practices to be addressed in all of the EU's relevant programming and in the EU's political dialogues with partner countries in order to provide mechanisms to tackle them, as well as through education and awareness-raising efforts in partner countries;

5. Points out that in order to comprehensively tackle child, early and forced marriages, the European Union, as a major actor in global development and human rights, must play a leading role in cooperation with regional organisations and local communities; calls on the EU and the Member States to work with law enforcement authorities and judicial systems in third countries, and to provide training and technical assistance to help with the adoption and enforcement of the legislation prohibiting child, early and forced marriages and eliminating laws, social standards and cultural traditions which act as a brake on the rights and freedom of young girls and women; calls on Member States to contribute to initiatives such as the EU-UN Spotlight Initiative focused on eliminating all forms of violence against women and girls;

6. Calls, therefore, on the Member States which have not already done so to include a complete ban on child, early and forced marriages in their domestic legislation, to enforce penal law and to ratify the Istanbul Convention; calls on Member States to cooperate with civil society in order to coordinate their actions on the issue; stresses the importance of adequate

and long-term support, for shelters for women and refugees and unaccompanied and displaced children, so that no-one is denied protection due to lack of resources; calls on all Member States to enforce the minimum age for marriage set by legislation and to monitor the situation, by collecting gender disaggregated data and evidence on related factors, in order to be able to better assess the magnitude of the problem; calls on the Commission to set up a European database, including information from third countries, to monitor forced marriage;

7. Calls on the European Union, in the context of its foreign and development cooperation policies, to offer a strategic pact to its partners, and, to that end, to require that:

(a) all its partner countries prohibit child, early and forced marriages, eliminating any legal loopholes and that they enforce legislation in line with international human rights standards, including the removal of any provisions that could allow, justify or give rise to child, early or forced marriages, including those that enable the perpetrators of rape, sexual abuse, sexual exploitation, abduction, people trafficking or modern forms of slavery to escape prosecution and punishment if they marry their victims, specifically by repealing or amending those laws;

(b) this prohibition is respected and enforced in practice at all levels once the law has entered into force, and that comprehensive and holistic strategies and programmes that include measurable progressive targets are put in place to prevent and eradicate child, early and forced marriages, and that they be adequately funded and evaluated, notably through ensuring access to justice and accountability mechanisms and remedies;

(c) partner governments show sustained leadership and political will to end child marriage and develop comprehensive legal frameworks and action plans with clear milestones and timelines integrating child marriage prevention measures across different sectors, and calling for political, economic, social, cultural and civil environments that protect and empower women and girls and support gender equality;

(d) the resources needed to achieve this objective are mobilised, taking care to open this cooperation up to all institutional actors such as the judiciary, educational and health professionals, law enforcement, and community and religious leaders as well as civil society in the area of tackling child, early and forced marriages;

(e) the level of public development aid allocation to government authorities is made dependent on the recipient country's commitment to complying, in particular, with the requirements on human rights, including in the fight against child, early and forced marriages;

(f) the UNFPA and UN Children's Fund (UNICEF) programme is implemented in triangular cooperation involving these organisations, the European Union, its Member States and their civil society organisations working in this field and the partner countries in combating child, early and forced marriages through the implementation of budgeted national action plans, prioritising programmes and methods likely to go beyond so-called cultural, religious or tribal practices that, in reality, constitute the worst violations of the rights of children and the dignity of children; calls for this cooperation also to address the associated issues of honour-based violence;

(g) the implementation of these programmes build on the relevant conventions and texts, as well as the specific goals and targets adopted by the UN General Assembly Resolution of 25 September 2015 in the context of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), in particular Goal 3 ('Ensure healthy lives and promote well-being for all at all ages'), Goal 4 ('Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'), Goal 16 ('Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'), especially 'end abuse, exploitation, trafficking and all forms of violence against and torture of children';

(h) the implementation of these programmes should also build on Goal 5 of the SDGs ('Achieve gender equality and empower all women and girls'), including access to family planning and the full range of public and universal sexual and reproductive health rights, in particular modern contraception and safe and legal abortion for girls; calls on the Commission and Member States, in this context, to support the SheDecides movement and pledge additional funding to international aid for sexual and reproductive health services, including safe abortions and information about abortions, thereby countering the Global Gag Rule which was reinstated by the United States government in early 2017;

(i) issues relating to child, early, and forced marriages are raised in the ongoing dialogue between EU Special Representative for Human Rights, Stavros Lambrinidis and third countries; encourages the Commission and the Member States to integrate a gender perspective into peacebuilding and post-conflict reconstruction programmes, to develop economic livelihood and education programmes for girls and women who are the victims of child, early and forced marriages, and to facilitate their access to health and reproductive services in conflict-affected areas;

8. Considers it paramount to create space for respectful dialogue with community leaders and to raise awareness among the public in general and among those at risk in particular, on the basis of education and awareness-raising campaigns and through social networks and new media as part of the fight against child, early and forced marriage; calls, therefore, for the development of cross-cutting governmental, legal, societal, and diplomatic actions aimed at preventing such practices; believes it is crucial to engage within local communities with key stakeholders such as male and female teenage students, teachers, parents and religious and community leaders through community-based programmes or specific awareness-raising programmes to draw attention to the negative impact of child marriage on children, families and communities, about the existing law on child marriage and gender inequality and how to access funding to address it;

9. Considers that the empowerment of women and girls through education, social support and economic opportunities is a crucial tool to fight against these practices; recommends that the EU promote and protect equal rights for women and girls as regards access to education, placing special emphasis on free, high-quality primary and secondary education and integrating sexual and reproductive health education into schools' curricula providing girls' families with financial incentives and/or assistance for school enrolment and completion; stresses the need to guarantee refugee children full access to education and to promote their integration and inclusion in national education; recognises the need for support and protection for those who are at risk of child, early, or forced marriages, and those who are already in such a marriage in terms of education, psychological and social support, housing and other high-quality social services, as well as mental, sexual and reproductive health services and healthcare;

10. Calls for the European Union to ensure that training is provided to government officials, including their diplomatic staff, social workers, religious and community leaders, to all law enforcement agencies, judicial systems of third countries, teachers and educators and other personnel in contact with potential victims, so that they are responsive to cases of child marriage and gender-based violence, and better able to identify and support girls and boys exposed to child, forced and early marriages, domestic violence, the risk of sexual violence and any other practice which undermines human rights and dignity, and that they are able to take effective action to ensure that the rights and dignity of these individuals are respected;

11. Calls for the European Union to ensure that training is provided to law enforcement agencies so that they are better able to uphold the rights of girls exposed to forced and early marriages, domestic violence, the risk of rape and any other practice which undermines human dignity;

12. Calls on the Member States to guarantee migrant women and girls an autonomous residence permit which is not dependent on the status of their spouse or partner, in particular for victims of physical and psychological violence, including forced or arranged marriages, and to guarantee that all administrative measures are taken to protect them, including effective access to assistance and protection mechanisms;

13. Calls for the EU and its Member States to consider supporting and strengthening protection measures in third countries, such as safe shelters, and access to legal, medical, and, where necessary, consular support, for victims of child, early, and forced marriages;

14. Recognises that the European Union, which is committed to upholding human rights and fundamental values, including respect for human dignity, must be absolutely irreproachable at Member State level, and calls on the Commission to initiate a wide-ranging awareness-raising campaign and to dedicate a European year to the fight against child, early and forced marriages;

15. Strongly supports the work of the Girls Not Brides global partnership in ending child marriage and enabling girls to fulfil their potential;

16. Welcomes the African Union's ongoing campaign to end child marriage and the work of organisations such as the Royal Commonwealth Society to advocate increased action to end child marriage and tackle gender inequality;

17. Stresses the urgent need to inform and educate men and boys, winning their support for measures to uphold human rights, including the rights of children and women;

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

Wednesday 4 July 2018

P8_TA(2018)0293

The definition of SMEs

European Parliament resolution of 4 July 2018 on the definition of SMEs (2018/2545(RSP))

(2020/C 118/08)

The European Parliament,

— having regard to the Commission recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ([1]),

— having regard to the Commission communication of 23 February 2011 entitled 'Review of the "Small Business Act" for Europe' (COM(2011)0078), and to Parliament's resolution of 12 May 2011 on that communication ([2]),

— having regard to its resolution of 23 October 2012 on 'Small and Medium-sized Enterprises (SMEs): competitiveness and business opportunities' ([3]),

— having regard to its resolution of 8 September 2015 on family businesses in Europe ([4]),

— having regard to the judgment of the General Court of the Court of Justice of the European Union of 15 September 2016,

— having regard to the Commission communication of 22 November 2016 entitled 'Europe's next leaders: the Start-up and Scale-up Initiative' (COM(2016)0733),

— having regard to the question to the Commission on the definition of SMEs (O-000050/2018 — B8-0031/2018),

— having regard to the motion for a resolution of the Committee on Industry, Research and Energy,

— having regard to Rules 128 and 123(2) to (8) of its Rules of Procedure,

A. whereas the 23 million SMEs in the EU, which make up around 99 % of all businesses, employ almost two thirds of the European working population and provide more than 90 million jobs while generating some EUR 3,9 trillion in added value; whereas they make a vital contribution to economic growth, social cohesion and the creation and maintenance of sustainable and high-quality jobs, and are key drivers in the context of the energy transition, the fight against climate change and EU competitiveness on green technology, as well as a major source of innovation in the EU;

B. whereas 90 % of EU SMEs and 93 % of all EU companies in the non-financial business sector are micro firms, which contribute the largest share of value added and employment among SMEs as they employ approximately 30 % of the EU workforce, and thus need special attention;

C. whereas, in comparison with larger firms and regardless of their organisational structure, SMEs are disproportionately affected by administrative burdens and financial obstacles that impede their competitiveness, exports, and job creation; whereas they benefit at EU, Member State, regional and local level from specific support, including financing opportunities and simplified procedures, but further efforts extending beyond the political pledges already given could be made to create a simpler SME-friendly environment;

([1]) OJ L 124, 20.5.2003, p. 36.
([2]) OJ C 377 E, 7.12.2012, p. 102.
([3]) OJ C 68 E, 7.3.2014, p. 40.
([4]) OJ C 316, 22.9.2017, p. 57.

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D. whereas the definition of SMEs (hereinafter 'the SME definition') is referred to in approximately 100 EU legal acts, primarily in the areas of competition policy, financial market legislation and structural, research and innovation funds, but also in labour, environmental, energy, consumer protection and social security legislation, such as in the REACH secondary legislation and the Energy Efficiency Directive;

E. whereas a coherent legal environment with clear rules is advantageous for all businesses, and whereas a stringent SME definition is a tool that can mitigate market failures and problems inherent to competition between enterprises that differ in terms of size, volume of assets and business models;

F. whereas the Commission regularly monitors the implementation of the EU SME definition; whereas evaluations have been carried out on a number of occasions (in 2006, 2009 and most recently 2012) and have concluded that there is no need for a major revision of the EU SME definition;

G. whereas the cross-sectoral value chain for SMEs makes it possible to reduce institutional, technical and bureaucratic obstacles, and whereas effective support policies are needed for the creation of networks between businesses;

H. whereas an SME definition has to contribute to facilitating quality job creation, improving working conditions and security, and limiting any abuses to the absolute minimum;

The SME definition

Commission efforts

1. Welcomes the Commission's initial impact assessment, and approves of the focus on enterprises that are in need of support and simple rules with a view to streamlining planning and legal certainty for SMEs; welcomes in this context the public consultation conducted by the Commission;

2. Takes the view that, given the nature of this strategic instrument and the many differences between SMEs and Member States, the flexibility offered by the 2003 recommendation should be maintained; is convinced that the overall structure of the definition must be preserved and applied using the correct combination of the criteria already identified;

Re-evaluation of the SME definition

3. Calls on the Commission to prevent larger players from attempting to create artificial corporate structures to take advantage of the SME definition, which would lead to a system in which the available support is wrongly and more widely distributed and hence not available to SMEs in need; emphasises that an adjustment of the SME definition should always work to the benefit of SMEs and ease their access to public support;

4. Calls on the Commission to consider updating the SME definition while also taking account of the Commission's economic forecasts regarding inflation and labour productivity, so as to obviate the need for any rapid further adjustment over the next few years; believes that any future adjustments to the SME definition should be made in a manner that ensures the long-term stability of the definition;

5. Points out that the employee headcount has become a widely accepted criterion and should remain the main criterion; recognises that the headcount criterion has certain limitations in terms of accuracy for an EU-wide comparison, and believes therefore that turnover and balance sheet totals are also important criteria for the definition; highlights furthermore the importance of the proper acknowledgement of start-ups and of 'micro enterprises' and thus of the acronym MSME;

6. Stresses that there is a need to clarify the terms 'linked enterprise' and 'partner enterprise' and the status of SMEs in mergers; regards it as imperative to simplify procedures, red tape and the applicable rules; calls on the Commission, in that connection, to simplify the applicable rules; takes the view that, if start-ups work together with joint ventures, enterprises linked with the joint ventures should not be taken into account when assessing the start-up's SME status, provided that it is not an artificial construct and there are no further connections between the start-up and the linked enterprises;

7. Calls on the Commission to support the aggregation of undertakings, particularly clusters and business networks, with the aim of promoting the rationalisation of costs and improvements to the exchange of knowledge and expertise, with particular reference to innovation relating to both products/services and processes;

Other points relating to the SME definition

8. Welcomes the Commission's start-up and scale-up initiative; views the promotion of entrepreneurship as important for economic growth in the EU; welcomes the two-year transitional period during which, for example, high-growth companies would retain SME status; calls for an evaluation of the need to extend the transitional period; calls on the Commission to continue work on assisting entrepreneurs, start-ups and SMEs on fundraising initiatives, including new ones such as crowdfunding;

9. Takes the view that economic diplomacy instruments employed at EU level, such as the Mission for Growth, could be used to address economic challenges and exploit economic opportunities at global level more effectively; calls on the Commission to step up its efforts in that area under the EU industrial policy strategy, without creating duplicate structures; calls, in that connection, for an 'Export potential in relation to enterprise size' indicator to be developed in order to improve information and best-practice examples on opportunities for the internationalisation and international competitiveness of SMEs, and for additional support to be offered to SMEs with high export potential;

10. Is concerned that, despite the considerable contribution they make to employment and growth by virtue of their productivity, MidCaps (enterprises that have outgrown the SME definition but still typically have medium-sized structures) do not receive appropriate attention from policy-makers; calls, therefore, on the Commission to consider the establishment of a separate definition for these companies so as to enable targeted measures for MidCaps while avoiding the risk of broadening the SME definition to an extent that would be detrimental to its original objectives;

11. Notes that, in addition to SMEs, freelancers and large enterprises, MidCaps also contribute to employment and growth, especially by virtue of their productivity, and therefore deserve a fair level of attention in EU policies;

12. Calls on the Commission, in addition to prioritising measures for EU SMEs, to look into launching an initiative aimed at funding that would cover collaborative research access, digitalisation strategies and export market development;

Reporting obligations, statistics, studies and impact assessments

13. Believes that the future COSME, FP9 and Structural Funds programmes under the next MFF should continue to earmark sufficient amounts to support SMEs seeking to innovate and generate employment;

14. Underlines the importance of maintaining a clear and common definition of SMEs in the context of the ongoing negotiations on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, as SMEs are defined in EU law and are often attributed a special status in the Union's trading agreements;

15. Calls on the Commission to conduct a comprehensive study into the possible impact of the SME definition on business development and on 'lock-in effects', i.e. when enterprises deliberately opt not to expand in order to avoid bureaucratic burdens and other obligations that arise from the loss of their SME status;

16. Underlines that small local public service enterprises that meet the SME criteria fulfil important tasks for local communities, are deeply rooted in their local business environment and, inter alia, create the right preconditions for the growth of all other SMEs; notes that having public ownership does not necessarily imply financial or regulatory support by the public entity, thanks to national legislation, state aid laws or financially weak public entities; encourages the Commission, therefore, to conduct a study on the impacts of the definition on publicly owned enterprises which are financially independent, organised under private law or operate under competitive conditions with private companies;

17. Calls on the Commission to conduct a feasibility study of sector-specific SME definitions in order to scrutinise the impact of such an approach on these sectors of the economy and the added value generated;

18. Calls for the SME impact test which implements the 'Think Small First' principle to be made mandatory for all EU legislative proposals, beyond the Commission's own undertakings; stresses that the result of this test should be clearly indicated in the impact assessment of all legislative proposals; calls on the Commission to give such an undertaking in the next Interinstitutional Agreement on better law-making, and takes the view that an update of the Small Business Act for Europe could be considered;

Guidance for SMEs regarding the definition

19. Calls on the Member States and the Commission to provide guidance to enterprises on the procedures used to determine SME status and information about any changes concerning the SME definition or procedures, in a timely and optimal manner;

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

Wednesday 4 July 2018

P8_TA(2018)0295

Opening of negotiations for an EU-Jordan Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Hashemite Kingdom of Jordan on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Jordanian competent authorities for fighting serious crime and terrorism (COM(2017)0798 — 2018/2060(INI))

(2020/C 118/09)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Hashemite Kingdom of Jordan on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Jordanian competent authorities for fighting serious crime and terrorism (COM(2017)0798),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

Wednesday 4 July 2018

— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0232/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

E. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

F. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

G. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the Hashemite Kingdom of Jordan in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Hashemite Kingdom of Jordan on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Jordanian competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Hashemite Kingdom of Jordan as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

6. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the Hashemite Kingdom of Jordan;

7. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the Hashemite Kingdom of Jordan to respect these restrictions and specify how compliance with these restrictions would be enforced;

8. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

9. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Jordanian authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

11. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Hashemite Kingdom of Jordan, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

12. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

13. Is of the opinion that a clear definition of the concept of individual cases is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

14. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Hashemite Kingdom of Jordan to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

16. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Hashemite Kingdom of Jordan to other authorities in the Hashemite Kingdom of Jordan can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

17. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the Hashemite Kingdom of Jordan to other countries are prohibited and would result in the immediate ending of the international agreement;

18. Considers that the international agreement with the Hashemite Kingdom of Jordan should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

19. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Hashemite Kingdom of Jordan compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Hashemite Kingdom of Jordan; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by the Hashemite

Kingdom of Jordan as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

20. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

21. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

22. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

23. Instructs its President to forward this resolution to the Council, the Commission and the Government of the Hashemite Kingdom of Jordan.

Wednesday 4 July 2018

P8_TA(2018)0296

Opening of negotiations for an EU-Turkey Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Republic of Turkey on the exchange of personal data between the Euro pean Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism (COM(2017)0799 — 2018/2061(INI))

(2020/C 118/10)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Republic of Turkey on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism (COM(2017)0799),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime ([1]),

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0233/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas in recent years several violations of human rights have been exposed in the Republic of Turkey; whereas, in particular, dissent has been ruthlessly suppressed, with journalists, political activists and human rights defenders among those targeted; whereas instances of torture have continued to be reported, including after the coup attempt of July 2016; whereas any effective investigation into human rights violations by state officials has been prevented by pervasive impunity, and whereas abuse by armed groups has continued;

E. whereas the Europol programming document 2018-2020 ([2]) highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

([1]) Texts adopted, P8_TA(2017)0366.
([2]) Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

Wednesday 4 July 2018

F. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

G. whereas Europol has already set up multiple agreements on data exchange with third countries in the past; such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, Former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine, United States of America;

H. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the Republic of Turkey in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Republic of Turkey on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Considers that there are major concerns about respect for fundamental rights in the Republic of Turkey, in particular as regards the freedom of expression, the freedom of religion, and the right not to be subject to torture or inhumane treatment, as enshrined in the Charter and in the European Convention on Human Rights;

4. Stresses that a prerequisite for launching the negotiations is that Turkey fulfil its horizontal obligation of full, effective and non-discriminatory cooperation with all Member States on justice and home affairs issues, including with the Republic of Cyprus;

5. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Republic of Turkey as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

6. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

7. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

8. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the Republic of Turkey;

9. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the Republic of Turkey to respect these restrictions and specify how compliance with these restrictions would be enforced;

10. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

11. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Turkish authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

12. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

13. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of Turkey, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

14. Is of the opinion that the Commission should be cautious about the depth of the risks posed by the transfer of personal data to Turkey, given the citizens' frequent complaints about the violation of human rights in the Republic of Turkey

15. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

16. Is of the opinion that a clear definition of the concept of individual cases is needed, as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should only refer to actual criminal investigations and not to criminal intelligence operations targeting specific individuals considered as suspects;

17. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

18. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Republic of Turkey to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

19. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Republic of Turkey to other authorities in the Republic of Turkey can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

20. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the Republic of Turkey to other countries are prohibited and would result in the immediate ending of the international agreement;

21. Considers that the international agreement with the Republic of Turkey should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

22. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of Turkey compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in Turkey; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by Turkey as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

23. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

24. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

25. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

26. Instructs its President to forward this resolution to the Council, the Commission and the Government of the Republic of Turkey.

Wednesday 4 July 2018

P8_TA(2018)0297

Opening of negotiations for an EU-Israel Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the State of Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism (COM(2017)0806 — 2018/2062(INI))

(2020/C 118/11)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the State of Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism (COM(2017)0806),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

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— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0235/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

E. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

F. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

G. whereas the State of Israel was included in the list of third States and organisations with which Europol should conclude agreements set out in Council Decision 2009/935/JHA of 30 November 2009 [1]; whereas negotiations on an operational cooperation agreement had been launched in 2010 but were not concluded before the entry into force of the Europol Regulation (Regulation (EU) 2016/794) on 1 May 2017;

H. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the State of Israel in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the State of Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the State of Israel as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded; welcomes, in this context, the formal recognition by the Commission in 2011 of Israel as a country providing an adequate level of data protection with regard to automated processing of personal data pursuant to Directive 95/46/EC;

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

6. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the State of Israel;

7. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the State of Israel to respect these restrictions and specify how compliance with these restrictions would be enforced;

8. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

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[1] OJ L 325, 11.12.2009, p. 12.

9. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Israeli authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

11. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of Israel, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

12. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

13. Is of the opinion that a clear definition of the concept of individual cases is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

14. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the State of Israel to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

16. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the State of Israel to other authorities in the State of Israel can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

17. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the State of Israel to other countries are prohibited and would result in the immediate ending of the international agreement;

18. Considers that the international agreement with the State of Israel should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

19. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the State of Israel compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the State of Israel; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by the State of Israel as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

20. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

21. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

22. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

23. Instructs its President to forward this resolution to the Council, the Commission and the Government of the State of Israel.

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P8_TA(2018)0298

Opening of negotiations for an EU-Tunisia Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and Tunisia on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Tunisian competent authorities for fighting serious crime and terrorism (COM(2017)0807 — 2018/2063(INI))

(2020/C 118/12)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and Tunisia on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Tunisian competent authorities for fighting serious crime and terrorism (COM(2017)0807),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0237/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

E. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

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F. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

G. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with Tunisia in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and Tunisia on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Tunisian competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to Tunisia as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

6. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to Tunisia;

7. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of Tunisia to respect these restrictions and specify how compliance with these restrictions would be enforced;

8. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

9. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Tunisian authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

11. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of Tunisia, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

12. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

13. Is of the opinion that a clear definition of the concept of individual cases is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

14. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in Tunisia to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

16. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of Tunisia to other authorities in Tunisia can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

17. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of Tunisia to other countries are prohibited and would result in the immediate ending of the international agreement;

18. Considers that the international agreement with Tunisia should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

19. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of Tunisia compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in Tunisia; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by Tunisia as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

20. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

21. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

22. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

23. Instructs its President to forward this resolution to the Council, the Commission and the Government of Tunisia.

Wednesday 4 July 2018

P8_TA(2018)0299

Opening of negotiations for an EU-Morocco Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism (COM(2017)0808 — 2018/2064(INI))

(2020/C 118/13)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism (COM(2017)0808),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

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— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0238/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

E. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

F. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

G. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the Kingdom of Morocco in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Kingdom of Morocco as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

6. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the Kingdom of Morocco;

7. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the Kingdom of Morocco to respect these restrictions and specify how compliance with these restrictions would be enforced;

8. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

9. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Moroccan authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

11. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

12. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

13. Is of the opinion that a clear definition of the concept of individual cases is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

14. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Kingdom of Morocco to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

16. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Kingdom of Morocco to other authorities in the Kingdom of Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

17. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the Kingdom of Morocco to other countries are prohibited and would result in the immediate ending of the international agreement;

18. Considers that the international agreement with the Kingdom of Morocco should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

19. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Kingdom of Morocco compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Kingdom of Morocco; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by the Kingdom of Morocco as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

20. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

21. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

22. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

23. Instructs its President to forward this resolution to the Council, the Commission and the Government of the Kingdom of Morocco.

Wednesday 4 July 2018

P8_TA(2018)0300

Opening of negotiations for an EU-Lebanon Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Lebanese Republic on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Lebanese competent authorities for fighting serious crime and terrorism (COM(2017)0805 — 2018/2065(INI))

(2020/C 118/14)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Lebanese Republic on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Lebanese competent authorities for fighting serious crime and terrorism (COM(2017)0805),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0234/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

E. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

Wednesday 4 July 2018

F. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

G. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the Lebanese Republic in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Lebanese Republic on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Lebanese competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Lebanese Republic as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

6. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the Lebanese Republic;

7. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the Lebanese Republic to respect these restrictions and specify how compliance with these restrictions would be enforced;

8. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

9. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Lebanese authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

11. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Lebanese Republic, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

12. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

13. Is of the opinion that a clear definition of the concept of individual cases is needed, as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

14. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Lebanese Republic to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

16. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Lebanese Republic to other authorities in the Lebanese Republic can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

17. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the Lebanese Republic to other countries are prohibited and would result in the immediate ending of the international agreement;

18. Considers that the international agreement with the Lebanese Republic should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

19. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Lebanese Republic compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Lebanese Republic; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by the Lebanese Republic as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

20. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

21. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

22. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

23. Instructs its President to forward this resolution to the Council, the Commission and the Government of the Lebanese Republic.

Wednesday 4 July 2018

P8_TA(2018)0301

Opening of negotiations for an EU-Egypt Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Arab Republic of Egypt on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Egyptian competent authorities for fighting serious crime and terrorism (COM(2017)0809 — 2018/2066(INI))

(2020/C 118/15)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Arab Republic of Egypt on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Egyptian competent authorities for fighting serious crime and terrorism (COM(2017)0809),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

Wednesday 4 July 2018

— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0236/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas in recent years several violations of human rights have been exposed in the Arab Republic of Egypt; whereas, in particular, dissent has been ruthlessly suppressed, with journalists, political activists and human rights defenders among those targeted; whereas instances of torture have continued to be reported; whereas any effective investigation into human rights violations by state officials has been prevented by pervasive impunity;

E. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

F. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

G. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

H. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the Arab Republic of Egypt in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Arab Republic of Egypt on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Egyptian competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Considers that there are major concerns about respect for fundamental rights in the Arab Republic of Egypt, in particular as regards freedom of expression, freedom of religion and the right not to be subject to torture or inhumane treatment, as enshrined in the Charter and in the European Convention on Human Rights;

4. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Arab Republic of Egypt as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

5. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

6. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

7. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the Arab Republic of Egypt;

8. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the Arab Republic of Egypt to respect these restrictions and specify how compliance with these restrictions would be enforced;

9. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

10. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Egyptian authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

11. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

12. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Arab Republic of Egypt, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

13. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

14. Is of the opinion that a clear definition of the concept of individual cases is needed, as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

16. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Arab Republic of Egypt to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

17. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Arab Republic of Egypt to other authorities in the Arab Republic of Egypt can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

18. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the Arab Republic of Egypt to other countries are prohibited and would result in the immediate ending of the international agreement;

19. Considers that the international agreement with the Arab Republic of Egypt should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

20. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Arab Republic of Egypt compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Arab Republic of Egypt; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by the Arab Republic of Egypt as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

21. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

22. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

23. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

24. Instructs its President to forward this resolution to the Council, the Commission and the Government of the Arab Republic of Egypt.

Wednesday 4 July 2018

P8_TA(2018)0302

Opening of negotiations for an EU-Algeria Agreement on the exchange of personal data for fighting serious crime and terrorism

European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the People's Democratic Republic of Algeria on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Algerian competent authorities for fighting serious crime and terrorism (COM(2017)0811 — 2018/2067(INI))

(2020/C 118/16)

The European Parliament,

— having regard to the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the People's Democratic Republic of Algeria on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Algerian competent authorities for fighting serious crime and terrorism (COM(2017)0811),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

— having regard to the Treaty on European Union, in particular Article 6 thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 16 and 218 thereof,

— having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ([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 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([3]),

— having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([4]),

— having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([5]),

([1]) OJ L 135, 24.5.2016, p. 53.
([2]) OJ L 119, 4.5.2016, p. 1.
([3]) OJ L 201, 31.7.2002, p. 37.
([4]) OJ L 350, 30.12.2008, p. 60.
([5]) OJ L 119, 4.5.2016, p. 89.

— having regard to the Council of Europe Convention on Data Protection (ETS No 108) and the Additional Protocol of 8 November 2001 to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (ETS No 181),

— having regard to European Data Protection Supervisor (EDPS) Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries,

— having regard to its resolution of 3 October 2017 on the fight against cybercrime [1],

— having regard to the agreement reached by the European Parliament and the Council on the proposal for a regulation 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), and in particular to the chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU,

— having regard to Rule 108(1) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0239/2018),

A. whereas Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) enables the transfer of personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of Europol's tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;

C. whereas such a transfer is to be based on an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;

D. whereas the Europol programming document 2018-2020 [2] highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

E. whereas Parliament underlined in its resolution of 3 October 2017 on the fight against cybercrime that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

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[1] Texts adopted, P8_TA(2017)0366.

[2] Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.

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F. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine and the United States of America;

G. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions on policies and legislation relating to data protection;

1. Considers that the necessity of the cooperation with the People's Democratic Republic of Algeria in the field of law enforcement for the European Union's security interests, as well as its proportionality, need to be properly assessed; calls on the Commission, in this context, to conduct a thorough impact assessment; highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the People's Democratic Republic of Algeria on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Algerian competent authorities for fighting serious crime and terrorism;

2. Considers that full consistency with Articles 7 and 8 of the Charter, as well as other fundamental rights and freedoms protected by the Charter, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the People's Democratic Republic of Algeria as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement;

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; stresses that if such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded;

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

6. Calls for Guideline B to be completed to expressly indicate the agreement that Europol, pursuant to Article 19 of the Europol Regulation, is to respect any restriction imposed on personal data transmitted to Europol by Member States or other providers regarding the use and access to data to be transferred to the People's Democratic Republic of Algeria;

7. Requests that the agreement clearly provide that any further processing should always require prior written authorisation from Europol; stresses that these authorisations should be documented by Europol and made available to the EDPS at its request; calls for the agreement also to contain a provision obliging the competent authorities of the People's Democratic Republic of Algeria to respect these restrictions and specify how compliance with these restrictions would be enforced;

8. Insists that the agreement contain a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

9. Expects the criteria included in Recital 71 of Directive (EU) 2016/680 to be applied, i.e. transfers of personal data are to be subject to confidentiality obligations by the competent Algerian authorities receiving personal data from Europol, the principle of specificity, and that the personal data will not be used in any case to request, hand down or execute a death penalty or any form of cruel and inhuman treatment;

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, in line with EU criminal offences definitions when available; stresses that this list should define in a clear and precise manner the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

11. Urges the Council and the Commission to define, pursuant to Court of Justice of the European Union (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the People's Democratic Republic of Algeria, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; urges that such an authority should be agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in an annex to the agreement;

12. Considers it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof, and that the independent supervisory body should also be empowered to suggest suspending or terminating the agreement in the event of a breach thereof; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement; considers that a periodic evaluation of the agreement should be established in order to evaluate the partners' compliance with the agreement;

13. Is of the opinion that a clear definition of the concept of individual cases is needed, as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

14. Is of the opinion that the concept of reasonable grounds needs to be defined in order to assess the necessity and proportionality of data transfers; highlights that this definition should refer to actual criminal investigations;

15. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the People's Democratic Republic of Algeria to which Europol can transfer data should be drawn up, including a description of the authorities' competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;

16. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the People's Democratic Republic of Algeria to other authorities in the People's Democratic Republic of Algeria can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol;

17. Stresses the need to expressly indicate that onward transfers of information from the competent authorities of the People's Democratic Republic of Algeria to other countries are prohibited and would result in the immediate ending of the international agreement;

18. Considers that the international agreement with the People's Democratic Republic of Algeria should include data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;

19. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the People's Democratic Republic of Algeria compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the People's Democratic Republic of Algeria; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; considers it necessary to define specific safeguards that would need to be respected by the People's Democratic Republic of Algeria as regards fundamental rights and freedoms, including respect for freedom of expression, freedom of religion and human dignity;

20. Believes that a monitoring mechanism should be included in the agreement and that the agreement should be subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

21. Calls on the Commission to seek the advice of the EDPS before the finalisation of the international agreement in accordance with Regulation (EU) 2016/794 and Regulation (EC) No 45/2001;

22. Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;

23. Instructs its President to forward this resolution to the Council, the Commission and the Government of the People's Democratic Republic of Algeria.

Thursday 5 July 2018

P8_TA(2018)0303

The political crisis in Moldova following the invalidation of the mayoral elections in Chișinău

European Parliament resolution of 5 July 2018 on the political crisis in Moldova following the invalidation of the mayoral elections in Chișinău (2018/2783(RSP))

(2020/C 118/17)

The European Parliament,

— having regard to its previous resolutions on Moldova, and in particular that of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine [1] (AA/DCFTA),

— having regard to the Association Implementation Report on the Republic of Moldova of 3 April 2018,

— having regard to its legislative resolution of 4 July 2017 on the proposal for a decision of the European Parliament and of the Council providing macro-financial assistance to the Republic of Moldova [2],

— having regard to the Joint Statement by the European Parliament, the Council and the Commission laying down political preconditions for granting macro-financial assistance to the Republic of Moldova annexed to the legislative resolution of 4 July 2017,

— having regard to the vote of the Parliament of the Republic of Moldova of 20 July 2017 adopting changes to the electoral system,

— having regard to the OSCE/ODIHR and Venice Commission recommendations of 19 July 2017,

— having regard to the statements of 21 June 2018 by the chair of the European Parliament's Committee on Foreign Affairs, its rapporteur on Moldova and the Euronest Co-Chair, as well as the statements by the European External Action Service of 20 June 2018 and 27 June 2018 on the validation of the election of the Mayor of Chișinău,

— having regard to Article 2 of the Association Agreement between the European Union and the Republic of Moldova, which states that 'respect for … democratic principles, human rights and fundamental freedoms … shall form the basis of the domestic and external policies of the parties and constitutes an essential element of this Agreement',

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas Andrei Năstase won the early mayoral elections in Chișinău, after a two-round contest on 20 May and 3 June 2018, receiving 52,57 % of the vote and defeating Ion Ceban, who obtained 47,43 %;

B. whereas the international observers of the mayoral elections in Chișinău recognised the results and the competitive nature of the contest;

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[1] OJ C 11, 12.1.2018, p. 82.
[2] Texts adopted, P8_TA(2017)0283.

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C. whereas on 19 June 2018 a Chișinău court voided the results of the mayoral elections, on the grounds that both candidates had addressed voters on social media on election day, after the legal end of campaigning; whereas none of the contenders in the electoral process asked for the annulment of the elections;

D. whereas on 21 June 2018 an appeal court in Chișinău upheld the decision of the lower court, concluding that social media communications with voters had illegally affected the outcome of the elections;

E. whereas on 25 June 2018 the Supreme Court of Moldova upheld the decisions of the lower courts to invalidate the results of the mayoral elections in Chișinău;

F. whereas on 29 June 2018 Moldova's Central Election Commission confirmed the Supreme Court's decision to invalidate the mayoral elections in Chișinău;

G. whereas the 'get out the vote' invitation, which the courts considered as amounting to pressure and undue influence on voters, has been a common practice in previous elections in Moldova and had never led to their cancellation;

H. whereas this development risks derailing the country's adherence to European values and principles and further undermines the already weak trust of Moldovan citizens in the state institutions; whereas Moldovan political parties have declared that this sets a dangerous precedent for future elections and thousands of people have been protesting against the decision of the courts in Chișinău;

I. whereas the international community, including the European Union and the US Department of State, has criticised the decision, underlining that the will of the voters needs to be respected;

J. whereas the EU and Moldova have undertaken the joint commitment to advance their political association and economic integration, a process that implies the adoption and implementation of structural and other substantial reforms by the country in line with the provisions of the AA/DCFTA and the Association Agenda, and also entails a commitment by Moldova to safeguard European values, including respect for human values and freedoms, democracy, equality and the rule of law;

K. whereas the invalidation of the elections is a disturbing and significant sign of the continuing deterioration of the application of democratic standards in Moldova, particularly recalling that an independent and transparent judiciary is a key pillar of democracy and the rule of law; whereas this invalidation demonstrates the increasing proclivity towards authoritarian and arbitrary rule and the significant decrease of trust of the people in their authorities and institutions;

L. whereas the Parliament of the Republic of Moldova, contrary to the negative recommendations of the OSCE/ODIHR and the Venice Commission, adopted a controversial change in the electoral law in July 2017, which raised concern over the risk of undue influence on candidates, the of single-member constituencies, excessive thresholds for parliamentary representation in the proportional component and the risk of inadequate representation of minorities and women; whereas the Venice Commission also underlined that the existing polarisation around this legislative initiative was not a sign of meaningful consultation and broad consensus among key stakeholders;

M. whereas according to the UN Special Rapporteur on the Situation of Human Rights Defenders, in Moldova human rights defenders and journalists are victims of stigmatisation campaigns and face politically motivated criminal charges or are threatened whenever they defend people with dissenting voices, while journalists' access to information is restricted;

N. whereas in October 2017, due to insufficient progress in reforming the judiciary in Moldova and the country's failure to fulfil EU conditions, the EU took the decision to withhold a payment of EUR 28 million within the EU justice reform programme;

1. Expresses its deep concern at the decision to invalidate the results of the elections for Mayor of Chișinău by the Supreme Court of Moldova, taken on dubious grounds and in a non-transparent way, which has significantly undermined the integrity of the electoral process;

2. Recalls that credible, transparent, fair and inclusive elections are the cornerstone of any democratic system, maintaining the impartiality and independence of the judiciary against any kind of political influence, as well as being the bedrock of trust in the political system of the country, and that political interference in the judiciary and in the conduct of elections is contrary to the European standards to which Moldova has subscribed, notably as part of the EU-Moldova Association Agreement;

3. Expresses strong solidarity with, and shares the demands of, the thousands of people protesting in the streets of Chișinău and demanding that the Moldovan authorities take appropriate measures to ensure that the results of the Chișinău mayoral elections, as also recognised by national and international observers and reflecting the will of the voters, are respected; calls on the authorities to guarantee the right to peaceful protest;

4. Urges the Moldovan authorities to guarantee the functioning of democratic mechanisms, insists that both the executive and the judicial branch of power mutually respect the separation of powers, fully endorse democratic principles and obey the rule of law;

5. Expresses its grave concern over the further deterioration of democratic standards in Moldova; recognises that the decision of the courts, which have already been cited many times as politically influenced and driven, is an example of state capture and reveals a very deep crisis of the institutions in Moldova; regrets that, despite numerous calls by the international community, the authorities continue to undermine the trust of the people in the fairness and impartiality of state institutions;

6. Considers that following the decision to invalidate the mayoral elections in Chișinău, the political conditions for the disbursement of macro-financial assistance (MFA) have not been met, recalling that a 'pre-condition for granting MFA is that the beneficiary country respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law and guarantees respect of human rights';

7. Urges the Commission to suspend any foreseen disbursements of MFA to Moldova; believes that any decision on future disbursements should only take place after the planned parliamentary elections and on condition that they are conducted in line with internationally recognised standards and assessed by specialised international bodies, and that the MFA conditions have been met;

8. Demands that the Commission suspend budgetary support for Moldova, using the precedent of July 2015 when such suspension took place in the aftermath of the banking crisis; considers that the mechanism for suspension of EU budgetary support should be adopted as a reaction to the invalidation of the mayoral elections in Chișinău, and that it should include a list of conditions to be implemented by the Moldovan authorities, which should include the validation of the elections in Chișinău and concrete results-oriented and exhaustively transparent investigations, as well as asset recovery and the prosecution of perpetrators, in the case of banking fraud;

9. Calls on the Moldovan authorities to address the recommendations of the OSCE/ODIHR and the Venice Commission on electoral reform;

10. Reiterates its concerns over the concentration of economic and political power in the hands of a narrow group of people, the deterioration of the rule of law, of democratic standards, and of respect for human rights, the excessive politicisation of state institutions, systemic corruption, insufficient investigation of the 2014 banking fraud, and limited media pluralism; expresses its concern at the lack of independence of the judiciary, and particularly the cases of selective justice being used as a tool to exert pressure on political opponents; calls on the Moldovan authorities to reform the judicial system, including nominating new judges, so as to prevent the judiciary from intervening in the electoral and political process or in any other way undermining the democratically expressed will of the people of Moldova;

11. Is concerned that political opponents and their lawyers are being persecuted by the Moldovan authorities through fabricated accusations and criminal proceedings, and warns that in doing so the authorities are violating the rule of law and the rights of political opponents and lawyers;

12. Regrets the fact that following the 2014 banking fraud, during which a total of around USD 1 billion was stolen from the Moldovan financial system, the authorities made very little progress in conducting a thorough and impartial investigation into the matter; urges that determined efforts be undertaken with a view to recovering the stolen funds and bringing those responsible to justice, irrespective of their political affiliation; believes that this is indispensable to rebuild the trust of Moldovan citizens in the institutions and restore the credibility of the authorities;

13. Calls on the Moldovan authorities to respect international principles and best practices and guarantee an enabling environment for civil society; expresses its concern, in particular, at the inclusion in the current draft legislation on NGOs, now being discussed in parliament, of provisions that might curb foreign funding for Moldovan NGOs;

14. Calls on the Moldovan Parliament to consult civil society and independent media before the final adoption of the new Audiovisual Code, and to reject its 'dual destination reform'; expresses its concern as to whether independent, local and opposition media in Moldova, which among other things lack sufficient resources, will be able to implement the new Code's requirements regarding obligatory local content;

15. Calls on the EEAS and the Commission to closely monitor developments in all these areas and to keep Parliament duly informed;

16. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), the European External Action Service, the Council, the Commission and the Member States, the President, Prime Minister and President of Parliament of the Republic of Moldova, the OSCE/ODIHR and the Venice Commission.

Thursday 5 July 2018

P8_TA(2018)0304

Somalia

European Parliament resolution of 5 July 2018 on Somalia (2018/2784(RSP))

(2020/C 118/18)

The European Parliament,

— having regard to its previous resolutions on Somalia, in particular that of 15 September 2016 ([1]),

— having regard to its resolution of 18 May 2017 on the Dadaab refugee camp ([2]),

— having regard to the statement of 30 October 2017 by the Spokesperson of the European External Action Service on the attack in Somalia, as well as to all previous statements by the Spokesperson,

— having regard to the Council conclusions of 3 April 2017 on Somalia,

— having regard to the joint EU-Africa Strategy,

— having regard to the Cotonou Agreement,

— having regard to the Universal Declaration of Human Rights,

— having regard to the UN Human Rights Office Report 'Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia' of December 2017,

— having regard to the EU-Somalia National Indicative Programme for Federal Republic Somalia 2014-2020,

— having regard to UN Security Council Resolution of 15 May 2018 extending the mandate of the African Union Mission in Somalia (AMISOM),

— having regard to UN Security Council Resolution of 27 March 2018 on Somalia, as well as to all its previous resolutions,

— having regard to the briefing of 15 May 2018 by the UN Special Representative for Somalia to the UN Security Council,

— having regard to the UN Security Council press statements of 25 January 2018, 25 February 2018 and 4 April 2018 on Somalia,

— having regard to the Council conclusions of 25 June 2018 on the Horn of Africa, of 17 July 2017 on addressing the risks of famine and of 3 April 2017 on Somalia,

— having regard to the UN Secretary General reports of 26 December 2017 and 2 May 2018 on Somalia,

— having regard to the communiqué of the UN-Somalia Security Conference of 4 December 2017,

([1]) OJ C 204, 13.6.2018, p. 127.
([2]) Texts adopted, P8_TA(2017)0229.

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— having regard to UN Human Rights Council Resolution of 29 September 2017 on Assistance to Somalia in the field of human rights,

— having regard to the AMISOM statement of 8 November 2017 announcing its intention to initiate a phased withdrawal of troops from Somalia starting in December 2017, with the intention of a full withdrawal by 2020,

— having regard to the joint statement by four UN human rights experts on 4 May 2016, in which they expressed alarm at the growing persecution of trade unionists in Somalia,

— having regard to the conclusions and recommendations specified in the 380th Report of the ILO Committee on Freedom of Association of November 2016, as approved by the ILO governing body for Case No 3113,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas al-Shabaab have perpetrated numerous terrorist attacks on Somali soil; whereas on 14 October 2017 Somalia experienced its worst ever terrorist attack, in which at least 512 people are officially recorded to have died and 357 to have been injured; whereas al-Shabaab and other terrorist groups affiliated with Islamic State have continued to perpetrate terrorist attacks against the internationally recognised Somali Government and against civilians;

B. whereas, on 1 April 2018, al-Shabaab led a car-bomb attack on an African Union peacekeeper base in Bulamarer and nearby villages; whereas, on 25 February 2018, two terrorist attacks occurred in Mogadishu, killing at least 32 people;

C. whereas Somali Government security forces unlawfully killed and wounded civilians as a result of internal fighting between government forces at an aid distribution site in Baidoa in June 2017; whereas civilian populations have also been targeted during clashes by regional forces and clan militia, especially in the Lower Shabelle, Galguduud and Hiran regions;

D. whereas, according to the report of the UN Human Rights Office and the UN Assistance Mission to Somalia (UNSOM), covering the period from 1 January 2016 to 14 October 2017, 2 078 civilian deaths and 2 507 injuries have occured in Somalia; whereas the majority thereof are attributed to al-Shabaab militants; whereas a significant proportion of those deaths have been caused by clan militias, state actors, including the army and the police, and even the African Union Mission to Somalia;

E. whereas Somalia has experienced two decades of civil war; whereas since 2012, when a new internationally backed government was installed, the country has made significant progress towards peace and stability; whereas, while al-Shabaab has suffered heavy losses from counter-terrorism operations in recent years, UN reports indicate that the ISIS/Daesh faction in Somalia has grown significantly;

F. whereas, on 8 February 2017, Somalia held its first free elections since the internationally backed government was installed; whereas the electoral system represented progress in terms of participation but displayed only limited electoral features; whereas the government committed to switching to a unweighted electoral system based on universal suffrage for the elections in 2020/2021;

G. whereas the mandate of the African Union Mission to Somalia was extended until 31 July 2018; whereas, according UN Security Council Resolution 2372/17, numbers of uniformed AMISOM personnel should be reduced to 20 626 by 30 October 2018; whereas AMISOM personnel have been accused of human rights abuses, sexual violence and misconduct during their service;

H. whereas freedom of expression, which is a fundamental pillar of any functioning democracy, continues to be severely limited in Somalia; whereas journalists, human rights defenders, civil society activists and political leaders continue to face threats on a daily basis; whereas al-Shabaab continues to intimidate, arrest, detain without due process and even kill; whereas the authorities rarely investigate such cases; whereas Somalia has, according to the International Federation of Journalists (IFJ), emerged in eight consecutive years as the most deadly country in Africa for journalists and other media practitioners to operate and exercise their fundamental right to freedom of expression;

I. whereas the rights to free association and unionisation are vital for the development of any functioning democracy; whereas the Federal Government of Somalia effectively does not allow the formation and existence of independent unions; whereas trade union and workers' rights activists in Somalia face intimidation, reprisals and harassment on a daily basis; whereas stigmatisation and smear campaigns against unionists are commonplace in Somalia;

J. whereas the International Labour Organisation (ILO) has adjudicated a freedom of association violation complaint against the Somali Government; whereas the ILO directed the government to 'recognise the leadership of the National Union of Somali Journalists (NUSOJ) and the Federation of Somali Trade Unions (FESTU) under Mr Omar Faruk Osman without delay';

K. whereas UN human rights experts publicly stated that 'Somalia is not fulfilling its international human rights obligations and the situation for trade unions keeps on worsening despite specific recommendations made by the International Labour Organisation's Governing Body, urging the Somali Government to refrain from any further interference in the unions registered in Somalia, with particular reference to the NUSOJ and FESTU';

L. whereas human rights abuses are widespread in Somalia; whereas those responsible for them are mostly non-state actors — al-Shabaab militants and clan militias — but also state actors; whereas there have been extrajudicial executions, sexual and gender-based violence, arbitrary arrests and detentions and abductions; whereas according to the UN Human Rights Office, the National Intelligence and Security Agency (NISA) of Somalia routinely violates international human rights law; whereas it often operates in an extrajudicial manner and its powers are too broad;

M. whereas, however, the political situation is unstable and governance remains weak, thereby impeding progress on justice and security-sector reform; whereas, according to Transparency International, Somalia is the most corrupt country in the world;

N. whereas military courts continue to try a broad range of cases, including for terrorism-related offences, in proceedings falling far short of international fair trial standards; whereas, by the third quarter of 2017, at least 23 individuals had been executed following military court convictions, the majority of whom on terrorism-related charges; whereas, on 13 February 2017, seven defendants, including a child, were sentenced to death in Puntland for murder, based largely on confessions obtained under coercion by the Puntland Intelligence Services; five were executed in April the same year;

O. whereas foreign interests further complicate the political landscape; whereas, in terms of the wider confrontation between the United Arab Emirates (UAE) and Saudi Arabia, on the one hand, and Qatar, on the other, the Federal Government of Somalia has sought to remain neutral; whereas, in retaliation, Saudi Arabia and the UAE have ceased their regular budgetary support payments to Somalia, which further weakens the government's ability to pay the security forces;

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P. whereas children are among the greatest victims of the conflict in Somalia; whereas there have been numerous cases of child abductions and recruitment by terrorist groups; whereas they have been treated as enemies by the Somali security forces and there have been frequent killings, maiming, arrests and detentions;

Q. whereas a Human Rights Watch report of 21 February 2018 points to the violations and abuses — including beating, torture, confinement and sexual violence — suffered since 2015 by hundreds of children held in government custody due to their terrorism-related activities; whereas, in Puntland, children have been sentenced to death for terrorism offences;

R. whereas after years of drought, flooding caused by the recent record rainfalls has displaced 230 000 people, over half of whom are estimated to be children; whereas they join the roughly 2,6 million people across the country who have already been affected by drought and conflict;

S. whereas a significant number of the civilian casualties recorded were caused by clan militia; whereas the main trigger of clan conflicts are disputes over land and resources, compounded by an ongoing cycle of retaliation; whereas such conflicts have been exacerbated by the scarcity of resources and by droughts; whereas such conflicts are exploited by anti-government elements to further destabilise areas;

T. whereas food insecurity continues to represent a grave problem for the Somali state and population; whereas, according to the Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, about half of Somalia's 12 million inhabitants are food insecure and in need of humanitarian assistance; whereas an estimated 1,2 million children are estimated to be acutely malnourished, of whom 232 000 will suffer life-threatening severe acute malnutrition; whereas many parts of the country have not fully recovered from the 2011-2012 famine; whereas droughts exacerbate food insecurity problems in Somalia;

U. whereas several Somali refugee camps exist in Kenya, including the Dadaab camp, which alone holds around 350 000 refugees; whereas, in light of the failure of the international community to provide adequate support, the Kenyan authorities intend to reduce these camps by pushing for returns to Somalia;

V. whereas international humanitarian actors are key to combating food insecurity and to providing humanitarian assistance; whereas they have made a major contribution to averting a humanitarian disaster in Somalia; whereas there have been attempts to divert humanitarian aid towards funding warfare;

W. whereas since 2016 the EU has progressively increased its annual humanitarian support to Somalia, in particular in response to the severe drought affecting the country, allocating EUR 120 million to humanitarian partners in 2017; whereas the international humanitarian response plan is only funded up to 24 %;

X. whereas the EU has provided EUR 486 million through the European Development Fund (2014-2020), focusing on state- and peace-building, food security, resilience and education; whereas the EU is also supporting AMISOM through the African Peace Facility; whereas the 22 000-strong African Union peacekeeping force troop, AMISOM, has brought a certain degree of stability to parts of Somalia; whereas parts of the country remain under the control of, or threat from, the radical al-Shabaab Islamist movement, or are controlled by separate authorities, as is the case in Somaliland and Puntland;

1. Condemns all terrorist attacks against the Somali population, perpetrated by both by al-Shabaab and other extremist terrorist groups; asserts that there can be no legitimate reason for engaging in terrorist activity; calls for those responsible for terrorist attacks and for violations of human rights to be brought to justice in accordance with international human rights law; expresses its deepest sympathies with the victims of terrorist attacks in Somalia and with their families and deeply regrets the loss of lives; reminds the Somali authorities of their obligation to guarantee human rights and protect the civilian population in all circumstances;

2. Underlines that the elimination of the root causes of terrorism such as insecurity, poverty, human rights violations, environmental degradation, impunity, a lack of justice and oppression would contribute immensely to the eradication of terrorist organisations and activity in Somalia; asserts that underdevelopment and insecurity form a vicious cycle; calls, therefore, on international actors, including EU development programmes, to engage in security-sector reform and capacity-building initiatives to ensure coherence between their development and security policies in Somalia; calls for the EU to continue to support the peace and reconciliation process in Somalia through the Mutual Accountability Framework and the Security Pact;

3. Encourages the Federal Government of Somalia to continue its peace- and state-building efforts towards the development of strong institutions which are governed by the rule of law and able to provide basic public services, and towards ensuring security, freedom of expression and freedom of association; welcomes the fact that al-Shabaab was unable to impede the 2016-2017 electoral process; calls on the Federal Government of Somalia to ensure that an electoral system based on unweighted universal suffrage is in place ahead of the elections in 2020-2021; recalls that lasting stability and peace can only be achieved through social inclusion, sustainable development and good governance based on the principles of democracy and the rule of law;

4. Calls on the Federal Government of Somalia to step up its efforts towards cementing the rule of law in the whole of the country; argues that impunity is a major cause of the self-perpetuating cycle of violence and the worsening human rights situation; requests that the Somali authorities transfer future civilian cases under military court jurisdiction to the civilian courts for prosecution; calls on the Somali President to immediately commute pending death penalty sentences as a first step towards placing a moratorium on all death sentences; believes that only the rule of law can eradicate impunity; calls on the government and international actors to continue working towards the establishment of an independent judiciary, the institution of independent and credible investigations of crimes committed against Somali journalists, the eradication of corruption, and the building of accountable institutions, especially in the security sector; welcomes, in this context, the launching last year by the government, in cooperation with the UN and the EU, of a nationwide judicial training curriculum;

5. Deplores state and non-state actors' violations of the freedom of expression in Somalia; is concerned by the autocratic approach of the present administration and some of the regional state administrations, resulting in the arrest of political opponents and peaceful critics; considers any intimidation, harassment, detention or killing of journalists and civil society activists as absolutely unacceptable; requests that the Somali authorities stop using NISA to intimidate independent journalists and political opponents; calls on the government and the EU, as part of its rule of law activities in Somalia, to ensure that NISA is regulated with effective oversight mechanisms; asserts that freedom of expression and thought is indispensable for the development of a strong and democratic society; calls on the Federal Government of Somalia to ensure that the right to freedom of expression is fully respected; calls on the Somali Government to review the penal code, the new media law and other legislation in order to bring them into line with Somalia's international obligations regarding the right to freedom of expression and the media;

6. Expresses concern about certain foreign interests that further complicate the political landscape; notes, in terms of the wider confrontation between the UAE and Saudi Arabia, on the one hand, and Qatar, on the other, that the Federal Government of Somalia has, in its attempt to remain neutral, been deprived of regular budgetary support payments by Saudi Arabia and the UAE, which further weakens the government's ability to pay the security forces; urges the UAE to cease forthwith all acts of destabilisation in Somalia and respect Somalia's sovereignty and territorial integrity;

7. Strongly condemns the grave violations of freedom of association and freedom of expression against Somalia's free and independent trade unions and in particular, the longstanding repression against the NUSOJ and the FESTU, and insists on the end of ongoing investigations and closure of the case taken by the Office of the Attorney General against Mr Omar Faruk Osman, Secretary-General of the NUSOJ for organising, without the approval of the Ministry of Information, of a celebration of World Press Freedom Day;

8. Denounces the Somali state's repression of trade unionists; calls on the Somali state to put an end to all forms of repression against unionists; insists that the government allow the formation of independent trade unions; firmly believes that trade unions are indispensable for guaranteeing workers' rights in Somalia; asserts that independent trade unions could significantly contribute to the improvement of the security situation in Somalia;

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9. Urges the Federal Government of Somalia to respect and uphold the international rule of law, and to accept and implement fully the decisions of the ILO on case 3113;

10. Commends the work of UNSOM in all aspects and on monitoring human rights in Somalia, in particular, as well as the UN Security Council's decision to extend its mandate until 31 March 2019; commends the efforts made by the African Union to bring back a certain degree of stability to Somalia and to organise the transitional political process; calls for better EU monitoring and capacity-building to ensure accountability for abuses by AMISOM, especially given the fact that the EU is responsible for the bulk of its funding; urges AMISOM to fully implement its mandate to protect the civilian population;

11. Deplores the recruitment of child soldiers in Somalia as an abhorrent war crime; believes that children are one of the most vulnerable groups in the conflict; calls on all armed groups to put an end immediately to this practice and release all children currently enrolled; calls on the state to treat them as victims of terrorism and war rather than perpetrators, and calls for the EU to assist the Somali Government in its rehabilitation and reintegration efforts; urges the Somali authorities to end the arbitrary detention of children suspected of being unlawfully associated with al-Shabaab; urges all actors in Somalia to abide by the objectives of the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict, and encourages the Federal Government of Somalia to ratify it without delay;

12. Welcomes the selection of the commissioners to the newly established Independent National Human Rights Commission of Somalia, and calls on the Somali Government to appoint the Commission without any further delay; is deeply alarmed at the reports of human rights abuses committed by Somali security forces, including killings, arbitrary arrests and detention, torture, rape and abductions; calls on the authorities to ensure that all violations are fully investigated and that perpetrators are brought to justice; calls on the government and for the EU to enhance the technical expertise of Somalia's Criminal Investigation Department (CID) to carry out thorough and effective investigations that respect rights; calls on domestic and foreign troops which intervene in the fight against al-Shabaab to act in accordance with international law; calls on the Somali Government to follow through with commitments to end forced evictions of internally displaced people, including in the country's capital, Mogadishu;

13. Praises the Somali Government for launching the review process of the Somali provisional constitution, following a three-day national constitutional convention in May 2018 which will lead to the permanent constitution of Somalia; urges the Somali Government to finalise the Somalia National Action Plan on Preventing and Countering Violent Extremism (PCVE) as part of the country's Comprehensive Approach to Security (CAS), supported by AMISOM;

14. Condemns as a horrific war crime gender-based and sexual violence against women, men, boys and girls, with women and girls particularly affected; calls on the state to step up its efforts to protect vulnerable groups in society; welcomes, in this context, the launching last year by the government, in cooperation with the UN and the EU, of a nationwide judicial training curriculum; reiterates its paramount concern over women's rights; calls on the relevant authorities to promote gender equality and women's empowerment; condemns the illegalisation of homosexuality in Somalia and the criminalisation of LGBTI people;

15. Deplores the dire humanitarian situation that is threatening the lives of millions of Somalis; recalls that the death toll in the 2011 famine was exacerbated by insecurity and the actions of extremist militants from al-Shabaab to hinder food aid deliveries to areas of south-central Somalia that, at the time, were under its control; urges the EU, its Member States and the international community to step up their assistance to the Somali population, to improve the living conditions of the most vulnerable and to tackle the consequences of displacement, food insecurity, epidemics and natural disasters; condemns all attacks against humanitarian actors and peacekeepers in Somalia; calls for EU aid to be aligned with internationally agreed development effectiveness principles in order to achieve the recently approved Sustainable Development Goals (SDGs);

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the President, the Prime Minister and the Parliament of Somalia, the Secretary-General of the United Nations, the United Nations Security Council, the United Nations Human Rights Council, and the ACP-EU Joint Parliamentary Assembly.

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P8_TA(2018)0305

Burundi

European Parliament resolution of 5 July 2018 on Burundi (2018/2785(RSP))

(2020/C 118/19)

The European Parliament,

— having regard to its previous resolutions on Burundi, notably those of 9 July 2015 ([1]), 17 December 2015 ([2]), 19 January 2017 ([3]) and 6 July 2017 ([4]),

— having regard to the revised Cotonou Agreement, in particular Article 96 thereof,

— having regard to the Universal Declaration of Human Rights,

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

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

— having regard to the African Charter on Democracy, Elections and Governance,

— having regard to UN Security Council resolutions 2248 (2015) of 12 November 2015 and 2303 (2016) of 29 July 2016 on the situation in Burundi,

— having regard to the oral briefing by the UN Commission of Inquiry on Burundi (UNCI) to the UN Human Rights Council of 27 June 2018,

— having regard to the first report of the UN Secretary-General on the situation in Burundi, published on 23 February 2017, and to the statement by the President of the UN Security Council on the political situation and ongoing violence in Burundi, which strongly urged the government and all parties to immediately cease and reject such violence,

— having regard to the UN Security Council press statement of 13 March 2017 regarding the situation in Burundi and to the statement by the President of the UN Security Council of 5 April 2018 condemning all violations and abuses of human rights in Burundi,

— having regard to the report of the UN Independent Investigation on Burundi (UNIIB), published on 20 September 2016,

— having regard to the resolution adopted by the UN Human Rights Council on 30 September 2016 on the human rights situation in Burundi,

— having regard to the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Agreement) of 28 August 2000,

— having regard to the declaration on Burundi by the African Union summit of 13 June 2015,

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([1]) OJ C 265, 11.8.2017, p. 137.
([2]) OJ C 399, 24.11.2017, p. 190.
([3]) Texts adopted, P8_TA(2017)0004.
([4]) Texts adopted, P8_TA(2017)0310.

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— having regard to the Decision on the Activities of the Peace and Security Council and the State of Peace and Security in Africa (Assembly/AU/Dec.598(XXVI)), adopted at the 26th Ordinary Session of the Assembly of Heads of State and Government of the African Union held on 30 and 31 January 2016 in Addis Ababa (Ethiopia),

— having regard to the Decisions and Declarations of the Assembly of the African Union (Assembly/AU/Dec.605-620 (XXVII)), adopted at the 27th Ordinary Session of the Assembly of Heads of State and Government of the African Union held on 17 and 18 July 2016 in Kigali (Rwanda),

— having regard to the resolution of the African Commission on Human and Peoples' Rights of 4 November 2016 on the human rights situation in the Republic of Burundi,

— having regard to the declaration on Burundi by the East African Community (EAC) summit of 31 May 2015,

— having regard to Council Decision (EU) 2016/394 of 14 March 2016 concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (ACP), of the one part, and the European Community and its Member States, of the other part ([1]),

— having regard to Council Regulation (EU) 2015/1755 of 1 October 2015 ([2]) and Council Decisions (CFSP) 2015/1763 of 1 October 2015 ([3]) and (CFSP) 2016/1745 of 29 September 2016 ([4]) concerning restrictive measures in view of the situation in Burundi,

— having regard to the Council conclusions of 16 March, 18 May, 22 June and 16 November 2015 and 15 February 2016 on Burundi,

— having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, of 28 May 2015, 19 December 2015, 21 October 2016 and 27 October 2017,

— having regard to the statement of 8 June 2018 by the Spokesperson of the VP/HR on the situation in Burundi,

— having regard to the declaration of 8 May 2018 by the VP/HR on behalf of the EU on the situation in Burundi ahead of the constitutional referendum,

— having regard to the statement of 6 January 2017 by the Spokesperson of the VP/HR on the banning of the Iteka League in Burundi,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas Burundi has been facing a political, human rights and humanitarian crisis since April 2015, when President Nkurunziza announced that he would run for a disputed third term, which was then followed by months of deadly turmoil with 593 people killed according to the International Criminal Court (ICC), and, according to the UNHCR, 413 000 people having fled the country since then, and 169 000 people having been internally displaced; whereas 3,6 million people in the country are in need of humanitarian assistance according to the UN Office for Coordination of Humanitarian Affairs (OCHA);

([1]) OJ L 73, 18.3.2016, p. 90.
([2]) OJ L 257, 2.10.2015, p. 1.
([3]) OJ L 257, 2.10.2015, p. 37.
([4]) OJ L 264, 30.9.2016, p. 29.

B. whereas the constitutional changes voted for during the referendum include the expansion of Presidential powers, the reduction of the powers of the Vice-President, the appointment of the prime minister by the President, the introduction of a simple majority procedure to pass or change legislation in parliament, the ability to review the quotas implemented by the Arusha Agreement, and the prohibition from participating in government of political parties with less than 5 % of the votes, all of which endanger the Arusha Agreement;

C. whereas violence and intimidation against political opponents across the country escalated ahead of the constitutional referendum on 17 May 2018, with the enforced disappearance and intimidation of opponents of the aforementioned constitutional revision; whereas the constitutional referendum also allows the negotiated provisions of the Arusha Agreement to be removed, which can reduce inclusiveness and entail further serious consequences for political stability in Burundi; whereas despite the changes to the constitution President Nkurunziza announced he would not run in the 2020 elections;

D. whereas, according to Amnesty International, during the official campaign period there were frequent reports of arrests, beatings and intimidation of those campaigning for a 'No' vote; whereas the referendum took place in a context of continuing repression, prompting Burundi's Catholic bishops to say that many citizens live in fear, so much so that people do not dare to say what they think for fear of reprisals;

E. whereas as the UNCI has pointed out, political violence, arbitrary arrests, extrajudicial executions, beatings, hate speech and various other abuses continue to plague the population; whereas Imbonerakure, the youth league of the ruling political party, continue to perpetrate human rights violations and employ various intimidation tactics, such as setting up roadblocks and checkpoints in some provinces, extorting money, harassing passers-by, and arresting people they suspected of having links to the opposition, many of whom have been detained, raped, beaten and tortured, some dying from the treatment;

F. whereas during the referendum period in 2018, rights organisations reported cases of shrinking civic space and degrading media space, both at a national and local level; whereas local NGOs and human rights defenders have increasingly been threatened and targeted by the government since 2015, while press freedom and the conditions in which journalists are working have steadily deteriorated; whereas private media and journalists have already paid a high price in the battle with the government, including being the targets of arrests, summary executions and enforced disappearances, or sometimes being labelled criminal or even terrorist by the government;

G. whereas Reporters Without Borders ranks Burundi 159th out of 180 in its 2018 World Press Freedom Index;

H. whereas many human rights activists have been served lengthy prison sentences, most notably Germain Rukuki, who works for the Association of Catholic Jurists of Burundi and has been sentenced to 32 years, or remain detained awaiting trial, such as Nestor Nibitanga; whereas restrictive laws to control local and international NGOs have been approved; whereas some organisations have been forced to suspend their activities and others to close permanently, such as the ITEKA League, the FOCODE and ACAT; whereas many leaders and human rights defenders have been exiled, while those who are still present are under constant pressure or facing arrest; whereas Emmanuel Nshimirimana, Aimé Constant Gatore and Marius Nizigama have been sentenced to prison terms of between 10 and 32 years, while Nestor Nibitanga may face 20 years; whereas the journalist Jean Bigirimana has now been missing for almost two years, and is one of the crisis's many victims of enforced disappearances;

I. whereas in October 2017, ICC judges authorised the ICC prosecutor to open an investigation regarding crimes within the jurisdiction of the Court allegedly committed in Burundi or by nationals of Burundi outside Burundi between 26 April 2015 and 26 October 2017; whereas with effect from 27 October 2017, Burundi became the first nation to leave the ICC following the Court's decision in April 2016 to open a preliminary investigation into violence and human rights abuses and possible crimes against humanity in Burundi, while the regime continues to kill with impunity in the country;

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J. whereas the presence of Burundian troops in peacekeeping missions enables President Nkurunziza's regime to conceal the reality of internal problems and present Burundi as a stabilising factor in other countries in crisis, at a time when Burundi itself is experiencing an unprecedented crisis marked by gross violations of human rights; whereas by doing so Burundi is gaining a huge amount of money, which is not being redistributed in favour of the population; whereas no peaceful, free, democratic and independent elections can be possible without disbanding the Imbonerakure militia;

K. whereas Burundi is in a state of continuing socio-economic deterioration and in penultimate place in the global GDP per capita ranking; whereas around 3,6 million Burundians (30 % of the population) are in need of assistance and 1,7 million remain food insecure; whereas this situation of poverty is worsened by the introduction of a 'voluntary' contribution for the 2020 elections, which is often forcibly collected by Imbonerakure and amounts to around 10 % or more of a civil servant's monthly salary;

L. whereas at the 30th African Union summit and the 19th East African Community summit, the African Union and the East African Community respectively expressed their commitment to a peaceful resolution of the political situation in Burundi through an inclusive dialogue on the basis of the Arusha Agreement of 28 August 2000;

M. whereas a number of bilateral and multilateral partners have suspended their financial and technical assistance to the Government of Burundi in view of the situation in the country; whereas the EU has suspended direct financial support to the Burundian administration, including budget support, but is maintaining support to the population and its humanitarian assistance;

N. whereas the EU and the USA have adopted targeted and individual sanctions against Burundi; whereas on 23 October 2017 the Council renewed the EU's restrictive measures against Burundi and extended them until 31 October 2018; whereas these measures consist of a travel ban and asset freeze against targeted individuals whose activities have been deemed to undermine democracy or obstruct the search for a political solution to the crisis in Burundi;

O. whereas the UN Human Rights Council adopted the outcome of the Universal Periodic Review of Burundi on 28 June 2018 during its 38th session; whereas Burundi accepted 125 of the Review's 242 recommendations, notably rejecting those calling for practical steps to improve the country's human rights record;

P. whereas the Constitutional Court has upheld the results of the referendum of 17 May 2018 and rejected a petition filed by the opposition alleging intimidation and abuse;

1. Expresses its deep concern about endemic impunity and human rights violations, including summary executions, torture, enforced disappearances and arbitrary detention; reminds Burundi of its obligation, as a member of the UN Human Rights Council, to resume and fully cooperate with the UNCI on Burundi and the team of three UN experts, and to grant country access to the UN Special Rapporteur on the situation of human rights defenders;

2. Calls on the Government of Burundi to fully respect the Arusha Agreement as the main instrument for peace and stability in the country; calls on the Government of Burundi to respect its international legal obligations regarding human and civil rights, and to promote and protect the rights of freedom of expression and association enshrined in the International Covenant on Civil and Political Rights, to which Burundi is a State party;

3. Denounces once again the intimidation, repression, violence and harassment of journalists, opposition supporters and human rights defenders; calls on the Burundian authorities to respect the rule of law and fundamental human rights, such as freedom of expression and freedom of the media, and to immediately and unconditionally release Germain Rukuki, Nestor Nibitanga, Emmanuel Nshimirimana, Aimé Constant Gatore and Marius Nizigama, five human rights defenders who have been detained solely for their human rights work but stand accused by the authorities of undermining the internal security of the state; demands that the Burundian authorities launch investigations with regard to the situation of the journalist Jean Bigirimana;

4. Condemns Burundi's decision to withdraw from the ICC; supports the continuation of the ICC's preliminary investigation into the extensive crimes and acts of repression in Burundi; calls for the EU to continue to push for accountability for the crimes committed in Burundi; expects Burundi to resume and continue its cooperation with the ICC, in view of the fact that the fight against impunity, prosecution of all human rights violations, and accountability remain necessary steps for resolving the crisis and for a lasting peaceful solution;

5. Welcomes the UNCI on Burundi's oral briefing and commends its vital work in documenting the ongoing human rights crisis in the country;

6. Underlines its concern about the humanitarian situation, which is marked by 169 000 internally displaced persons, 1,67 million people in need of humanitarian assistance, and more than 410 000 Burundians seeking refuge in neighbouring countries; commends the host countries for their efforts and calls on governments in the region to ensure that the return of refugees is voluntary, based on informed decisions and carried out in safety and dignity;

7. Regrets, however, the slow progress of the inter-Burundian dialogue led by the East African Community and the lack of engagement by the Government of Burundi in that regard, and calls on all parties, in particular the Burundian authorities, to commit to the urgent resumption of the inter-Burundian dialogue, which should be organised within a truly inclusive framework and with no preconditions;

8. Calls for a renewed and coordinated approach between the AU, the EU, the UN Economic Commission for Africa (ECA) and the UN as a whole; regrets the fact that the Government of Burundi is not taking into consideration the reports of the UN Secretary-General, the resolutions of the UN Human Rights Council in Geneva, the AU decision of January 2018 or the mediation efforts of the ECA; encourages bilateral and multilateral partners and the Government of Burundi to continue their dialogue with a view to the Government of Burundi creating conditions conducive to the resumption of assistance; calls for all Burundian stakeholders to participate actively in this process; reiterates its support for the mediation process with the backing of the AU and the Special Representative of the UN Secretary-General;

9. Commends the assistance provided by bilateral and multilateral partners in alleviating the humanitarian situation, and calls on the international community to continue to provide support to respond to the humanitarian needs in the country; encourages the Commission to provide additional direct support to the population in 2018; stresses that a return to a classical mode of cooperation requires a return to the rule of law and democracy, including the fight against impunity and the protection of Burundian citizens;

10. Is worried that the ongoing political crisis may turn into an ethnic conflict through the use of propaganda, statements inciting to hatred or calls for violence, equating opponents, members of civil society, journalists and Tutsis with 'enemies of the regime' who must be eliminated; urges all sides in Burundi to refrain from any behaviour or language that may further aggravate violence, deepen the crisis or affect regional stability in the long run;

11. Remains deeply concerned that the new constitution adopted by referendum on 17 May 2018 could start to dismantle the carefully negotiated provisions defined in the Arusha Agreement that helped to put an end to Burundi's civil war;

12. Reaffirms its support for the EU's decision, following the consultation with the Burundian authorities under Article 96 of the Cotonou Agreement, to suspend direct financial support to the Government of Burundi, and welcomes the EU's adoption of travel restrictions and asset freeze measures against those seeking to undermine peace efforts or human rights;

13. Demands an end to be put to any further payment to the Burundian troops and various contingents from Burundi engaged in UN and AU peacekeeping missions; takes note of the announcement by President Nkurunziza that he will not run for another term in 2020; calls on the international community to closely follow the situation in Burundi, irrespective of President Nkurunziza's statement about the 2020 elections;

14. Recalls the VP/HR's strong declaration of 8 May 2018 on the launch of the final preparatory phase for the constitutional referendum of 17 May 2018; regrets the lack of a consensual approach between the various societal and political groups in Burundi, the lack of official public information on the key elements of the draft Constitution, and the close control of journalists and the media;

15. Reminds the Government of Burundi that the conditions for holding inclusive, credible and transparent elections in 2020 imply the right to freedom of expression, access to information and the existence of a free area in which human rights defenders can speak out without intimidation or fear of reprisals;

16. Instructs its President to forward this resolution to the Government and Parliament of Burundi, the ACP-EU Council of Ministers, the Commission, the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the EU Member States, the member countries and institutions of the African Union, and the Secretary-General of the United Nations.

Thursday 5 July 2018

P8_TA(2018)0313

The migration crisis and humanitarian situation in Venezuela and its borders

European Parliament resolution of 5 July 2018 on the migration crisis and humanitarian situation in Venezuela and at its terrestrial borders with Colombia and Brazil (2018/2770(RSP))

(2020/C 118/20)

The European Parliament,

— having regard to its previous resolutions on Venezuela, in particular those of 27 February 2014 on the situation in Venezuela ([1]), of 18 December 2014 on the persecution of the democratic opposition in Venezuela ([2]), of 12 March 2015 on the situation in Venezuela ([3]), of 8 June 2016 on the situation in Venezuela ([4]), of 27 April 2017 on the situation in Venezuela ([5]), of 8 February 2018 on the situation in Venezuela ([6]), and of 3 May 2018 on the elections in Venezuela ([7]),

— having regard to the Universal Declaration of Human Rights of 1948,

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

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

— having regard to the Rome Statute of the International Criminal Court,

— having regard to the statement of 8 February 2018 by the Prosecutor of the International Criminal Court, Ms Fatou Bensouda,

— having regard to the statement of the UN High Commissioner for Human Rights on Venezuela of 31 March 2017,

— having regard to the report by the Office of the UN High Commissioner for Human Rights (OHCHR) entitled 'Human rights violations in the Bolivarian Republic of Venezuela' of 22 June 2018,

— having regard to the joint statement of 28 April 2017 by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the UN Special Rapporteur on freedom of peaceful assembly and of association, the UN Special Rapporteur on the situation of human rights defenders, and the UN Working Group on Arbitrary Detention,

— having regard to the G7 Leaders' statement of 23 May 2018,

— having regard to the declarations of the Lima Group of 23 January 2018, 14 February 2018, 21 May 2018, 2 June 2018 and 15 June 2018,

— having regard to the declaration of 20 April 2018 by the Organisation of American States (OAS) on the worsening humanitarian situation in Venezuela,

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([1]) OJ C 285, 29.8.2017, p. 145.
([2]) OJ C 294, 12.8.2016, p. 21.
([3]) OJ C 316, 30.8.2016, p. 190.
([4]) OJ C 86, 6.3.2018, p. 101.
([5]) Texts adopted, P8_TA(2017)0200.
([6]) Texts adopted, P8_TA(2018)0041.
([7]) Texts adopted, P8_TA(2018)0199.

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— having regard to the report of the General Secretariat of the OAS and the panel of independent international experts on the possible commission of crimes against humanity in Venezuela of 29 May 2018,

— having regard to the report published by the Inter-American Commission on Human Rights (IACHR) on 12 February 2018 entitled 'Democratic Institutions, the Rule of Law and Human Rights in Venezuela', and to the IACHR resolution of 14 March 2018,

— having regard to the declarations of 26 January 2018, 19 April 2018 and 22 May 2018 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the latest developments in Venezuela,

— having regard to the Council conclusions of 13 November 2017, 22 January 2018, 28 May 2018 and 25 June 2018,

— having regard to the statement of the Commissioner for Humanitarian Aid and Crisis Management, Christos Stylianides, on the official mission to Colombia in March 2018,

— having regard to the statement of 23 April 2018 by its Democracy Support and Election Coordination Group,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas the situation of human rights, democracy and rule of law in Venezuela continues to deteriorate; whereas Venezuela is facing an unprecedented political, social, economic and humanitarian crisis, characterised by insecurity, violence, human rights violations, deterioration of the rule of law, lack of medicine and social services, loss of income and increasing poverty rates, which is resulting in a mounting death toll and increasing numbers of refugees and migrants;

B. whereas a growing number of people in Venezuela, in particular vulnerable groups such as women, children and sick people, are suffering from malnutrition as a consequence of limited access to quality health services, medicines, food and water; whereas 87 % of the population of Venezuela is affected by poverty, with the extreme poverty level standing at 61,2 %; whereas maternal mortality has increased by 60 % and infant mortality by 30 %; whereas in 2017, cases of malaria increased by 69 % compared with the previous year, this being the largest increase worldwide, and whereas other diseases such as tuberculosis and measles are on the point of becoming epidemics;

C. whereas, regrettably, despite the readiness of the international community, the Venezuelan Government remains obstinate in its denial of the problem and its refusal to openly receive and facilitate the distribution of international humanitarian aid;

D. whereas the economic situation has significantly worsened; whereas the International Monetary Fund has projected that hyperinflation in Venezuela will soar to 13 000 % in 2018, up from an estimated 2 400 % in 2017, resulting in price increases of, on average, almost 1,5 % every hour;

E. whereas an OHCHR report published on 22 June 2018 highlights the Venezuelan authorities' failure to hold to account the perpetrators of serious human rights violations, which include killings, the use of excessive force against demonstrators, arbitrary detentions, ill-treatment and torture; whereas impunity in favour of security officers suspected of the extrajudicial killings of demonstrators also appears to be rife;

F. whereas according to the report presented on 29 May 2018 by the Panel of Independent International Experts designated by the OAS, seven crimes against humanity have been committed in Venezuela, dating back at least as far as February 2014, and the government itself has been responsible for the current humanitarian crisis in the region; whereas the Prosecutor of the International Criminal Court (ICC) announced the launch of a preliminary investigation into alleged crimes committed in Venezuela since April 2017;

G. whereas the elections held on 20 May 2018 were conducted without complying with the minimum international standards for a credible process and failed to respect political pluralism, democracy, transparency and the rule of law; whereas this places additional constraints on efforts to resolve the political crisis; whereas the EU, together with other democratic bodies, does not recognise the elections or the authorities put in place by this illegitimate process;

H. whereas the current multidimensional crisis in Venezuela is generating the largest population displacement in the region; whereas according to the UNHCR and the International Organisation for Migration (IOM), the total number of Venezuelans to have left the country has increased dramatically, from 437 000 in 2005 to over 1,6 million in 2017; whereas around 945 000 Venezuelans left the country between 2015 and 2017; whereas in 2018 the total number of people who have left the country since 2014 has exceeded 2 million; whereas there has been a 2 000 % increase in the number of Venezuelan nationals seeking asylum worldwide since 2014, reaching more than 280 000 by mid-June 2018;

I. whereas 520 000 Venezuelans in the region have accessed alternative legal forms of stay; whereas more than 280 000 Venezuelans have claimed refugee status worldwide; whereas the number of Venezuelan applicants for international protection in the EU increased by over 3 500 % between 2014 and 2017; whereas it is estimated that more than 60 % of Venezuelans remain in an irregular situation;

J. whereas according to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), Colombia is hosting the biggest share of displaced people, with over 820 000 Venezuelans living on its territory; whereas Cúcuta and Boa Vista, which are situated on the border with Venezuela, are experiencing a major influx of people, who are often in terrible health and nutrition conditions; whereas Peru, Chile, Argentina, Panama, Brazil, Ecuador, Mexico, the Dominican Republic, Costa Rica, Uruguay, Bolivia and Paraguay are also facing influxes of great numbers of refugees and migrants; whereas maritime routes are becoming increasingly significant, particularly to Caribbean islands such as Aruba, Curaçao, Bonaire, Trinidad and Tobago and Guyana; whereas European countries, in particular Spain, Portugal and Italy, are also being increasingly affected; whereas host countries are coming under increasing strain in terms of providing assistance to new arrivals;

K. whereas Colombian national and local authorities are working commendably to grant the enjoyment of basic human rights, such as to primary education and basic health services, to those fleeing Venezuela, regardless of their status; whereas in Colombia, local communities, religious institutions and ordinary people alike are welcoming Venezuelan migrants in the spirit of fraternity, and are demonstrating great resilience and solidarity;

L. whereas on 7 June 2018 the Commission announced a package of EUR 35,1 million in emergency aid and development assistance to support the Venezuelan people and the neighbourhood countries affected by the crisis; whereas this financial contribution will be added to the EUR 37 million that the EU has already committed to humanitarian aid and cooperation projects in the country; whereas as of 13 June 2018 there is a 56 % funding gap in the UNHCR supplementary appeal for USD 46,1 million;

M. whereas every month more than 12 000 Venezuelans enter the Brazilian state of Roraima, around 2 700 of whom stay in the city of Boa Vista; whereas Venezuelans already represent more than 7 % of the population of this city, and at the current rate there will be more than 60 000 Venezuelans living there by the end of the year; whereas this demographic influx is putting enormous pressure on the city's public services, in particular public health and education; whereas Roraima is one of the poorest states of Brazil, with a very narrow labour market and a shallow economy, which is another obstacle to the integration of refugees and migrants;

N. whereas Parliament sent an ad hoc delegation to the Venezuelan borders with Colombia and Brazil from 25 to 30 June 2018 to assess the impact of the crisis on the ground;

1. Is deeply shocked and alarmed by the devastating humanitarian situation in Venezuela, which has resulted in many deaths and an unprecedented influx of refugees and migrants to neighbouring countries and beyond; expresses its solidarity with all Venezuelans forced to flee their country because of the lack of very basic living conditions, such as access to food, drinking water, health services and medicines;

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2. Urges the Venezuelan authorities to acknowledge the ongoing humanitarian crisis, prevent its further deterioration, and promote political and economic solutions to ensure the safety of all civilians and stability for the country and the region;

3. Demands that the Venezuelan authorities allow unimpeded humanitarian aid into the country as a matter of urgency to prevent the aggravation of the humanitarian and public health crisis, and in particular the reappearance of diseases such as measles, malaria, diphtheria and foot-and-mouth disease, and that they grant unhindered access to international organisations wishing to assist all affected sectors of society; calls for the rapid implementation of a short-term response to counter malnutrition among the most vulnerable groups, such as women, children and sick people; is extremely worried about the number of unaccompanied children crossing the borders;

4. Commends the Colombian Government for its prompt reaction and the support it has provided to all incoming Venezuelans; also praises Brazil and other countries in the region, in particular Peru, regional and international organisations, private and public entities, the Catholic Church and ordinary citizens in the region as a whole for their active help and solidarity vis-à-vis Venezuelan refugees and migrants; calls on the Member States to provide immediate protection-oriented responses to Venezuelan refugees or migrants on their territory, such as humanitarian visas, special stay arrangements or other regional migratory frameworks, with the relevant protection safeguards; calls on the Venezuelan authorities to facilitate and speed up the issuance and renewal of identification documents to their own nationals, whether in Venezuela or abroad;

5. Calls on the international community, including the EU, to establish a coordinated, comprehensive and regional response to the crisis and to step up their financial and material assistance to recipient countries by fulfilling their commitments; warmly welcomes the EU humanitarian aid allocated to date and calls, as a matter of urgency, for additional humanitarian support to be released via emergency funds, in order to meet the rapidly increasing needs of people affected by the Venezuelan crisis in the neighbouring countries;

6. Reiterates that the current humanitarian crisis stems from a political one; urges the Venezuelan authorities to ensure that all human rights violations, including violations against civilians, are immediately halted, and that all human rights and fundamental freedoms, including freedom of expression, freedom of the press and freedom of assembly are fully respected; urges the Venezuelan authorities to respect all democratically elected institutions, notably the National Assembly, release all political prisoners and uphold democratic principles, the rule of law and human rights; calls on the European External Action Service to do its utmost to facilitate the international mediation efforts needed to open up spaces for a viable solution to the current humanitarian and political crisis;

7. Calls for the holding of fresh presidential elections in accordance with internationally recognised democratic standards and the Venezuelan constitutional order, within a transparent, equal, fair and international monitoring framework, with no limitations on political parties or candidates and with full respect for the political rights of all Venezuelans; stresses that the legitimate government resulting from such elections must urgently address the current economic and social crisis in Venezuela and work towards national reconciliation;

8. Recalls that any sanctions adopted by the international community should be targeted and reversible and do no harm whatsoever to the Venezuelan population; welcomes the swift adoption of additional targeted and revocable sanctions, as well as the arms embargo imposed in November 2017; reiterates that these sanctions have been imposed on high-ranking officials for grave human rights violations, for undermining democracy and the rule of law in Venezuela and for conducting the illegitimate elections of 20 May 2018, which were given no international recognition and which took place without an agreement on the date or conditions, and in circumstances which did not allow the participation of all political parties on an equal footing; recalls the possibility of extending these sanctions to those responsible for the heightened political, social, economic and humanitarian crisis, in particular President Nicolás Maduro, in accordance with its previous resolutions;

9. Reiterates that those responsible for grave human rights violations must be held to account; fully supports the preliminary investigations of the ICC into the extensive crimes and acts of repression perpetrated by the Venezuelan regime, and calls for the EU to play an active role in this regard; fully supports the call of the Panel of Independent International Experts designated by the Secretary General of the OAS and the UN High Commissioner for Human Rights to establish a commission of inquiry into the situation in Venezuela and to deepen the involvement of the ICC;

10. 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 Government and National Assembly of the Bolivarian Republic of Venezuela, the governments and parliaments of the Republic of Colombia, the Republic of Brazil and the Republic of Peru, the Euro-Latin American Parliamentary Assembly, the Secretary-General of the Organisation of American States and the Lima Group.

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P8_TA(2018)0314

Guidelines for Member States to prevent humanitarian assistance from being criminalised

European Parliament resolution of 5 July 2018 on guidelines for Member States to prevent humanitarian assistance from being criminalised (2018/2769(RSP))

(2020/C 118/21)

The European Parliament,

— having regard to Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence [1] ('Facilitation Directive'),

— having regard to the Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence [2] ('Framework Decision'),

— having regard to the Commission communication of 27 May 2015 establishing an EU Action Plan against migrant smuggling (2015-2020) (COM(2015)0285),

— having regard to the Commission staff working document of 22 March 2017 on the REFIT evaluation of the EU legal framework against facilitation of unauthorised entry, transit and residence: the Facilitators Package (Directive 2002/90/EC and Framework Decision 2002/946/JHA) (SWD(2017)0117),

— having regard to its resolution of 18 April 2018 on progress on the UN Global Compacts for Safe, Orderly and Regular Migration and on Refugees [3],

— having regard to the study entitled 'Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants', published by its Directorate-General for Internal Policies in 2016,

— having regard to the study by the European Union Agency for Fundamental Rights on the criminalisation of migrants in an irregular situation and of persons engaging with them, published in 2014,

— having regard to the Issue Paper of the Council of Europe's Commissioner for Human Rights of 4 February 2010 entitled 'Criminalisation of migration in Europe: Human rights implications',

— having regard to the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organised Crime, adopted by means of resolution 55/25 of 15 November 2000 at the 55th session of the UN General Assembly ('UN Smuggling Protocol'),

— having regard to the report of the UN Special Rapporteur on the human rights of migrants of 24 April 2013 entitled 'Regional Study: management of the external borders of the European Union and its impact on the human rights of migrants',

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(1) OJ L 328, 5.12.2002, p. 17.
(2) OJ L 328, 5.12.2002, p. 1.
(3) Texts adopted, P8_TA(2018)0118.

— having regard to the question to the Commission on guidelines for Member States to prevent humanitarian assistance being criminalised (O-000065/2018 — B8-0034/2018),

— having regard to the motion for a resolution of the Committee on Civil Liberties, Justice and Home Affairs,

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

A. whereas in the EU Action Plan against migrant smuggling (2015-2020), the Commission stressed the need 'to ensure that appropriate criminal sanctions are in place while avoiding risks of criminalisation of those who provide humanitarian assistance to migrants in distress' and to improve the existing EU Facilitators Package, comprising the Facilitation Directive and the accompanying Framework Decision;

B. whereas Article 1(2) of the Facilitation Directive provides for a non-binding humanitarian assistance exemption, giving Member States the option not to criminalise facilitation when it is humanitarian in nature;

C. whereas in its resolution of 18 April 2018 on progress on UN Global Compacts for Safe, Orderly and Regular Migration and on Refugees, Parliament called for the non-criminalisation of humanitarian assistance, for greater search and rescue capacities for people in distress, for greater capacities to be deployed by all states, and for the support provided by private actors and NGOs in carrying out rescue operations at sea and on land to be acknowledged;

D. whereas in its staff working document on the REFIT evaluation of the Facilitators Package, the Commission highlighted that a reinforced exchange of knowledge and good practices between prosecutors, law enforcement and civil society could contribute to improving the current situation and prevent criminalisation of genuine humanitarian assistance;

E. whereas Article 1(1)(b) of the Facilitation Directive does not impose an obligation on Member States to refrain from punishing the facilitation of irregular stay when there is no element of intention of financial gain, and whereas the Framework Decision does not include mandatory provisions preventing the punishment of acts performed for humanitarian purposes or in emergency situations;

1. Recalls that under the Facilitation Directive and the accompanying Framework Decision, Member States are required to implement legislation introducing criminal sanctions against the facilitation of irregular entry, transit and residence;

2. Expresses concern at the unintended consequences of the Facilitators Package on citizens providing humanitarian assistance to migrants and on the social cohesion of the receiving society as a whole;

3. Underlines that in line with the UN Smuggling Protocol, acts of humanitarian assistance should not be criminalised;

4. Notes that actors involved in humanitarian assistance that supports and complements life-saving actions undertaken by the competent authorities of Member States must remain within the remit established for humanitarian assistance by the Facilitation Directive, and that their operations must take place under the control of the Member States;

5. Regrets the very limited transposition by Member States of the humanitarian assistance exemption provided for in the Facilitation Directive and notes that the exemption should be implemented as a bar to prosecution, to ensure that prosecution is not pursued against individuals and civil society organisations assisting migrants for humanitarian reasons;

6. Calls on Member States to transpose the humanitarian assistance exemption provided for in the Facilitation Directive and to put in place adequate systems to monitor the enforcement and effective practical application of the Facilitators Package, by collecting and recording annually information about the number of people arrested for facilitation at the border and inland, the number of judicial proceedings initiated, the number of convictions, along with information on how sentences are determined, and reasons for discontinuing an investigation;

7. Urges the Commission to adopt guidelines for Member States specifying which forms of facilitation should not be criminalised, in order to ensure clarity and uniformity in the implementation of the current *acquis*, including Article 1(1)(b) and 1(2) of the Facilitation Directive, and stresses that clarity of parameters will ensure greater consistency in the criminal regulation of facilitation across Member States and limit unwarranted criminalisation;

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

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P8_TA(2018)0315

Adequacy of the protection afforded by the EU-US Privacy Shield

European Parliament resolution of 5 July 2018 on the adequacy of the protection afforded by the EU-US Privacy Shield (2018/2645(RSP))

(2020/C 118/22)

The European Parliament,

— having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and Articles 6, 7, 8, 11, 16, 47 and 52 of the Charter of Fundamental Rights of the European Union (the EU Charter),

— 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) ([1]) (GDPR), and to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ([2]),

— having regard to the judgment of the Court of Justice of the European Union of 6 October 2015 in Case C-362/14 *Maximillian Schrems* v *Data Protection Commissioner* ([3]),

— having regard to the judgment of the Court of Justice of the European Union of 21 December 2016 in Cases C-203/15 *Tele2 Sverige AB* v *Post- och telestyrelsen* and C-698/15 *Secretary of State for the Home Department v Tom Watson and Others* ([4]);

— having regard to Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-US Privacy Shield ([5]),

— having regard to the Opinion 4/2016 of the European Data Protection Supervisor (EDPS) of 30 May 2016 on the EU-US Privacy Shield draft adequacy decision ([6]),

— having regard to the Opinion 01/2016 of the Article 29 Data Protection Working Party (WP29) of 13 April 2016 on the EU-US Privacy Shield draft adequacy decision ([7]) and the WP29 Statement of 26 July 2016 ([8]),

— having regard to the Report from the Commission of 18 October 2017 to the European Parliament and the Council on the first annual review of the functioning of the EU-US Privacy Shield (COM(2017)0611) and the Commission Staff Working Paper accompanying the document (SWD(2017)0344),

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([1]) OJ L 119, 4.5.2016, p. 1.
([2]) OJ L 119, 4.5.2016, p. 89.
([3]) ECLI:EU:C:2015:650.
([4]) ECLI:EU:C:2016:970.
([5]) OJ L 207, 1.8.2016, p. 1.
([6]) OJ C 257, 15.7.2016, p. 8.
([7]) http://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2016/wp238_en.pdf
([8]) http://ec.europa.eu/justice/article-29/press-material/press-release/art29_press_material/2016/20160726_wp29_wp_statement_eu_us_privacy_shield_en.pdf

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— having regard to the WP29 document of 28 November 2017 entitled 'EU-US Privacy Shield — First Annual Joint Review' ([1]),

— having regard to the letter of response by the WP 29 of 11 April 2018 on the reauthorisation of Section 702 of the US Foreign Intelligence Surveillance Act (FISA),

— having regard to its resolution of 6 April 2017 on the adequacy of the protection afforded by the EU-US Privacy Shield ([2]),

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

A. whereas the Court of Justice of the European Union (CJEU) in its judgment of 6 October 2015 in Case C-362/14 *Maximillian Schrems* v *Data Protection Commissioner* invalidated the Safe Harbour decision and clarified that an adequate level of protection in a third country must be understood to be 'essentially equivalent' to that guaranteed within the European Union by virtue of Directive 95/46/EC read in the light of the EU Charter, prompting the need to conclude negotiations on a new arrangement so as to ensure legal certainty on how personal data should be transferred from the EU to the US;

B. whereas, when examining the level of protection afforded by a third country, the Commission is obliged to assess the content of the rules applicable in that country deriving from its domestic law or its international commitments, as well as the practice designed to ensure compliance with those rules, since it must, under Article 25(2) of Directive 95/46/EC, take account of all the circumstances surrounding a transfer of personal data to a third country; whereas this assessment must not only refer to legislation and practices relating to the protection of personal data for commercial and private purposes, but must also cover all aspects of the framework applicable to that country or sector — in particular, but not only, law enforcement, national security and respect for fundamental rights;

C. whereas transfers of personal data between EU and US commercial organisations are an important element of transatlantic relations in light of the ever-increasing digitisation of the global economy; whereas these transfers should be carried out in full respect of the right to the protection of personal data and the right to privacy; whereas one of the fundamental objectives of the EU is the protection of fundamental rights, as enshrined in the EU Charter;

D. whereas Facebook, a signatory to the Privacy Shield, has confirmed that the data of 2,7 million EU citizens were among those improperly used by political consultancy Cambridge Analytica;

E. whereas in its Opinion 4/2016 the EDPS raised several concerns regarding the draft Privacy Shield; whereas in this same opinion the EDPS welcomes the efforts made by all parties to find a solution for transfers of personal data from the EU to the US for commercial purposes under a system of self-certification;

F. whereas in its Opinion 01/2016 on the EU-US Privacy Shield draft adequacy implementing decision the WP29 welcomed the improvements brought about by the Privacy Shield compared with the Safe Harbour decision while also raising strong concerns about both the commercial aspects and access by public authorities to data transferred under the Privacy Shield;

G. whereas on 12 July 2016, after further discussions with the US administration, the Commission adopted its Implementing Decision (EU) 2016/1250, declaring the adequate level of protection for personal data transferred from the Union to organisations in the United States under the EU-US Privacy Shield;

([1]) WP 255 available at http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612621
([2]) Text adopted, P8_TA(2017)0131.

H. whereas the EU-US Privacy Shield is accompanied by several unilateral commitments and assurances from the US administration explaining, *inter alia*, the data protection principles, the functioning of oversight, enforcement and redress and the protections and safeguards under which security agencies can access and process personal data;

I. whereas in its statement of 26 July 2016, the WP29 welcomes the improvements brought by the EU-US Privacy Shield mechanism compared to the Safe Harbour and commended the Commission and the US authorities for having taken into consideration its concerns; whereas the WP29 nevertheless indicates that a number of its concerns remain, regarding both the commercial aspects and the access by US public authorities to data transferred from the EU, such as the lack of specific rules on automated decisions and of a general right to object, the need for stricter guarantees on the independence and powers of the Ombudsperson mechanism, or the lack of concrete assurances of not conducting mass and indiscriminate collection of personal data (bulk collection);

J. whereas in its resolution of 6 April 2017, the Parliament, while acknowledging that the EU-US Privacy Shield contains significant improvements regarding the clarity of standards compared to the former EU-US Safe Harbour, also considers that important issues remain as regards certain commercial aspects, national security and law enforcement; whereas it calls on the Commission to conduct, during the first joint annual review, a thorough and in-depth examination of all the shortcomings and weaknesses and to demonstrate how these have been addressed so as to ensure compliance with the EU Charter and Union law, and to evaluate meticulously whether the mechanisms and safeguards indicated in the assurances and clarifications by the US administration are effective and feasible;

K. whereas the report from the Commission to the Parliament and the Council on the first annual review on the functioning of the EU-US Privacy Shield and the Commission Staff Working Paper accompanying this document, while acknowledging that the US authorities have put in place the necessary structures and procedures to ensure the correct functioning of the Privacy Shield and concluding that the United States continues to ensure an adequate level of protection for personal data transferred under the Privacy Shield, have made ten recommendations to the US authorities in order to address issues of concern regarding not only the tasks and activities of the US Department of Commerce (DoC) as administrator responsible for the monitoring of the certification of Privacy Shield organisations and enforcement of the Principles, but also those issues related to national security, such as the re-authorisation of Section 702 of FISA, or the appointment of a permanent Ombudsperson and the fact that members of the Privacy Civil Liberties Oversight Board (PCLOB) are still not in office;

L. whereas the opinion of the WP 29 of 28 November 2017 entitled 'EU-US Privacy Shield — First Annual Joint Review', following the first annual joint review, acknowledges the progress of the Privacy Shield in comparison with the invalidated Safe Harbour Decision; whereas the WP29 recognises the efforts made by the US authorities and the Commission to implement the Privacy Shield;

M. whereas the WP29 has identified a number of important unresolved issues of significant concern, regarding both the commercial issues and those relating to access by the US public authorities to data transferred to the US under the Privacy Shield (either for law enforcement or national security purposes) that need to be addressed by both the Commission and the US authorities; whereas it has requested that an action plan be set up immediately to demonstrate that all these concerns will be addressed, and at the latest at the second joint review;

N. whereas, in the event of no remedy being brought to the concerns of the WP29 within the given timeframes, the members of the WP29 will take appropriate action, including bringing the Privacy Shield adequacy decision to national courts for them to make a reference to the CJEU for a preliminary ruling;

O. whereas an action for annulment (Case T-738/16 *La Quadrature du Net and Others* v *Commission*) and a referral by the Irish High Court in the case between the Data Protection Commissioner of Ireland and Facebook Ireland Limited and Maximilian Schrems (*Schrems II* case) have been brought before the CJEU; whereas the referral takes note that mass surveillance is still going on and analyses whether there is effective remedy in US law for EU citizens whose personal data is transferred to the United States;

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P. whereas on 11 January 2018 the US Congress reauthorised and amended Section 702 of FISA for six years without addressing the concerns of the Commission joint review report and the opinion of the WP29;

Q. whereas, as part of the omnibus budget legislation signed into law on 23 March 2018, the US Congress enacted the Clarifying Overseas Use of Data (CLOUD) Act, which facilitates law enforcement access to the contents of communications and other related data by allowing US law enforcement authorities to compel production of communications data even if they are stored outside the United States, and by allowing certain foreign countries to enter into executive agreements with the United States in order to permit US service providers to respond to certain foreign orders seeking access to communications data;

R. whereas Facebook Inc., Cambridge Analytica and SCL Elections Ltd are companies certified within the Privacy Shield framework and as such benefited from the adequacy decision as a legal ground for the transfer and further processing of personal data from the European Union to the United States;

S. whereas, as per Article 45(5) GDPR, where available information reveals that a third country no longer ensures an adequate level of protection, the Commission shall repeal, amend or suspend its adequacy decision;

1. Highlights the persisting weaknesses of the Privacy Shield as regards the respect of fundamental rights of data subjects; underlines the increasing risk that the CJEU may invalidate Commission Implementing Decision (EU) 2016/1250 on the Privacy Shield;

2. Takes note of the improvements compared to the Safe Harbour agreement, including the insertion of key definitions, stricter obligations related to data retention and onward transfers to third countries, the creation of an Ombudsperson to ensure individual redress and independent oversight, checks and balances ensuring the rights of data subjects (PCLOB), external and internal compliance reviews, more regular and rigorous documentation and monitoring, the availability of several ways to pursue legal remedy, and the prominent role for national data protection authorities in the investigation of claims;

3. Recalls that the WP29 set a deadline of 25 May 2018 to solve the outstanding issues, failing which it might decide to bring the Privacy Shield to national courts in order for them to refer the matter to the CJEU for preliminary ruling [1];

Institutional issues / Nominations

4. Regrets that it has taken so long to designate the two additional Members coupled with the nomination of the Chairman of the PCLOB and urges the Senate to scrutinise their profiles in order to ratify the designation so as to restore the independent agency to quorum status and enable it to fulfil its missions of preventing terrorism and ensuring the need to protect privacy and civil liberties;

5. Expresses its concern that the absence of a chair and a quorum has limited the PCLOB's ability to act and to fulfil its obligations; highlights that during a sub-quorum period the PCLOB may not initiate new advice or oversight projects, or hire staff; recalls that the PCLOB has not yet issued its long-awaited report on the conduct of surveillance under Executive Order 12333 to provide information on the concrete operation of this Executive Order and on its necessity and proportionality with regard to interferences brought to data protection in this context; notes that this report is highly desirable considering the uncertainty and unforeseeability of how Executive Order 12333 is used; regrets that the PCLOB did not issue a new report on Section 702 FISA before it was reauthorised in January 2018; considers that the sub-quorum status seriously undermines the compliance and oversight guarantees and assurances made by the US authorities; urges the US authorities, therefore, to nominate and confirm new Board Members without delay;

[1] https://ec.europa.eu/newsroom/just/document.cfm?doc_id=48782

6. In light of the fact that Presidential Policy Directive 28 (PPD 28) is one of the central elements on which the Privacy Shield is built, calls for the release of the PCLOB report on PPD 28, which is still subject to Presidential privilege and has thus not yet been published;

7. Reiterates its position that the Ombudsperson mechanism set up by the US Department of State is not sufficiently independent and is not endowed with sufficient effective powers to carry out its tasks and provide effective redress to EU citizens; stresses that the exact powers of the Ombudsperson mechanism need to be clarified, especially with regard to his/her powers vis-à-vis the intelligence community and the level of effective remedy of his/her decisions; regrets that the Ombudsperson can only request action by and information from US governmental bodies, and cannot order the authorities to cease and discontinue unlawful surveillance, or to permanently destroy information; points out that, while there is an acting Ombudsperson, to date the US administration has still not appointed a new permanent Ombudsman, which does not contribute to mutual trust; takes the view that in the absence of an appointed independent, experienced and sufficiently empowered Ombudsperson, the US assurances with regard to the provision of effective redress to EU citizens would be null and void;

8. Acknowledges the recent confirmation by the Senate of a new Federal Trade Commission (FTC) Chairman and four FTC Commissioners; deplores that until said confirmation four of the five FTC seats had remained vacant, considering that the FTC is the competent agency for enforcement of the Privacy Shield principles by US organisations;

9. Stresses that the recent revelations regarding the practices of Facebook and Cambridge Analytica highlight the need for proactive oversight and enforcement actions which are not only based on complaints but which include systematic checks of the practical compliance of privacy policies with the Privacy Shield principles throughout the certification lifecycle; calls on the competent EU data protection authorities to take appropriate action and suspend transfers in cases of non-compliance;

Commercial issues

10. Considers that in order to ensure transparency and avoid false certification claims, the DoC should not tolerate US companies making public representations about their Privacy Shield certification before it has finalised the certification process and has included them on the Privacy Shield list; is concerned by the fact that the DoC has not made use of the possibility provided in the Privacy Shield to request copies of the contractual terms used by certified companies in their contracts with third parties to ensure compliance; considers therefore that there is no effective control over whether certified companies actually comply with the Privacy Shield provisions; calls on the DoC to undertake proactively and on a regular basis *ex officio* compliance reviews to monitor the effective compliance of companies with the Privacy Shield rules and requirements;

11. Considers that the various recourse procedures for EU citizens may prove to be too complex, difficult to use, and therefore less effective; notes that, as underlined by the companies providing independent recourse mechanisms (IRMs), most of the complaints are brought directly to the companies by individuals seeking general information on the Privacy Shield and the processing of their data; recommends therefore that the US authorities offer more concrete information on the Privacy Shield website in an accessible and easily understandable form to individuals regarding their rights and available recourses and remedies;

12. In view of the recent revelations of misuse of personal data by companies certified under the Privacy Shield, such as Facebook and Cambridge Analytica, calls on the US authorities responsible for enforcing the Privacy Shield to act upon such revelations without delay in full compliance with the assurances and commitments given to uphold the current Privacy Shield arrangement and, if needed, to remove such companies from the Privacy Shield list; calls also on the competent EU data protection authorities to investigate such revelations and, if appropriate, suspend or prohibit data transfers under the Privacy Shield; considers that the revelations clearly show that the Privacy Shield mechanism does not provide adequate protection of the right to data protection;

13. Is seriously concerned about the change in the terms of service of Facebook for non-EU users outside the United States and Canada who have so far enjoyed rights under EU data protection law, and who now have to accept Facebook US instead of Facebook Ireland as the data controller; considers that this constitutes a transfer of personal data of

approximately 1,5 billion users to a third country; seriously doubts that such an unprecedented large-scale limitation of the fundamental rights of users of a de-facto monopoly platform is what was intended with the Privacy Shield; calls on EU data protection authorities to investigate this matter;

14. Expresses its strong concern that, if the issue is not tackled, such misuses of personal data by various entities that aim to manipulate political opinion or voting behaviour can pose a threat to the democratic process and its underlying idea that voters are able to make informed, fact-based decisions for themselves;

15. Welcomes and supports calls for the US legislator to move towards an omnibus privacy and data protection act;

16. Recalls its concerns about the lack of specific rules and guarantees in the Privacy Shield for decisions based on automated processing/profiling, which produce legal effect or significantly affect the individual; acknowledges the intention of the Commission to order a study to collect factual evidence and further assess the relevance of automated decision-making for data transfers under the Privacy Shield; calls on the Commission to provide for specific rules concerning automated decision-making to provide sufficient safeguards if the study recommends this; takes note in this regard of the information provided from the joint review that automated decision-making may not take place on the basis of personal data that have been transferred under the Privacy Shield; deplores that, according to the WP29, 'the feedback from the companies remained very general, leaving unclear whether these assertions correspond to the reality of all companies adhering to the Privacy Shield'; further stresses the applicability of the GDPR under the conditions of Article 3 (2) GDPR;

17. Stresses that further improvements should be made with regard to the interpretation and handling of HR data due to the different reading of the notion 'HR data' by the US Government on the one hand and the Commission and the WP29 on the other; agrees fully with the WP29's call on the Commission to engage in negotiations with the US authorities in order to amend the Privacy Shield mechanism on this issue;

18. Reiterates its concern that the Privacy Shield principles do not follow the EU model of consent-based processing, but allow for opt-out / right to object only in very specific circumstances; urges therefore, in the light of the joint review, that the DoC work with European Data Protection Authorities to provide more precise guidance as regards essential principles of the Privacy Shield such as the Choice Principle, the Notice Principle, onward transfers, the controller-processor relationship and access, which are much more aligned with the rights of the data subject under Regulation (EU) 2016/679;

19. Reiterates its concerns about 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 get consumers' explicit consent before selling or sharing web browsing data and other private information with advertisers and other companies; considers that this is yet another threat to privacy safeguards in the United States;

Law Enforcement and National Security issues

20. Considers that the term 'national security' in the Privacy Shield mechanism is not specifically circumscribed in order to ensure that data protection breaches can be effectively reviewed in courts to ensure compliance with a strict test of what is necessary and proportionate; calls therefore for a clear definition of 'national security';

21. Takes note that the number of targets under Section 702 of FISA has increased due to changes in technology and communication patterns as well as an evolving threat environment;

22. Regrets that the US did not seize the opportunity of the recent reauthorisation of FISA Section 702 to include the safeguards provided in PPD 28; calls for evidence and legally binding commitments ensuring that data collection under FISA Section 702 is not indiscriminate and access is not conducted on a generalised basis (bulk collection) in contrast with the EU Charter; takes note of the Commission's explanation in its Staff Working Document that surveillance under Section 702 FISA is always based on selectors and does not therefore allow for bulk collection; adds its voice therefore to the call made by the WP29 for an updated report from the PCLOB on the definition of 'targets', on the 'tasking of selectors' and on the concrete process of applying the selectors in the context of the UPSTREAM programme to clarify and assess whether bulk access to personal data occurs in that context; deplores that EU individuals are excluded from the additional protection provided by the reauthorisation of FISA Section 702; regrets that the reauthorisation of Section 702 contains several amendments that are merely procedural and do not address the most problematic issues, as also raised by the WP29; calls on the Commission to take the forthcoming WP29 analysis on FISA Section 702 seriously and to act accordingly;

23. Affirms that the reauthorisation of section 702 of the FISA act for six more years calls into question the legality of the Privacy Shield;

24. Reiterates its concerns about Executive Order 12333, which allows the NSA to share vast amounts of private data gathered without warrants, court orders or congressional authorisation with 16 other agencies, including the FBI, the Drug Enforcement Agency and the Department of Homeland Security; regrets the lack of any judicial review of surveillance activities conducted on the basis of Executive Order 12333;

25. Highlight the persisting obstacles concerning redress for non-US citizens subject to a surveillance measure based on section 702 FISA or Executive Order 12333 due to the procedural requirements of 'standing' as currently interpreted by the US courts, in order to enable non-US citizens to bring legal actions before US courts against decisions affecting them;

26. Expresses its concern about the consequences of Executive Order 13768 on 'Enhancing Public Safety in the Interior of the United States' for judicial and administrative remedies available to individuals in the US, because the protections of the Privacy Act no longer apply to non-US citizens; takes note of the Commission's position that the adequacy assessment does not rely on the protections of the Privacy Act and that therefore this Executive Order does not affect the Privacy Shield; considers that Executive Order 13768 does however indicate the intention of the US executive to reverse the data protection guarantees previously granted to EU citizens and to override the commitments made towards the EU during the Obama Presidency;

27. Expresses its strong concerns regarding the recent adoption of the Clarifying Lawful Overseas Use of Data Act or CLOUD Act (H.R. 4943), which expands the abilities of American and foreign law enforcement to target and access people's data across international borders without making use of the mutual legal assistance treaty (MLAT) instruments, which provide for appropriate safeguards and respect the judicial competences of the countries where the information is located; highlights that the CLOUD Act could have serious implications for the EU as it is far-reaching and creates a potential conflict with the EU data protection laws;

28. Considers that a more balanced solution would have been to strengthen the existing international system of MLATs with a view to encouraging international and judicial cooperation; reiterates that, as set out in Article 48 GDPR, mutual legal assistance and other international agreements are the preferred mechanism to enable access to personal data overseas;

29. Deplores that the US authorities have failed to proactively fulfil their commitment to provide the Commission with timely and comprehensive information about any developments that could be of relevance for the Privacy Shield, including the failure to notify the Commission of changes in the US legal framework, for example with respect to President Trump's Executive Order 13768 'Enhancing Public Safety in the Interior of the United States' or the repeal of the privacy rules for internet service providers;

30. Recalls that, as indicated in its resolution of 6 April 2017, neither the Privacy Shield Principles nor the letters from the US administration provide clarifications and assurances demonstrating the existence of effective judicial redress rights for individuals in the EU in respect of use of their personal data by US authorities for law enforcement and public interest purposes, which were emphasised by the CJEU in its judgment of 6 October 2015 as the essence of the fundamental right in Article 47 of the EU Charter;

Conclusions

31. Calls on the Commission to take all the necessary measures to ensure that the Privacy Shield will fully comply with Regulation (EU) 2016/679, to be applied as from 25 May 2018, and with the EU Charter, so that adequacy should not lead to loopholes or competitive advantage for US companies;

32. Deplores that the Commission and the competent US authorities did not restart discussions on the Privacy Shield arrangement and did not set up any action plan in order to address as soon as possible the deficiencies identified, as called for by the WP29 in its December report on the joint review; calls on the Commission and the competent US authorities to do so without any further delay;

33. Recalls that privacy and data protection are legally enforceable fundamental rights enshrined in the Treaties, the EU Charter and the European Convention of Human Rights, as well as in laws and case law; emphasises that they must be applied in a manner that does not unnecessarily hamper trade or international relations, but cannot be 'balanced' against commercial or political interests;

34. Takes the view that the current Privacy Shield arrangement does not provide the adequate level of protection required by Union data protection law and the EU Charter as interpreted by the CJEU;

35. Considers that, unless the US is fully compliant by 1 September 2018, the Commission has failed to act in accordance with Article 45(5) GDPR; calls therefore on the Commission to suspend the Privacy Shield until the US authorities comply with its terms;

36. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field, including on cases brought before the CJEU, and to monitor the follow-up to the recommendations made in the resolution;

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37. Instruct its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Council of Europe.

Thursday 5 July 2018

P8_TA(2018)0316

The adverse effects of the US Foreign Account Tax Compliance Act on EU citizens

European Parliament resolution of 5 July 2018 on the adverse effects of the US Foreign Account Tax Compliance Act (FATCA) on EU citizens and in particular 'accidental Americans' (2018/2646(RSP))

(2020/C 118/23)

The European Parliament,

— having regard to Article 7, Article 8 and Article 21 of the Charter of Fundamental Rights of the European Union,

— having regard to Article 8 and Article 14 of the European Convention on Human Rights,

— 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) ([1]),

— having regard to Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features ([2]),

— having regard to Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation ([3]),

— having regard to the Council conclusions of 11 October 2016 on tax transparency,

— having regard to the Commission communication of 5 July 2016 on further measures to enhance transparency and the fight against tax evasion and avoidance (COM(2016)0451),

— having regard to its recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion ([4]),

— having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect ([5]),

— having regard to the OECD Common Reporting Standard (CRS), approved by the OECD Council on 15 July 2014,

— having regard to the questions to the Commission and the Council on the adverse effect of FATCA on EU citizens and in particular 'accidental Americans' (O-000052/2018 — B8-0033/2018 and O-000053/2018 — B8-0032/2018),

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

([1]) OJ L 119, 4.5.2016, p. 1.
([2]) OJ L 257, 28.8.2014, p. 214.
([3]) OJ L 359, 16.12.2014, p. 1.
([4]) Texts adopted, P8_TA(2017)0491.
([5]) OJ C 101, 16.3.2018, p. 79.

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A. whereas its Committee on Petitions was seized with a petition from a collective of European citizens raising concerns about the adverse effects of FATCA, its implementing intergovernmental agreements (IGAs) and the extraterritorial impact of citizenship-based taxation (CBT);

B. whereas, since the entry into force of FATCA and the related IGAs concluded between Member States and the US, EU financial institutions, under the threat of franchise-destroying penalties in the US, including a 30 % withholding tax, now have to disclose detailed information on accounts held by presumed 'US persons' to the US Internal Revenue Service (IRS), via their national governments; whereas this could constitute a breach of EU data protection rules and fundamental rights;

C. whereas the aim of FATCA is to prevent tax evasion by 'US persons' and whereas it requires foreign financial institutions to search for 'US persons' by looking at a variety of indicators, such as birthplace in the US, a US telephone number and indications of a power of attorney over the account to a person with a US address, against which the individual is required to prove that he or she is not a 'US person';

D. whereas this use of indicators, enforced by FATCA, may result in the arbitrary exposure and punishment of individuals who might, in reality, have no substantive ties to the US; whereas, in practice, FATCA involves a large group of individuals, such as dual EU-US citizens and their non-US family members, and in particular the so-called 'accidental Americans' who, by accident of birth, inherited US citizenship, but who maintain no ties to the US, having never lived, worked or studied in the US and who do not hold US social security numbers;

E. whereas the Commission has acknowledged that FATCA and the related IGAs have had the unintended effect of hindering access to financial services in the EU for US citizens and any person presenting indicia suggesting that he or she may be subject to FATCA ('US person');

F. whereas the lives and livelihoods of thousands of law-abiding EU citizens and their EU families are being very seriously affected by FATCA on a daily basis, as those falling within the definition of 'US persons' have their savings accounts frozen and are denied access to all banking services, including life insurance, pensions and mortgages, due to the reluctance of financial institutions to follow costly FATCA reporting; whereas, in addition, their EU family members are seeing their personal data shared with the US and their access to EU banking services curtailed (e.g. joint accounts and/or mortgages);

G. whereas 'accidental Americans' who do not want to be affected by FATCA are obliged to formally renounce their US citizenship, which is a very cumbersome process for which a US social security number or a US international tax identification number is required which, inter alia, most 'accidental Americans' do not possess;

H. whereas American internet platforms such as AirBnB, Tripadvisor and Amazon are required to collect taxpayer information from all EU citizens who make use of these online services, and hand it over to the US federal tax authority, the IRS; whereas the objective of this practice is to establish whether the user is a US citizen and, therefore, to determine if the earnings made through these platforms are subject, in the context of FATCA, to US tax reporting; whereas this practice is clearly not in line with EU data protection rules;

I. whereas Directive 2014/92/EU (Payment Accounts Directive) obliges Member States to ensure that credit institutions do not discriminate against consumers on the basis of their nationality or place of residence;

J. whereas the deadline for Member States to transpose the Payment Accounts Directive was 18 September 2016;

K. whereas, in its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect, Parliament took note of a significant lack of reciprocity between the US and the EU in the framework of the FATCA agreement;

L. whereas FATCA and the OECD Common Reporting Standard (CRS) on the automatic exchange of tax information are essential tools to fight corruption, cross-border tax fraud and tax evasion;

M. whereas the French National Assembly published a report in October 2016 following its bipartisan fact-finding mission to investigate the extraterritorial effects of certain US laws, including FATCA, recommending that the French Government either negotiate an amendment to its tax treaty with the US or request that US legislators amend US laws in order to allow French 'accidental Americans' to exit the US system and relinquish their unwanted US citizenship on a no-fees, no-filings, no-penalties basis; whereas a commission was recently set up specifically to look into the extraterritorial taxation of French 'accidental Americans' by the US, and resolutions were tabled in November 2017 in both the Senate and the National Assembly on this particular issue; whereas on 15 May 2018 the French Senate adopted a resolution, by unanimous vote, inviting the government to take immediate measures to ensure that the right of French 'accidental Americans' to a bank account is respected, that the discriminatory practices adopted by French banks in the wake of FATCA cease, and that an information campaign is launched immediately to inform French citizens living in the US about the implications of US nationality and tax laws; whereas the resolution requests furthermore that a strong diplomatic effort be made to find a solution for French 'accidental Americans' that would allow them to relinquish their unwanted US citizenship on a no-fees, no-filings, no-penalties basis and that the US honour its promise of reciprocity pursuant to which France agreed to sign its IGA;

N. whereas the US and Eritrea are the only two countries in the world that have adopted citizen-based taxation, and Eritrea has been condemned by the UN for its efforts to enforce its 'diaspora tax';

O. whereas in 2017 the US adopted a significant tax reform, which did not, however, abolish the citizen-based taxation principle for individuals, but did introduce territory-based taxation for US multinational corporations;

1. Calls on the Member States and the Commission to ensure that the fundamental rights of all citizens, in particular those of 'accidental Americans', are guaranteed, especially the right to a private and family life, the right to privacy and the principle of non-discrimination, as laid down in the Charter of Fundamental Rights of the European Union and in the European Convention on Human Rights;

2. Calls on the Member States to ensure the full and correct transposition of the Payment Accounts Directive, in particular Article 15 and Article 16 thereof, and to guarantee the right for all EU citizens to have access to a payment account with basic features, irrespective of their nationality;

3. Calls on the Commission to expedite its analysis of national transposition measures of the Payment Accounts Directive and to include in its assessment the situation of 'accidental Americans', dual citizens and US citizens legally resident in the EU, paying due attention to any discrimination by financial institutions against taxpayers legally residing in the EU and qualifying as 'US persons' for the purpose of FATCA;

4. Urges the Commission to initiate without delay infringement procedures in the event of established breaches in the implementation of the Payment Accounts Directive, and to report back to Parliament and the Council on the measures taken to ensure the proper implementation of the said directive;

5. Stresses the importance of providing an adequate level of protection for personal data transferred to the US under FATCA, in full compliance with national and EU data protection law; calls on the Member States to review their IGAs and to amend them, if necessary, in order to align them with the rights and principles of the GDPR; urges the Commission and the European Data Protection Board to investigate without delay any infringement of EU data protection rules by Member

States whose legislation authorises the transfer of personal data to the US IRS for the purposes of FATCA, and to initiate infringement procedures against Member States that fail to adequately enforce EU data protection rules;

6. Calls on the Commission to conduct a full assessment of the impact of FATCA and the US extraterritorial practice of CBT on EU citizens, EU financial institutions and EU economies, taking into account ongoing efforts in France and other Member States, and to explain if a serious discrepancy exists between EU citizens and/or residents in different Member States, especially as regards EU data protection rules and fundamental rights standards as a result of FATCA and 'US indicia'; calls on the Commission to conduct a comprehensive assessment of the status of FATCA reciprocity, or the lack thereof, across the EU, and compliance by the US with its obligations under the various IGAs signed with Member States;

7. Calls on the Commission to assess and, if necessary, take action to ensure that the EU fundamental rights and values enshrined in the Charter of Fundamental Rights and the European Convention on Human Rights, such as the right to privacy and the principle of non-discrimination, as well as EU data protection rules, are respected in the context of FATCA and the automatic exchange of tax information with the US;

8. Regrets the inherent lack of reciprocity of IGAs signed by Member States, especially in terms of the scope of information to be exchanged, which is broader for Member States than it is for the US; calls on all Member States to collectively suspend the application of their IGAs (or the sharing of all information other than that in respect of accounts held in the EU by US citizens resident in the US) until such time as the US agrees to a multilateral approach to the automatic exchange of information (AEOI), by either repealing FATCA and joining the CRS or renegotiating FATCA on an EU-wide basis and with identical reciprocal sharing obligations on both sides of the Atlantic;

9. Calls on the Commission and the Council to present a joint EU approach to FATCA in order to adequately protect the rights of European citizens (in particular 'accidental Americans') and improve equal reciprocity in the automatic exchange of information by the US;

10. Calls on the Council to mandate the Commission to open negotiations with the US on an EU-US FATCA agreement, with a view to ensuring the full reciprocal exchange of information, upholding the fundamental principles of EU law, as well as the Payment Accounts Directive, and allowing EU 'accidental Americans' to relinquish their unwanted US citizenship on a no-fees, no-filings, no-penalties basis;

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

Thursday 5 July 2018

P8_TA(2018)0317

Statute for social and solidarity-based enterprises

European Parliament resolution of 5 July 2018 with recommendations to the Commission on a Statute for social and solidarity-based enterprises (2016/2237(INL))

(2020/C 118/24)

The European Parliament,

— having regard to its declaration of 10 March 2011 on establishing European statutes for mutual societies, associations and foundations,

— having regard to Article 225 and Article 50 of the Treaty on the Functioning of the European Union,

— having regard to its resolution of 19 February 2009 on 'Social Economy' ([1]),

— having regard to its resolution of 20 November 2012 on 'Social Business Initiative — Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation' ([2]),

— having regard to its resolution of 10 September 2015 on 'Social Entrepreneurship and Social Innovation in combating unemployment' ([3]),

— having regard to the Council conclusions of 7 December 2015 'The promotion of the social economy as a key driver of economic and social development in Europe' ([4]),

— having regard to the Communication from the Commission of 13 April 2011 entitled 'Single Market Act — Twelve levers to boost growth and strengthen confidence "Working together to create new growth"' (COM(2011)0206),

— having regard to the Communication from the Commission of 25 October 2011 entitled 'Social Business Initiative — Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation' (COM(2011)0682),

— having regard to Regulation (EU) No 346/2013 of the European Parliament and of the Council ([5]),

— having regard to Regulation (EU) No 1296/2013 of the European Parliament and of the Council ([6]), and, in particular, to Article 2(1) thereof,

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([1]) Texts adopted, P6_TA(2009)0062.
([2]) Texts adopted, P7_TA(2012)0429.
([3]) Texts adopted, P8_TA(2015)0320.
([4]) 13766/15 SOC 643 EMPL 423.
([5]) Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18).
([6]) Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ('EaSI') and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

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— having regard to Directive 2014/24/EU of the European Parliament and of the Council [1], and, in particular, to Article 20 thereof,

— having regard to Council Regulation (EC) No 1435/2003 [2],

— having regard to its resolution of 14 March 2013 with recommendations to the Commission on the Statute for a European mutual society [3],

— having regard to the July 2011 study commissioned by Parliament's Committee on Employment and Social Affairs entitled 'The role of mutual societies in the 21st century',

— having regard to the report of the Commission Expert Group on Social Entrepreneurship (GECES) of October 2016 on 'Social enterprises and the social economy going forward' [4],

— having regard to the study commissioned by the European Parliament Policy Department C of February 2017 entitled 'A European Statute for Social and Solidarity-Based Enterprise',

— having regard to Rules 46 and 52 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Employment and Social Affairs (A8-0231/2018),

A. whereas the terms 'social enterprise' and 'solidarity-based enterprise' are often used as synonyms, although the enterprises they denote are not invariably the same and can differ greatly from one Member State to another; whereas the concept of 'social enterprise' relates essentially to traditional social economy organisations, such as cooperatives, mutual organisations, associations and foundations; whereas the boundaries of the concept of 'social enterprise' are giving rise to important discussions among social scientists and lawyers; whereas it seems imperative to move without delay towards better recognition of the concept of 'social and solidarity-based enterprise' by establishing a basic legal definition that could make a solid contribution to the efforts made by the European Union and Member States to develop social and solidarity-based enterprises so they can also take advantage of the internal market;

B. whereas the social and solidarity-based economy makes a major contribution to the Union economy; whereas Parliament highlighted in its resolutions of 19 February 2009, 20 November 2012 and 10 September 2015, that the social and solidarity-based economy provides employment for more than 14 million people, which represents around 6,5 % of workers in the EU and 10 % of EU undertakings; whereas this sector has proved particularly resilient to the economic and financial crisis and has potential for social and technological innovation, decent, inclusive, local and sustainable job creation, fostering economic growth, environmental protection and strengthening social, economic and regional cohesion; whereas social and solidarity-based enterprises highlight new ways of addressing social problems in a quickly changing world; whereas the social and solidarity-based economy continues to develop and is thus a driver of growth and employment and should be encouraged and supported;

C. whereas there are substantial differences among Member States in the way they regulate social and solidarity-based enterprises and the organisational forms available to social entrepreneurs under their legal systems; whereas the distinctive organisational forms that social and solidarity-based enterprises adopt depend on the existing legal frameworks, on the political economy of welfare provision and solidarity, and on the cultural and historical traditions in a Member State;

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[1] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

[2] Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (OJ L 207, 18.8.2003, p. 1).

[3] Texts adopted, P7_TA(2013)0094.

[4] http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=9024

D. whereas in some Member States specific legal forms have been created either by adapting the cooperative model, mutual, association, or foundation and others or through the introduction of legal forms that recognise the social commitment taken on by a plurality of entities and that include some features specific to social and solidarity-based enterprises; whereas in other Member States no specific legal form for social and solidarity-based enterprises has been created and they thus operate using pre-existing legal forms, including legal forms used by conventional companies, such as the limited liability company or the public limited company; whereas in some Member States the legal form social and solidarity-based enterprises may adopt can be optional; whereas it should be noted that even when specific legal forms have been devised for them, social and solidarity-based enterprises frequently opt for other legal forms that better suit their needs and their objectives;

E. whereas the adoption of diverse legal frameworks for social and solidarity-based enterprises in many Member States confirms the development of a new kind of entrepreneurship based on the principles of solidarity and accountability and that is more focused on social added value creation, local connections and the promotion of a more sustainable economy; whereas this diversity also confirms that social entrepreneurship is an innovative and beneficial field;

F. whereas Parliament emphasised, in its resolution of 10 September 2015 on social entrepreneurship and social innovation in combating unemployment, that social innovation relates to the development and implementation of new ideas, whether they be products, services or social organisation models, that are designed to meet new social, territorial and environmental demands and challenges, such as the ageing population, depopulation, balancing work and family life, managing diversity, tackling youth unemployment, the integration of those most excluded from the labour market, and combating climate change;

G. whereas, in light of this diversity of legal forms available for the creation of social and solidarity-based enterprises across Member States, there is no consensus in the European Union at this point in time for setting up a specific form of social and solidarity-based enterprise; whereas Parliament has already stressed the importance of developing new legal frameworks at Union level, but has always made the point that these should be optional for enterprises in relation to national frameworks and preceded by an impact assessment to take into account the existence of various social business models across the Member States; whereas Parliament has also stressed that any measures should demonstrate Union-wide added value;

H. whereas social dialogue is crucially important both in terms of realising the objective of the social market economy, which is full employment with social progress, and in terms of competitiveness and fairness in the EU single market; whereas social dialogue and consultation with the social partners in EU policy-making represent a major social innovation;

I. whereas the fact that there is a choice in the available legal forms has the advantage of permitting social and solidarity-based enterprises to shape their structure in the manner which suits them best in the circumstances in question, the tradition where they have their roots and the type of business they wish to conduct;

J. whereas notwithstanding the above, it is possible to derive from national experience at Member State level some distinctive features and criteria that a social and solidarity-based enterprise should fulfil, regardless of the legal form it adopts, if it is to be considered as such an enterprise; whereas it seems desirable to establish at Union level a common set of features and criteria in the form of minimum standards with a view to creating a more efficient and consistent legal framework for such enterprises and to ensure that, despite their diversity, all social and solidarity-based enterprises have a common identity regardless of the Member State of incorporation; whereas such institutional features should help to allow social and solidarity-based enterprises to continue to have an advantage over alternative ways of organising the provision of services, including social services;

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K. whereas in its communication of 25 October 2011 ('Social Business Initiative') the Commission defined a social enterprise as 'an operator in the social economy whose main objective is to have a social impact rather than make a profit for their owners or shareholders. It operates by providing goods and services for the market in an entrepreneurial and innovative fashion and uses its profits primarily to achieve social objectives. It is managed in an open and responsible manner and, in particular, involves employees, consumers and stakeholders affected by its commercial activities';

L. whereas for the purposes of Regulation (EU) No 1296/2013, 'social enterprise' means an undertaking, regardless of its legal form, which:

(a) in accordance with its articles of association, statutes or with any other legal document by which it is established, has, as its primary objective, the achievement of measurable, positive social impacts rather than generating profit for its owners, members and shareholders, and which:

(i) provides services or goods which generate a social return and/or

(ii) employs a method of production of goods or services that embodies its social objective;

(b) uses its profits first and foremost to achieve its primary objective and has predefined procedures and rules covering any distribution of profits to shareholders and owners that ensure that such distribution does not undermine the primary objective; and

(c) is managed in an entrepreneurial, accountable and transparent way, in particular by involving workers, customers and stakeholders affected by its business activities;

M. whereas in its resolution of 10 September 2015, Parliament noted that social and solidarity-based economy enterprises, which do not necessarily have to be non-profit organisations, are enterprises whose purpose is to achieve their social goal, which may be to create jobs for vulnerable groups, provide services for their members, or more generally create a positive social and environmental impact, and which reinvest their profits primarily in order to achieve those objectives; whereas social and solidarity-based enterprises are characterised by their commitment to upholding the following values:

— the primacy of individual and social goals over the interests of capital;

— democratic governance by members;

— the conjunction of the interests of members and users with the general interest;

— the safeguarding and application of the principles of solidarity and responsibility;

— the reinvestment of surplus funds in long-term development objectives, or in the provision of services of interest to members or of services of general interest;

— voluntary and open membership;

— autonomous management independent of the public authorities;

N. whereas the above definitions are compatible and bring together the features shared by all social and solidarity-based enterprises regardless of the Member State of incorporation and the legal form they have chosen to adopt pursuant to national law; whereas such features should constitute the baseline for a cross-cutting and more definitive legal definition of 'social enterprise' universally agreed and applied at Union level;

O. whereas social and solidarity-based enterprises are private organisations independent from public authorities;

P. whereas social and solidarity-based enterprises operate in the market in an entrepreneurial fashion; whereas this implies that they carry on activities of an economic nature;

Q. whereas rural areas offer significant opportunities for social and solidarity-based enterprises, and whereas, therefore, it is essential that appropriate infrastructure should be available throughout rural regions;

R. whereas education and training must be priority areas in fostering an entrepreneurial culture among young people;

S. whereas the mutual societies operating in the healthcare and social assistance sectors in the Union employ 8,6 million people and provide support to 120 million citizens; those mutual societies have a market share of 24 % and generate over 4 % of the Union GDP;

T. whereas the contribution to social value creation must be the main purpose of a social and solidarity-based enterprise; whereas those social and solidarity-based enterprises should expressly pursue the aim of benefiting the community at large or a specific group of people, transcending membership; whereas the social purpose pursued by social and solidarity-based enterprises should be clearly indicated in their documents of establishment; whereas the notion of social and solidarity-based enterprise should not be confused with that of corporate social responsibility (CSR), even though commercial enterprises with significant CSR activities can have a strong interconnection with social business; whereas social and solidarity-based enterprises are not to have as their aim traditional commercial profit creation but, instead, use any added value created for the further development of projects aimed at improving the environment for their target groups;

U. whereas digitalisation, ambitious climate change goals, migration, inequalities, community development, especially in the marginalised areas, social welfare and health services, needs of persons with disabilities and the fight against poverty, social exclusion, long-term unemployment and gender inequality and specific environmental tasks offer great potential for social entrepreneurship; whereas most social and solidarity-based enterprises operate in the market in an entrepreneurial fashion, accepting economic risks;

V. whereas social and solidarity-based enterprises should conduct a socially useful activity; whereas they may be active in a wide spectrum of activities; whereas social and solidarity-based enterprises have typically engaged in the delivery of services intended to improve living conditions for the community, in particular services to support individuals in precarious circumstances or affected by socio-economic exclusion and to facilitate work integration for disadvantaged groups; whereas, in light of the social value created and their ability for reintegrating long-term unemployed people, to further social cohesion and economic growth, there has been a common trend in national legislation to enlarge the range of activities in which social and solidarity-based enterprises are entitled to engage, provided that they are of general interest and/or have a social utility, such as the provision of community services, including the educational, health, cultural, housing, leisure and environmental fields;

W. whereas social and solidarity-based enterprises provide a business model for the 21st century which balances financial and social needs; whereas social and solidarity-based enterprises are generally associated with social, technological and economic innovation, as a result of the expansion of their activity in new fields of production of goods or of delivery of services, including environmental, health, cultural, educational, and recreational services, and/or the introduction of innovative production or work organisation methods, designed to meet new social, territorial and environmental demands and challenges, such as the ageing population, depopulation, work-life balance, managing diversity, tackling youth unemployment, the integration of those most excluded from the labour market and combating climate change;

X. whereas, by virtue of their social and integrative character, social and solidarity-based enterprises offer employment to those groups of workers most commonly excluded from the labour market, and whereas they contribute significantly to reintegrating long-term unemployed people and to combating unemployment generally, thereby furthering social cohesion and economic growth;

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Y. whereas the social economy, given the particular nature of its component enterprises and organisations, its specific rules, its social commitments, and its innovative methods, has shown on many occasions that it can be resilient in the face of economic adversity and that it has the potential to rise above crises more rapidly;

Z. whereas, in small and medium-sized enterprises in particular, employee financial participation often serves a social purpose, as demonstrated by the 'best practice' example of the successful reintegration of long-term unemployed people in Spain through the 'Sociedad Laboral (SL)' company model, whereby job-seekers can use their unemployment benefit to set up a company, and so create more jobs, with the state providing support and advice on management issues;

AA. whereas social and solidarity-based enterprises are not necessarily non-profit organisations and can also be for-profit, provided that their activities fully satisfy the criteria for obtaining the European Social Economy Label; whereas this, notwithstanding the main focus of social and solidarity-based enterprises, should be, above all, on social values and on having a positive and durable impact on society's well-being and economic development rather than making a profit for their owners, members or shareholders; whereas in this context a severe constraint on distribution of profits and assets among members or shareholders, also known as 'asset lock', is essential to social and solidarity-based enterprises; whereas a limited distribution of profits could be allowed, having regard to the legal form adopted by the social and solidarity-based enterprise, but the procedures and rules covering that distribution should be established in a way so as to always ensure that it does not undermine the primary social objective of the enterprise; whereas, in any case, the largest and most significant proportion of profits made by a social and solidarity-based enterprise should be reinvested or used otherwise with a view to maintaining and achieving its social purpose;

AB. whereas for it to be effective, the non-distribution constraint should cover a number of aspects, notably the payment of periodic dividends, the distribution of accumulated reserves, the devolution of residual assets at the entity's dissolution, the transformation of the social and solidarity-based enterprise into another type of organisation, if this is permitted, and the loss of the status of such an enterprise; whereas the non-distribution constraint could also be indirectly violated by the payment of remuneration to employees or directors that is unjustifiable and above market levels;

AC. whereas social and solidarity-based enterprises should be managed in accordance with democratic governance models involving employees, customers and stakeholders affected by the activity in decision-making; whereas this participatory model represents a structural procedure to control the actual pursuit of the organisation's social goals; whereas members' power in decision-making should not be based only or primarily on the capital stake they may hold, even when the legal form adopted for the social and solidarity-based enterprise is that of a commercial company;

AD. whereas social and solidarity-based enterprises can adopt the legal form of a commercial company in some Member States; whereas the possibility of such companies to be recognised at EU level as social and solidarity-based enterprises should be made dependent on fulfilling certain requirements and conditions to resolve the potential contradictions between the company form and the social and solidarity-based enterprise model;

AE. whereas the treatment of employees in social and solidarity-based enterprises should be comparable to that of employees of traditional business enterprises;

AF. whereas the positive impact of social and solidarity-based enterprises on the community may justify the adoption of concrete actions in their support, such as the payment of subsidies and the adoption of favourable tax and public procurement measures; whereas those measures should in principle be considered as being compatible with the Treaties, since they aim at facilitating the development of economic activities or areas mainly intended to have a positive impact on society and the ability of these enterprises to raise funds and make profits is distinctively more limited than that of commercial enterprises;

AG. whereas Regulation (EU) No 346/2013 of the European Parliament and of the Council ([1]) lays down the conditions and requirements for the establishment of European social entrepreneurship funds;

AH. whereas the Union should create a certificate or label for social and solidarity-based enterprises in order to give such enterprises more visibility and foster a more coherent legal framework; whereas it is essential that public authorities check and ensure that a given undertaking fulfils the requirements to be issued a label as a social and solidarity-based enterprise before it is granted one and could thus take advantage of any measure established at EU level to their advantage; whereas a social and solidarity-based enterprise should have this certificate revoked in the event that it fails to respect those requirements and its legal obligations;

AI. whereas social and solidarity-based enterprises should issue a social report on an annual basis in which they give account, at least, of their activities, results, involvement of stakeholders, allocation of profits, salaries, subsidies and other benefits received;

1. Highlights the vital importance of the approximately 2 million social and solidarity-based enterprises in Europe ([2]), which employ more than 14,5 million people ([3]), and their invaluable contribution to quality job creation, social and regional cohesion and continued economic growth in the internal market;

2. Calls on the Commission to introduce at Union level a European Social Economy Label to be awarded to enterprises based on the social economy and solidarity based on clear criteria designed to highlight the specific characteristics of such undertakings and their social impact, increase their visibility, encourage investment, facilitate access to funding and to the single market for those willing to expand nationally or to other Member States, while at the same time respecting legal forms and frameworks in the sector and in Member States.

3. Considers that the European Social Economy Label should be available for private organisations and entities that strictly satisfy the legal requirements for a social and solidarity-based enterprise in all of their activities, regardless of the legal form of their incorporation in a Member State; notes that the label should be optional for the undertaking;

4. Considers that the European Social Economy Label should be voluntary for the enterprises but must be recognised by all Member States;

5. Considers that the legal requirements for acquiring and maintaining the European Social Economy Label should be identified by reference to certain features and common criteria, in particular those laid down in the annex to this resolution;

6. Stresses that, given the rising demand for social services, social and solidarity-based enterprises in the Union are becoming increasingly important in providing social services to support people at risk of, or experiencing, poverty and social exclusion; stresses that social and solidarity-based enterprises should not replace, but should rather play a complementary role to, publicly-provided social services; draws attention to the importance of social and solidarity-based enterprises, providing social, health or education services and specific environmental tasks in cooperation with local authorities and volunteers; highlights that social and solidarity-based enterprises can potentially solve certain social challenges through a bottom-up approach;

7. Points out that social and solidarity-based enterprises provide employment opportunities for persons with disabilities as well as for persons from other disadvantaged groups;

([1]) Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18).

([2]) https://ec.europa.eu/growth/sectors/social-economy_en

([3]) http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=7523, p. 47

8. Points out that social and solidarity-based enterprises have a strong local and regional basis, which gives them the advantage of being more aware of specific needs and of being able to offer the products and services required in the area, thus improving economic, social and territorial cohesion;

9. Notes that social and solidarity-based enterprises can contribute to greater gender equality and a reduction in the gender pay gap;

10. Highlights the necessity of offering employment to those most commonly excluded from the labour market, by reintegrating long-term unemployed people and combating unemployment in general;

11. Is of the opinion that a mechanism involving Member States should be established, through which entities that fulfil the relevant legal requirements can obtain the European Social Economy Label; any legal entity governed by private law and fulfilling the legal criteria should be entitled to the EU label, regardless of whether the Member State of incorporation has a special legal form for social and solidarity-based enterprises;

12. Considers that a mechanism should be established in close cooperation with Member States for the protection of the European Social Economy Label and the prevention of the establishment and operation of 'false' social and solidarity-based enterprises; this mechanism should ensure that enterprises bearing the European Social Economy Label are monitored regularly regarding their compliance with the provisions set out in the label; considers that effective and proportionate penalties should be established by the Member States to ensure that the label is not improperly obtained or used;

13. Considers that social and solidarity-based enterprises bearing the European Social Economy Label should be recognised as such in all Member States, according to the types of activity in which they engage, and should enjoy the same benefits, rights and obligations as enterprises incorporated under the law of the Member State in which they operate;

14. Stresses the need for a broad and inclusive Union definition, highlighting the importance of the principle that a substantial percentage of the profits made by the undertaking should be reinvested or otherwise used to achieve social and solidarity-based enterprises' social purpose; highlights the particular challenges faced by social cooperatives and work-integration social enterprises (WISEs) when carrying out their mission of helping those most commonly excluded from the labour market, and stresses the need for such organisations to be included under the new label;

15. Considers that the minimum criteria and legal requirements for acquiring and maintaining a European Social Economy Label must be a socially useful activity which should be defined at Union level; points out that this activity should be measurable in terms of social impact in fields like social integration of vulnerable people, labour market integration of those at risk of exclusion in quality and sustainable jobs, reduction of gender inequalities, tackling marginalisation of migrants, improving equal opportunities through health, education, culture and decent housing, and fighting poverty and inequalities; stresses that social and solidarity-based enterprises must comply in their own performance with best practices in terms of working and employment conditions;

16. Stresses that the cost of, and the formalities involved in, obtaining the label should be kept to a minimum, to avoid putting social and solidarity-based enterprises at any disadvantage with special regard to small and medium-sized social and solidarity-based enterprises; accordingly, Union-wide common criteria must be simple, clear and based on substantive rather than formal factors, and relevant procedures must not be burdensome; notes that while reporting obligations are a reasonable tool to verify that social and solidarity-based enterprises continue to be entitled to the European Social Economy Label, the frequency of such reports and obligatory information to be included must not be excessively burdensome; observes that the costs of a labelling or certification process could be limited if the central administration were carried out at the level of national authorities who could, in cooperation with social and solidarity-based enterprises, transfer the administration and handling of the label to an independent national body following the pan-European definition of criteria for social and solidarity-based enterprises;

17. Calls on the Commission and Member States to actively promote the European Social Economy Label and advertise the social and economic benefits of social and solidarity-based enterprises, including quality job creation and social cohesion;

18. Points out that implementing a corporate social responsibility strategy as part of a business plan is not enough for an enterprise to be classified as social and solidarity-based enterprises and therefore highlights the importance of drawing a clear distinction between a social and solidarity-based enterprise and an enterprise engaged in corporate social responsibility;

19. Calls on the Commission to ensure that its policies reflect a commitment to create a favourable environment for social and solidarity-based enterprises; calls on the Commission, in this regard, to carry out, in cooperation with Member States and the social enterprise sector, a comparative study of the various national and regional legal frameworks governing social and solidarity-based enterprises throughout the EU, and of the operating conditions for social and solidarity-based enterprises and of their characteristics, including their size and number and their field of activities, as well as of the various national certification, status and labelling systems;

20. Underlines that social and solidarity-based enterprises have a long history in the majority of Member States and have established themselves as vital and important market players;

21. Believes that investment priorities for social economy and social and solidarity-based enterprises should not be limited to social inclusion, but should include employment and education, to reflect the wide range of economic activities in which they are present;

22. Calls for the 'Erasmus for young entrepreneurs' programme to be continued, for its budget to be used effectively and for information about the programme to be made easily accessible;

23. Calls for the procedures for setting up social and solidarity-based enterprises to be simplified, so that excessive red tape does not pose an obstacle to social entrepreneurship;

24. Calls on the Commission to establish, in cooperation with Member States, a list, which should be subject to review, of the existing legal forms in Member States and that have the characteristics of social undertakings and to maintain that list updated while respecting the historic and legal specificities of social and solidarity-based enterprises.

25. Calls on the Commission to better incorporate the social economy in Union legislation to establish a level-playing field for social and solidarity-based enterprises on the one hand and other forms of enterprises on the other;

26. Emphasises the importance of networking among social and solidarity-based enterprises, and calls on the Member States to encourage the transfer of knowledge and best practices within the Member States (for example by setting up national contact points) and throughout the Union, involving not only the social and solidarity-based enterprises themselves but also traditional businesses, academia and other interested parties; calls on the Commission, in the context of the Expert Group on Social Entrepreneurship and in cooperation with Member States, to continue collecting and sharing information on existing good practices, and to analyse both qualitative and quantitative data on the contribution of social and solidarity-based enterprises both to the development of public policy and to local communities;

27. Stresses that the Commission and Member States, as well as regional and local authorities, should mainstream the social and solidarity-based enterprise dimension in relevant policies, programmes and practices;

28. Strongly emphasises that the rules on how social and solidarity-based enterprises operate must respect the principles of fair competition and must not permit unfair competition, in order to allow proper functioning of traditional small and medium-sized enterprises.

29. Calls on the Commission to examine existing Union law and to submit, where appropriate, legislative proposals aimed at establishing a more coherent and complete legal framework in support of enterprises based on the social economy and solidarity, specifically, but not only, in the fields of public procurement, competition law and taxation, so that such undertakings are treated in a manner that is consistent with their particular nature and contribution to social cohesion and to economic growth; considers that such measures should be made available to enterprises having obtained the European

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Social Economy Label, which guarantees the respect of the criteria to be considered a social and solidarity-based enterprise; considers that such legislative proposals could in particular make it easier for social and solidarity-based enterprises to cooperate and transact with other such enterprises cross-border;

30. Calls on the Commission and Member States to take tangible steps to unblock and attract increased public and private funding needed by social and solidarity-based enterprises, including promotion of a European Social Economy Label;

31. Calls for a public online multilingual European platform for social and solidarity-based enterprises, through which they could obtain information and exchange ideas on establishment, EU funding opportunities and requirements, participation in public procurement and possible legal structures;

32. Considers it appropriate that the Commission examine the possibility of establishing a line of financing to support innovation in enterprises based on the social economy and solidarity, in particular when the innovative character of the activity carried out by the undertaking makes it difficult for it to ensure sufficient financing under normal market conditions; calls on the Commission and the Member States to take tangible steps to make it easier for enterprises based on the social economy and solidarity to attract the funds they need to continue functioning;

33. Emphasises the need to support social and solidarity-based enterprises by providing them with sufficient funding, as financial sustainability is vital to their survival; highlights the need to foster financial support offered by private investors and public entities to social and solidarity-based enterprises at regional, national and Union level, with special attention to financing innovation, calls on the Commission to strengthen the social dimension of existing Union funding in the context of the next Multiannual Financial Framework (MFF) 2021-2027, such as the European Social Fund, the European Regional Development Fund and the Employment and Social Innovation Programme, in order to promote the social economy and social entrepreneurship; calls on the Commission to strengthen the implementation of the European Programme for Employment and Social Innovation (EaSI) and its Microfinance and Social Entrepreneurship axis, and to increase awareness in the financial sector of the characteristics and the economic and social benefits of social and solidarity-based enterprises; considers it necessary, furthermore, to support, in general, alternative means of funding, such as venture capital funds, start-up funding, microcredit and crowdfunding, to increase investments in the sector, based on the European Social Economy Label;

34. Calls for Union funds to be used effectively, and stresses that access to those funds needs to be made easier for beneficiaries, not least in order to support and bolster social and solidarity-based enterprises in their primary objective of making a social impact rather than profit maximisation, which ultimately offers a return on investment for society in the long-term; calls on the Commission to review in the context of the next MFF 2021-2027 the regulatory framework for social investment funds to facilitate access to the financial market for social and solidarity-based enterprises; calls, in this context, for an effective European campaign to cut red tape and to promote a European Social Economy Label;

35. Notes in this regard that the social economy still faces difficulties in accessing public procurement, such as barriers related to size and financial capability; reiterates the importance of effective implementation of the public procurement reform package by Member States in order to achieve greater participation by such enterprises in tendering procedures for public contracts, by better disseminating procurement rules, criteria and information on tenders, and by improving the access to contracts for such enterprises, including social clauses and criteria, simplifying procedures and drawing up tenders in a way that makes them more accessible to smaller operators;

36. Acknowledges the importance of providing financial support for enterprises in the social and solidarity-based economy; calls on the Commission to take into account the specificities of social and solidarity-based enterprises when they receive state aid; proposes facilitating access to funding following the example of the categories set out in Commission Regulation (EU) No 651/2014 ([1]);

([1]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

37. Notes that, as well as funding, the provision of educational and training services for individuals employed by social and solidarity-based enterprises especially to foster entrepreneurial skills and basic economic know-how in running an enterprise, as well as providing specialist support, and streamlining administration, are pivotal in enhancing the growth of this sector; invites the Member States to put in place policies aimed at establishing favourable fiscal treatment for social and solidarity-based enterprises;

38. Calls on the Commission and Member States to engage in the collection of both quantitative and qualitative data, and analyses on social and solidarity-based enterprises and their contribution to public policy within and across countries, taking into account the specificities of these enterprises, and using suitable and relevant criteria, with a view to improving policy and strategy making and developing tools to support them in their development;

39. Requests the Commission to submit, on the basis of Article 50 of the Treaty on the Functioning of the European Union, a proposal for a legislative act on the creation of a European Social Economy Label for enterprises based on the social economy and solidarity, following the recommendations set out in the Annex hereto;

40. Considers that the financial implications of the requested proposal should be covered by the Union and the Member States;

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

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ANNEX TO THE RESOLUTION:

RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

Recommendation 1 (creation of the European Social Economy Label and qualifying undertakings)

The European Parliament considers that the legislative act to be adopted should aim to create a 'European Social Economy Label', which will be optional for enterprises based on the social economy and solidarity (social and solidarity-based enterprises), regardless of the legal form they decide to adopt in accordance with national legislation.

The European Parliament considers that the European Social Economy Label should only be awarded to enterprises complying with the following criteria in a cumulative manner:

(a) the organisation should be a private law entity established in whichever form available in Member States and under EU law, and should be independent from the State and public authorities;

(b) its purpose must be essentially focused on the general interest or public utility;

(c) it should essentially conduct a socially useful and solidarity-based activity, i.e. via its activities it should aim to provide support to vulnerable groups, to combat social exclusion, inequality and violations of fundamental rights, including at the international level, or to help protect the environment, biodiversity, the climate and natural resources;

(d) it should be subject to an at least partial constraint on profit distribution and to specific rules on the allocation of profits and assets during its entire life, including at dissolution; in any case, the majority of the profits made by the undertaking should be reinvested or otherwise used to achieve its social purpose;

(e) it should be governed in accordance with democratic governance models involving its employees, customers and stakeholders affected by its activities; members' power and weight in decision-making may not be based on the capital they may hold;

The European Parliament considers that nothing prevents conventional undertakings from being awarded the European Social Economy Label if they comply with the above-mentioned requirements, in particular regarding their object, the distribution of profits, governance and decision-making.

Recommendation 2 (mechanism for the certification, supervision and monitoring of the European Social Economy Label)

The legislative act should establish a mechanism of certification and of supervision and monitoring of the legal label with the involvement of Member States and representatives of the social economy; such a mechanism is essential to protect the legal label of enterprise based on the social economy and solidarity' and preserve its intrinsic value. The European Parliament considers that this control should involve organisations representative of the social enterprise sector.

Penalties for the infringement of the relevant rules could range from a mere admonition to the withdrawal of the label.

Recommendation 3 (recognition of the European Social Economy Label)

The European Social Economy Label should be valid in all Member States. An enterprise bearing that label should be recognised as a social and solidarity-based enterprise in all Member States. The label should allow any undertaking bearing it to carry out its main activity in other Member States under the same requirements as national undertakings bearing that label. They should enjoy the same benefits, rights and obligations as social and solidarity-based enterprises incorporated under the law of the Member State in which they operate.

Recommendation 4 (reporting obligations)

The legislative act should require social and solidarity-based enterprises willing to maintain the label to issue on an annual basis a social report on their activities, results, involvement of stakeholders, allocation of profits, salaries, subsidies, and other benefits received. In this regard, the Commission should be authorised to produce a model to help social and solidarity-based enterprises with this endeavour.

Recommendation 5 (guidelines regarding good practices)

The legislative act should also authorise the Commission to establish guidelines regarding good practices for social and solidarity-based enterprises in Europe. Such good practices should include, in particular, the following:

(a) models of effective democratic governance;

(b) consultation processes for the establishment of an effective business strategy;

(c) adaptation to social needs and to the employment market, particularly at the local level;

(d) wage policy, professional training, health and safety at work and quality of employment;

(e) relations with users and clients and the response to social needs not covered by the market or the State;

(f) the situation of the enterprise with regard to diversity, non-discrimination and equal opportunities for men and women among their members, including positions of responsibility and leadership;

Recommendation 6 (list of legal forms)

The legislative act should include a list of legal forms in Member States of enterprises and undertakings qualifying for the European Social Economy Label. Such list should be reviewed regularly. In order to ensure transparency and effective cooperation between the Member States, that list should be published on the European Commission website.

Recommendation 7 (revision of existing legislation)

The Commission is invited to review existing legal acts and to submit, where appropriate, legislative proposals establishing a more coherent and complete legal framework in support of social and solidarity-based enterprises;

Recommendation 8 (on the eco-system for social and solidarity-based enterprises and cooperation between Member States)

The Commission should ensure that its policies reflect the commitment to create an eco-system for social and solidarity-based enterprises. The Commission is invited to take account of the fact that social and solidarity-based enterprises have a strong local and regional influence, which gives them the advantage of being more aware of specific needs and able to offer products and services, most of them community-based, as well as to enhance social and territorial cohesion. The Commission is invited to take steps to promote cooperation between social enterprises and solidarity-based enterprises across national and sectoral boundaries so as to nurture the exchange of knowledge and practices in such a way as to support the development of such enterprises;

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

P8_TA(2018)0294

Negotiations on the EU-Azerbaijan Comprehensive Agreement

European Parliament recommendation of 4 July 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the negotiations on the EU-Azerbaijan Comprehensive Agreement (2017/2056(INI))

(2020/C 118/25)

The European Parliament,

— having regard to Articles 2, 3 and 8 and to Title V, in particular Articles 21, 22 and 36, of the Treaty on European Union, as well as to Part Five of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the launch on 7 February 2017 of negotiations between the European Union and Azerbaijan on a new comprehensive agreement which ought to replace the 1999 Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part ([1]),

— having regard to the Council's adoption on 7 November 2016 of the negotiating directives for this agreement,

— having regard to the Memorandum of Understanding on a Strategic Partnership between the EU and Azerbaijan in the field of energy of 7 November 2006,

— having regard to the main results of the 15th Cooperation Council meeting between the European Union and Azerbaijan of 9 February 2018,

— having regard to the Commission report of 19 December 2017 on EU-Azerbaijan relations in the framework of the revised ENP (SWD(2017)0485),

— having regard to the Euronest Parliamentary Assembly Bureau message to the Heads of State or Government of 30 October 2017,

— having regard to its recommendation of 15 November 2017 to the Council, the Commission and the European External Action Service (EEAS) on the Eastern Partnership, in the run-up to the November 2017 Summit ([2]),

— having regard to its resolution of 13 December 2017 on the annual report on the implementation of the Common Foreign and Security Policy ([3]),

— having regard to the joint declarations of the Eastern Partnership summits, including that of 24 November 2017,

([1]) OJ L 246, 17.9.1999, p. 3.
([2]) Texts adopted, P8_TA(2017)0440.
([3]) Texts adopted, P8_TA(2017)0493.

— having regard to the Commission and EEAS publication of June 2016 on the 'Global Strategy for the European Union's Foreign and Security Policy', and in particular the key principles therein,

— having regard to its resolution of 15 June 2017 on the case of Azerbaijani journalist Afgan Mukhtarli [1], and to other resolutions on Azerbaijan, in particular those concerning the human rights situation and the rule of law,

— having regard to the statement of 14 January 2018 of the Spokesperson for Foreign Affairs and Security Policy/European Neighbourhood Policy and Enlargement Negotiations on the sentencing of journalist Afgan Mukhtarli in Azerbaijan,

— having regard to the resolution of 11 October 2017 of the Parliamentary Assembly of the Council of Europe on the functioning of democratic institutions in Azerbaijan,

— having regard to the launch of infringement proceedings on 5 December 2017 by the Committee of Ministers of the Council of Europe due to the Azerbaijani authorities' continued refusal to implement the *Ilgar Mammadov* v. *Azerbaijan* judgment from the European Court of Human Rights (ECtHR),

— having regard to the Organisation for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Needs Assessment Mission report of 2 March 2018 on Azerbaijan's early presidential election,

— having regard to Rules 108(4) and 52 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the position in the form of amendments of the Committee on International Trade (A8-0185/2018),

A. whereas the Eastern Partnership (EaP) is based on a shared commitment between Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine and the European Union to deepen their relations and adhere to international law and core values, including democracy, the rule of law, good governance, the respect for human rights and fundamental freedoms; whereas the new agreement between the EU and Azerbaijan should advance the interests of the Union in the region as well as promote its values;

B. whereas Parliament favours a deepening of relations with all Eastern Partnership members in so far as they respect these core values; whereas, within the EaP policy, the attractive longer-term 'EaP+' model proposed by Parliament in its resolution of 15 November 2017 on the Eastern Partnership, which could eventually lead to them joining the customs, energy and digital unions and the Schengen area, among others, should also be open to countries that do not have an association agreement with the EU — such as Azerbaijan — once they are ready for such enhanced commitments and have made significant progress towards implementing mutually agreed reforms;

C. whereas EU-Azerbaijan relations are currently regulated by the 1999 Partnership and Cooperation Agreement; whereas the EU is Azerbaijan's first trading partner and its biggest export and import market, representing 48,6 % of Azerbaijan's total trade and constituting its largest source of foreign direct investment; whereas Azerbaijan is a strategic energy partner for the EU, allowing for a diversification of the EU's energy sources; whereas, however, Azerbaijan's economy relies on oil and gas for around 90 % of its exports, thus making it vulnerable to external shocks and fluctuations in global oil prices; whereas Azerbaijan is not yet a member of the WTO, giving rise to serious tariff and non-tariff barriers hampering trade and business relations with the EU;

[1] Texts adopted, P8_TA(2017)0267.

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D. whereas the EU and Azerbaijan underlined in the Joint Declaration of the Eastern Partnership Summit of 24 November 2017 that 'in a differentiated way, the EU will continue to jointly discuss with each of the partner countries, including Armenia, Azerbaijan and Belarus, attractive and realistic options to strengthen mutual trade and encourage investment to reflect common interests, the reformed investment policy as regards investment protection, as well as international trade rules and trade-related international standards, including in the area of intellectual property, and contribute to the modernisation and diversification of economies';

E. whereas the new agreement is expected to have a positive impact on Azerbaijan in terms of promoting democratic standards, growth and economic development; whereas such prospects are particularly important for Azerbaijan's young people in terms of fostering a new generation of educated Azerbaijani citizens, with a view to upholding our core values and modernising the country; whereas a fully functioning civil society is a vital precondition for securing economic diversification;

1. Recommends the following to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

General principles, core values and commitment to conflict resolution

(a) to ensure that the deepening of relations between the EU and Azerbaijan is conditional on it upholding and respecting the core values and principles of democracy, the rule of law, good governance, respect for human rights and fundamental freedoms, including freedom of expression and association, the rights of minorities, and gender equality in the interest of both parties and in particular their citizens;

(b) to remind the Azerbaijani authorities of Parliament's position as expressed in its recommendation of 15 November 2017 on the Eastern Partnership, which calls for Azerbaijan to comply with its international commitments and which unambiguously states that no comprehensive agreement will be ratified with a country that does not respect the EU's fundamental values and rights, in particular with regard to the failure to implement decisions by the ECtHR and with respect to harassment, intimidation and persecution of human rights defenders, NGOs, opposition members, lawyers, journalists and environmental activists; to ensure that all political prisoners and prisoners of conscience in Azerbaijan are released — as was announced by its authorities — before any new EU-Azerbaijan agreement; to ensure that a dedicated suspension mechanism with clear provisions on respect for the rule of law, human rights and fundamental freedoms is included in the new agreement;

(c) to remind the Azerbaijani authorities of Parliament's position expressed in the same recommendation according to which the ratification of new agreements between the EU and each of the parties to the Nagorno-Karabakh conflict must be made conditional on meaningful commitments to and substantial progress towards the peaceful resolution of the conflict such as maintaining the ceasefire and supporting the implementation of the OSCE 2009 Basic Principles and the efforts of the OSCE Minsk Group Co-Chairs; to reiterate the need to involve both Armenian and Azerbaijani civil society in any negotiation process;

(d) to ensure that the future agreement with Azerbaijan is ambitious, comprehensive and forward-looking, compatible with the aspirations of both the EU and Azerbaijan on the basis of shared values and interests, and aligned with the 2030 Agenda for Sustainable Development, and that it will deliver tangible and concrete benefits to both sides, not only for large companies, but also taking into account the specific characteristics of SMEs, and for the citizens of the EU and of Azerbaijan;

(e) to ensure speedy and steady progress in the negotiations, with the objective of signing this new agreement before the next Eastern Partnership summit in 2019, in so far as the abovementioned conditions are fulfilled;

(f) to actively and clearly communicate about the aims and conditionality of the new agreement and the ongoing negotiation process in order to improve transparency and public awareness, both in Azerbaijan and in the EU, and about the expected opportunities and benefits that would arise from its conclusion, thereby countering all disinformation campaigns;

Political dialogue and regional cooperation

(g) to provide for regular and in-depth political dialogue in order to encourage strong reforms aimed at bolstering institutions and strengthening the separation of powers between them, in order to make them more democratic and independent, to uphold human rights and media freedom and to develop a regulatory environment in which civil society can operate without undue interference, including in the reform process;

(h) to establish specific measures aimed at implementing the recommendations by the OSCE/ODHIR and the Council of Europe's Venice Commission with a view to ensuring progress towards inclusive, competitive and transparent elections and referenda that guarantee a free and fair expression of Azerbaijani citizens' views and aspirations;

(i) to fully support the preliminary conclusions by the OSCE and Council of Europe's election observation mission as regards the early presidential elections on 11 April 2018 according to which the 'election lacked genuine competition' due to the 'restrictive political environment' 'a legal framework that curtails fundamental rights and freedoms', 'an absence of pluralism, including in the media', 'widespread disregard for mandatory procedures, lack of transparency and numerous serious irregularities, such as ballot box stuffing';

(j) to aim for provisions that enhance cooperation in promoting peace and international justice, and in particular to insist that Azerbaijan adhere to its international obligations, including as a member of the Council of Europe, that it abide by the decisions of the ECtHR; to urge Azerbaijan to sign and ratify the Rome Statute of the International Criminal Court (ICC); to also seek strong cooperation measures in countering the proliferation of weapons of mass destruction, as well as in tackling illicit trade in small arms and light weapons;

(k) to provide for closer cooperation in foreign, defence and security matters so as to ensure as much convergence as possible, in particular as regards responses to global threats and challenges, including terrorism, conflict prevention, crisis management and regional cooperation, while also taking into account Azerbaijan's diversified foreign policy; to support the signing of a Framework Participation Agreement (FPA) between the EU and Azerbaijan to provide a legal and political basis for cooperation in common security and defence policy (CSDP) missions and operations;

(l) to ensure that high priority is given to dialogue between Azerbaijan and Armenia and to enhanced EU participation in peacefully solving the Nagorno-Karabakh conflict in line with the OSCE 2009 Basic Principles, and notably with the support of the OSCE Minsk Group Co-Chairs, promoting all initiatives conducive to peace-building such as a observance of the ceasefire by all sides, dialogue at all levels, including high-level talks, curbing hate speech, genuine confidence-building measures, a substantial increase in OSCE international observers and deeper exchanges between Armenian and Azerbaijani civil society, including between religious and cultural figures, in order to prepare Armenian and Azerbaijani societies for peaceful co-existence; to express deep concern at the military build-up and the disproportionate defence-spending in the region;

(m) to put in place specific provisions to support the authorities' important efforts in aiding the large number of refugees and internally displaced persons, and to support civilians living in conflict areas within Azerbaijan's internationally recognised borders; to insist that the rights of all persons living within the border of Azerbaijan, whether temporarily or permanently, are respected; to contribute in particular to upholding their right to return to their homes and property and to be awarded compensation in line with the rulings of the ECtHR by all parties to the conflict;

The rule of law, respect for human rights and fundamental freedoms

(n) to provide support for reform of the judiciary aimed at ensuring its impartiality and independence from the executive and at strengthening the rule of law; in particular, to ensure the independence of legal professionals by removing any undue interference in the work of lawyers, to allow independent practising lawyers to represent clients under the notarised power of attorney and to put an end to the Azerbaijani Bar's arbitrary powers to disbar lawyers and deny admissions of new members;

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(o) to also provide support to develop a strong framework for the protection of human rights, fundamental freedoms and gender equality; to underline the importance of representation of women at all levels of government, including their equal, full and active participation in the prevention and resolution of conflicts and to urge Azerbaijan to sign the Istanbul Convention on preventing and combating violence against women and domestic violence;

(p) to put in place specific provisions to support Azerbaijan in fighting economic crime, including corruption, money laundering and tax evasion; to promote greater transparency with respect to the beneficial owners of companies and trusts, as well as to large companies' financial activities in terms of profits realised and tax paid; to support investigations into laundering schemes, in particular the 'Laundromat affair' and to set up specific supervision and control mechanisms, such as restricted access to the European banking system for those involved in money laundering and fraud schemes;

(q) to allow for increased cooperation and to support Azerbaijan in the fight against terrorism, organised crime and cybercrime, and in the prevention of radicalisation and cross-border crime; to work together, in particular, in combating recruitment drives by terrorist organisations;

(r) to include provisions on the implementation of penal law in Azerbaijan related to the protection of human rights and fundamental freedoms and aimed at ending political prosecutions and abductions, arbitrary travel bans, the targeting of political dissidents, including through defamation, and of independent journalists, human rights defenders, NGO representatives and the most vulnerable members of society, such as members of some minority groups, including the LGBTQI community; to ensure that specific references to these groups are included in the agreement; to reiterate that these practices are unacceptable for any potential partner country of the EU; to set up a reinforced forum for an effective and result-oriented human rights dialogue between the EU and Azerbaijan in consultation with the main international and genuinely independent Azerbaijani NGOs and for which progress should be assessed annually against concrete benchmarks;

(s) to insist on the adoption of relevant amendments in the law to enable civil society's legitimate activities, the removal of undue restrictions to their registration requirements, operations and access to registration for foreign funding and grants, and to put an end to undue criminal investigations, unnecessary reporting to various government agencies, office raids, freezing of accounts, travel bans and persecution of their leaders;

(t) to ensure, before the conclusion of the negotiations, that Azerbaijan releases its political prisoners and prisoners of conscience, including, among the most emblematic cases, Ilgar Mammadov, Afgan Mukhtarli, Mehman Huseynov, Ilkin Rustamzada, Seymur Haziyev, Rashad Ramazanov, Elchin Ismayilli, Giyas Ibrahimov, Beyram Mammadov, Asif Yusifli and Fuad Gahramanli, that it lifts their travel bans once released, including those of journalist Khadija Ismayilova and lawyer Intigam Aliyev, and that it fully implements the decisions of the ECtHR, notably as regards Ilgar Mammadov; to secure the release and improvement of the situation of these individuals, including their reinstatement, and that of their families via the judiciary and the application of the rule of law and to protect Azerbaijani dissidents in the EU; to condemn the fact that, contrary to the announcements of the Azerbaijani authorities, none of the political prisoners listed above were released, and further individuals were detained for peacefully exercising their constitutional rights, including members of the opposition parties and human rights lawyer Emin Aslan; to demand the immediate release of human rights lawyer Emin Aslan from his administrative detention and that he be fully cleared of the dubious charges of 'disobedience towards the police'; to ensure that Azerbaijan ends the use of administrative detentions to silence government critics;

(u) to ensure that Azerbaijan respects the right to freedom of peaceful assembly, that it refrains from restricting this right in ways that are not compatible with its obligations under international law, including the European Convention on Human Rights (ECHR), and that it promptly and effectively investigates all cases of excessive use of force, arbitrary arrest and wrongful detention of peaceful protesters, including in connection with the sanctioned opposition rallies in September 2017 and March 2018, and brings the perpetrators to justice;

(v) to seek, before the conclusion of the negotiations, a commitment on the part of the Azerbaijani authorities to apply the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that they will genuinely investigate all cases of mistreatment of political prisoners and prisoners of conscience, notably in the case of the late Mehman Galandarov, who died in custody in Azerbaijan, and of LGBTQI community members, who were harassed and arrested en masse in September 2017;

(w) to stress the EU's concern over the current state of press freedom in Azerbaijan, which ranks 163 out of 180 countries in the Reporters Without Borders 2018 World Press Freedom Index; to underline the importance of a free and independent media, both off- and online, and to ensure strengthened EU support, both political and financial, for free and pluralistic media in Azerbaijan, with editorial independence from dominant political and oligarchic groups and in line with EU standards; to ask the authorities to unblock access to the websites of Azadliq, and of three news outlets that have to operate from abroad: Radio Free Europe/Radio Liberty (RFE/RL) Azerbaijan Service, Meydan TV and Azerbaycan Saati;

Trade and economic cooperation

(x) to include fair and ambitious trade and investment provisions, in so far as is compatible with Azerbaijan's non-WTO-member status, that are fully in line with and do not undermine EU standards, notably sanitary, phytosanitary, environmental, labour, social, gender balance and non-discrimination standards, and that ensure the recognition and protection of intellectual property rights, including geographical indications, notably for wines and spirits; to support Azerbaijan in its accession process to the WTO;

(y) to put in place robust measures that would ensure rapid progress towards improving the business and investment climate in Azerbaijan, in particular as regards taxation and the management of public finances and public procurement — with reference to the rules set out in the WTO Agreement on Government Procurement — in order to allow for more transparency, better governance and accountability, equal access and fair competition;

Energy and other areas of cooperation

(z) to allow for increased cooperation in the energy sector in line with the EU's and Azerbaijan's strategic energy partnership and Azerbaijan's track record as a reliable energy supplier, while nevertheless taking into account the suspension and subsequent withdrawal of Azerbaijan from the Extractive Industries Transparency Initiative (EITI) in March 2017 due to 'the changes in NGO legislature in Azerbaijan' which did not comply with the group's civil society requirements; to push for Azerbaijan to realign itself with these requirements in order to resume its activities in the EITI;

(aa) to also support the diversification of Azerbaijan's energy mix, promoting non-carbon energy sources and preparing for the post-carbon age by reducing dependence on fossil fuels and promoting the use of renewables, also in the interest of energy security; to support the completion of the Southern Gas Corridor after addressing the important concerns related to climate change and to the impact on local communities in the decision by the European Investment Bank on the funding of the Trans-Anatolian Gas Pipeline (TANAP);

(ab) to put in place ambitious provisions on environmental protection and climate change reduction as part of the new agreement, in line with the Union's climate change agenda and the commitments of both parties to the Paris agreement, including through the mainstreaming of these policies as part of other sector policies;

(ac) to provide new prospects for enhanced cooperation in non-energy-related areas, in particular in the fields of education, health, transport, connectivity and tourism, in order to diversify the Azerbaijani economy, boost job creation, modernise the industrial and service sectors, and stimulate sustainable development in business and research; to allow for more people-to-people exchanges, both at European level and in regional exchanges with Armenian NGOs;

(ad) to enhance cooperation with regard to youth and student exchanges by strengthening existing and already successful programmes such as the 'Young European Neighbours' network and by developing new scholarship programmes and training courses, as well as facilitating participation in programmes in the field of higher education, in particular the ERASMUS+ programme, which will promote the development of skills, including language skills, and enable Azerbaijani citizens to become acquainted with the EU and its values;

(ae) to also promote economic growth via transport and connectivity; to extend the Trans-European Transport Network (TEN-T) to Azerbaijan;

(af) in line with the Joint Declaration of the Eastern Partnership Summit of 2017, to 'consider in due course, if conditions allow, the opening of a Visa Liberalisation Dialogue with Armenia and Azerbaijan respectively, provided that conditions for a well-managed and secure mobility are in place, including the effective implementation of Visa Facilitation and Readmission Agreements between the Parties';

Institutional provisions

(ag) to ensure that the agreement has a robust parliamentary dimension, strengthening the current provisions and mechanisms of cooperation to enable increased input into and scrutiny of its implementation, notably through the establishment of an upgraded interparliamentary structure to allow for regular and constructive dialogue between the European Parliament and the parliament of Azerbaijan on all aspects of our relations, including the implementation of agreements;

(ah) to conduct the negotiations as transparently as possible; to inform Parliament at all stages of the negotiations in line with Article 218(10) TFEU, according to which the 'European Parliament shall be immediately and fully informed at all stages of the procedure'; to also provide Parliament with the negotiating texts and minutes of each negotiating round; to remind the Council that, due to the infringement of Article 218(10) TFEU in the past, the Court of Justice of the European Union has already annulled Council decisions on the signing and conclusion of several agreements; to bear in mind that Parliament's consent on new agreements may also be withheld in the future, until the Council fulfils its legal obligations;

(ai) to ensure that the new agreement is not the subject of provisional application until after Parliament has given its consent; to emphasise that Parliament's consent on new agreements and other future agreements may be withheld should this be ignored;

2. Instructs its President to forward this recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and to the President, Government and Parliament of the Republic of Azerbaijan.

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P8_TA(2018)0312

73rd Session of the UN General Assembly

European Parliament recommendation of 5 July 2018 to the Council on the 73rd session of the United Nations General Assembly (2018/2040(INI))

(2020/C 118/26)

The European Parliament,

— having regard to the Charter of the United Nations,

— having regard to the UN resolution adopted on 3 April 2006 by the General Assembly establishing a Human Rights Council,

— having regard to the Treaty on European Union (TEU), in particular Articles 21, 34 and 36 thereof,

— having regard to the EU Annual Report on Human Rights and Democracy in the World in 2016 and the European Union's policy on the matter,

— having regard to the Universal Declaration of Human Rights, its preamble and Article 18, and to the UN Human Rights Conventions and the optional protocols thereto,

— having regard to its recommendation to the Council of 5 July 2017 on the 72nd session of the United Nations General Assembly [1],

— having regard to the UN resolution adopted on 3 May 2011 by the General Assembly on the participation of the European Union in the work of the United Nations, which grants the EU the right to intervene in the UN General Assembly, to present proposals and amendments orally, which will be put to a vote at the request of a Member State, and to exercise the right to reply,

— having regard to the Council conclusions of 17 July 2017 on the EU priorities for the 72nd UN General Assembly,

— having regard to the New York Declaration for Refugees and Migrants of 19 September 2016,

— having regard to the UN Security Council (UNSC) Resolutions 1325 (2000), 1820 (2009), 1888 (2009), 1889 (2010), 1960 (2011), 2106 (2013), 2122 (2013) and 2242 (2015) on Women, Peace and Security,

— having regard to the key principles enshrined in the Global Strategy for the EU's Foreign and Security Policy of June 2016, particularly those pertaining to the sovereignty, territorial integrity, and the inviolability of state borders which are equally respected by all participating states,

— having regard to its resolution of 13 December 2017 on the Annual Report on the implementation of the Common Foreign and Security Policy [2],

— having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),

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[1] Texts adopted, P8_TA(2017)0304.
[2] Texts adopted, P8_TA(2017)0493.

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— having regard to Rule 113 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0230/2018),

A. whereas the EU and its Member States remain fully committed to multilateralism, global governance, the promotion of UN core values as an integral part of the EU's external policy, and the three pillars of the UN system: Human Rights, Peace and Security, and Development; whereas a multilateral system founded on universal rules and values is best suited to addressing crises, challenges and threats; whereas the very future of the multilateral system is facing unprecedented challenges;

B. whereas EU's Global Strategy reflects the level of today's global challenges, which require a strong and more efficient UN and a deepening of cooperation at Member State level both within the EU and the UN;

C. whereas EU Member States need to make every effort to coordinate their action in the organs and bodies of the UN system and speak with one voice based on international human rights law and the core values of the EU; whereas this cooperation needs to be based on common efforts to prevent the further escalation of ongoing conflicts and to support their solution, to promote effective disarmament and arms control, in particular as far as nuclear arsenals are concerned, to implement the SDGs and the Paris Agreement on Climate Change, and to contribute to a rule-based international order, following the mandate contained in Article 34.1 TEU;

D. whereas the global political order and the security environment are rapidly evolving and require global responses; whereas the United Nations remain at the core of the multilateral system of cooperation between its Member States to meet these challenges and is best suited to addressing international crises, global challenges and threats;

E. whereas the world is facing a range of global challenges related to ongoing and emerging conflicts and their consequences, such as climate change and terrorism, which need to be tackled on a global scale; whereas the current structure of the UNSC is still based on an outdated political scenario and its decision-making process does not adequately reflect a changing global reality; whereas the EU and its Member States were instrumental in shaping the global UN 2030 Agenda, and the EU remains committed to being a front-runner in mobilising all means of implementation and a strong follow-up, monitoring and review mechanism to ensure progress and accountability; whereas this is reflected in the EU's external action and other policies across EU financial instruments;

F. whereas the three pillars of the UN: Peace and Security, Development, Human Rights and the Rule of Law are inseparable and mutually reinforcing; whereas the UN's original purpose of maintaining peace has been challenged by continuous complex crises;

G. whereas the UN's burdensome bureaucratic procedures and complex and rigid structure have sometimes hindered the proper functioning of the institution and its ability to give a rapid response to crises and global challenges;

H. whereas responding successfully to global crises, threats and challenges requires an efficient multilateral system, founded on universal rules and values;

I. whereas the international order based on cooperation, dialogue, and human rights is being called into question by several nationalist and protectionist movements around the world;

J. whereas the ever growing number of tasks for the UN system demands adequate financing by its Member States; whereas there is a growing gap between the organisation's needs and the funding provided to it; whereas, in view of the intention of the United States to cut its contributions to the UN budget, the EU and its Member States remain collectively the single largest financial contributor and should actively support the UN Secretary-General (UNSG) in his efforts to secure the proper functioning and financing of the UN, with the primary aims of eradicating poverty, promoting long-term peace and stability, defending human rights, combating social inequalities, and providing humanitarian assistance to populations, countries and regions that are confronted with all types of crises, whether natural or human-made; whereas EU contributions to the UN should be more visible; whereas UN agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), have suffered important financial cuts; whereas the current overall level of funding of the UN remains inadequate in order to allow the organisation to implement its mandate and to face the current global challenges;

K. whereas democracy, human rights, and the rule of law are coming under increasing threat in different regions of the world, and civil society space is shrinking in many UN Member States; whereas human rights defenders and civil society activists are facing increasing threats and risks around the world for their legitimate work;

L. whereas the promotion and protection of human rights is at the heart of multilateralism and a central pillar of the UN system; whereas the EU is a strong supporter of all human rights, which are universal, indivisible, interdependent and inter-related; whereas the EU is one of the most dedicated defenders and promoters of human rights, fundamental freedoms, cultural values and diversity, democracy and the rule of law; whereas these values are coming under increasing threat in different regions of the world; whereas human rights defenders and civil society activists are facing increasing threats and risks for their legitimate work and are facing increasing reprisals for interacting with UN bodies and mechanisms; whereas the international community and the EU must step up their efforts to provide protection and support for human rights defenders, and uphold international norms of democracy, human rights, and the rule of law; especially with regard to the rights of those belonging to minority groups or those in vulnerable situations including women, children, young people, ethnic, racial or religious minorities, migrants, refugees and internally displaced persons (IDPs), people with disabilities, lesbian, gay, bisexual, transgender and intersex (LGBTI) people and indigenous peoples;

1. Recommends the following to the Council:

Reform of the UN system, including reform of the Security Council

(a) to actively support the UNSG's three pillar reform agenda with the aim of making the UN system truly coordinated, efficient, effective, integrated, transparent and accountable; to support the streamlining of the peace and security structure, which needs to become more efficient, focused, properly funded, and operational with power divided in a more balanced way and with more effective diversity in terms of regional representation in all its bodies;

(b) to support reduced bureaucracy, simplified procedures and decentralised decision-making, with greater transparency and accountability on the missions and work of UN staff, especially with regard to their operations in the field;

(c) to support the UNSG's efforts in making a substantial change in order to align the UN development system with the priorities of Agenda 2030 and the SDGs, and the Responsibility to Protect (R2P), and make it fit for the purpose of better supporting their implementation;

(d) to call on UN Member States to empower both the UNSG and Deputy SG and their respective authorities in the process of streamlining the UN management system, in order to promote greater efficiency, flexibility, responsiveness, and value for money of the UN and its agencies;

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(e) to remind all UN Member States of their obligation to maintain their financial efforts to support all UN agencies and meet their commitments on development aid spending, while increasing effectiveness and efficiency, and holding governments to account for the implementation of the global SDGs;

(f) to actively support the UNSG's efforts in the implementation of the UN Strategy on Gender Parity as an essential tool to ensure the equal representation of women in the UN system; to appoint more women and particularly women belonging to minority groups to senior management posts at UN HQ level and to adopt gender mainstreaming and gender budgeting; to call on the EU and the UN to appoint more female police officers and soldiers to missions and operations; to push for intersectional gender advisors for individual missions and operations and specific action plans, which design how UNSC Resolutions 1325 and 2242 are being implemented at the level of each mission and operation; to ensure that all UN forces have the same minimum education and competence requirements, and that it must include a clear gender, LGBTI, and anti-racist perspective, with zero tolerance for all forms of sexual exploitation and violence, including an effective whistle-blower function within the UN to anonymously report offenses committed by UN personnel against UN personnel and locals alike;

(g) to underline the importance EU Member States attach to coordination of their action in the organs and bodies of the UN system;

(h) to call for a comprehensive reform of the UNSC to improve its representativeness on the basis of a broad consensus in order to ensure it responds more quickly and effectively to threats to international peace and security; to promote the revitalisation of the work of the General Assembly and improved coordination and coherence of the actions of all UN institutions;

(i) to redouble efforts to reform the UNSC in particular, through a significant limitation or by regulating the use of the right to veto, notably in cases where there is evidence of war crimes and crimes against humanity, which has been obstructing the decision-making process and through a change in the composition of its membership to better reflect today's global order, inter alia through a permanent seat for the European Union;

(j) to call for the EU and its Member States to speak with one voice; supports efforts made by the European External Action Service (EEAS), the EU Delegations in New York and Geneva and the Member States to improve the coordination of EU positions and to reach common EU stance when voting, in order to improve EU coherence and credibility at the UN;

(k) to reiterate its support for the work of UN Special Procedures of the Human Rights Council, including the Special Rapporteurs, and other thematic and country-specific human rights mechanisms and its call on all UN State Parties to extend open invitations to all Special Rapporteurs to visit their countries;

(l) to support the establishment of an open and inclusive intergovernmental preparatory process under the auspices of the UN General Assembly for a UN 2020 summit, on the occasion of the UN's 75th anniversary, that will consider comprehensive reform measures for a renewal and strengthening of the United Nations;

(m) to advocate the establishment of a United Nations Parliamentary Assembly (UNPA) within the UN system in order to increase the democratic character, the democratic accountability and the transparency of global governance and to allow for better citizen participation in the activities of the UN and, in particular, to contribute to the successful implementation of the UN Agenda 2030 and the SDGs;

Peace and security

(n) to call on the EU and the UN to play complementary and reinforcing roles every time peace and security are threatened; to initiate structured political cooperation between the EU and the UN;

(o) to promote stronger commitments from Member States to peace and security both at international and internal level; to support the UNSG in his efforts to increase UN involvement in peace negotiations; to call on the UN to prioritise prevention, mediation and political solutions to conflicts while addressing their root causes and drivers; to continue to support UN special envoys' work, actions and initiatives aimed at solving these conflicts; to increase Member State support for UN peacekeeping and peacebuilding operations, in particular by contributing personnel and equipment, and to enhance the EU's facilitating role in this respect; to ensure better visibility for this support and contribution; to ensure that all UN peacekeeping and peacebuilding operations have a human rights mandate and adequate staff to carry out this function;

(p) to deepen the cooperation with the UN in the Strategic Partnership on Peacekeeping and Crisis Management; to encourage EU-UN cooperation in the Security Sector Reform (SSR); to call on the UN to make peacekeeping operations more credible and transparent by establishing and reinforcing effective mechanisms to prevent possible abuses by UN personnel and to hold them accountable; to adopt a multilateral approach throughout the overall process of the missions; to enhance interaction with local communities, ensuring their protection and relief; to ensure that protection of civilians is at the core of peacekeeping mandates; to strengthen support for local actors by empowering the most vulnerable groups to act as agents of change and create the spaces to involve them in all phases of humanitarian and peacebuilding work; to call on the UN to reduce the overall environmental impact of UN peacekeeping operations and achieve improved cost efficiency, safety and security both for troops and for the civilians of host countries;

(q) to stress that global and regional threats and common global concerns require a quicker response and responsibilities taken by the whole international community; to underline that where a state is unable or unwilling to fulfil its responsibility to protect, this responsibility falls to the international community, including all UNSC permanent members, and involving all other major emerging economies and developing countries, and for those violating international law to be brought to justice accordingly; to strengthen the capacities of the Blue Helmets; to call for the EU to encourage emerging and developing countries to join the international community when it takes action under its R2P;

(r) to welcome cooperation between the EU, UN and other intergovernmental organisations, such as the trilateral cooperation between the African Union (AU), the EU and the UN, as a strong means of strengthening multilateralism and global governance and providing assistance to those in need of international protection, while ensuring respect for human rights and international humanitarian law, and to call for a concerted effort towards capacity building in this regard by the EU, UN and AU;

(s) to continue to promote a broad definition of the human security concept and of R2P, and to further promote a strong UN role in their implementation; to further strengthen the role of R2P as an important principle in UN Member States' work on conflict resolution, human rights and development; to continue to support the efforts to further operationalise R2P and to support the UN in continuing to play a critical role in assisting countries in the implementation of R2P in order to uphold human rights, the rule of law and international humanitarian law; to recall the EU's commitment to implementing the R2P, preventing and halting human rights violations in the context of atrocities;

(t) to use all instruments at its disposal to enhance compliance by state and non-state actors' actions with international humanitarian law (IHL); to support efforts led by the International Committee of the Red Cross towards the establishment of an effective mechanism for strengthening compliance with IHL;

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(u) to reiterate its unequivocal condemnation of terrorism and its full support for actions aimed at the defeat and eradication of terrorist organisations, in particular Daesh/ISIS, which pose a clear threat to regional and international security; to work with the UN General Assembly and the UNSC to combat the financing of terrorism, taking into account the Parliament's recommendation of 1 March 2018 [1] and to build mechanisms to designate terrorist individuals and organisations and strengthen asset-freezing mechanisms worldwide to support the United Nations Interregional Crime and Justice Research Institute (UNICRI) in the implementation and operationalisation of the Global Counterterrorism Forum (GCTF), building on the Global Initiative against Transnational Organised Crime; to strengthen joint EU-UN efforts in combating the root causes of terrorism, particularly in countering hybrid threats and developing research and capacity building in cyber defence; to rely on the existing initiatives set up by local partners to design, implement, and develop approaches countering radicalisation and recruitment to terrorism; to step up efforts to clamp down on recruitment and fight terrorist propaganda, both of which are carried out through social media platforms and networks of radicalised hate preachers; to support actions strengthening the resilience of communities vulnerable to radicalisation, including by addressing the economic, social, cultural, and political causes which lead to it; to strengthen the efficacy of international police, legal and judicial cooperation in the fight against terrorism and transnational crime; to promote education as a tool for preventing terrorism; to support counter-radicalisation and de-radicalisation policies in line with the UN Plan of Action to Prevent Violent Extremism; to support an enhanced EU contribution to UN capacity building initiatives in relation to the fight against foreign terrorist fighters and violent extremism;

(v) to push for stronger multilateral commitments to find sustainable political solutions to current conflicts in the Middle East and North Africa; to continue to support UN special envoys' work, actions and initiatives aimed at solving these conflicts; to back the EU's role in the humanitarian field; to call for continued humanitarian, financial and political assistance from the international community; to hold to account those responsible for violations of international humanitarian and human rights law and to work towards the immediate cessation of violence; to insist that a Syrian-led political process aiming at free and fair elections, facilitated and monitored by the UN and held on the basis of a new constitution, is the only way to bring peace to the country; to stress that a nationwide inclusive ceasefire and a peaceful mutually acceptable solution to the Syrian crisis can be achieved under UN auspices and, as provided for in the 2012 Geneva Communiqué and UNSC Resolution 2254 (2015), with the support of the UN Special Envoy for Syria; to urge the international community to do everything in its power in order to strongly condemn those responsible for war crimes and crimes against humanity committed during the Syrian conflict; to support the UNSG's call for the establishment of a new, impartial and independent panel to identify the perpetrators of chemical attacks in Syria, as the absence of such a body increases the risks of military escalation; to support the UN peace plan initiative in Yemen and to tackle the ongoing humanitarian crisis as a matter of urgency; to call on all parties to respect the human rights and freedoms of all Yemeni citizens, and to stress the need for a negotiated political settlement through inclusive intra-Yemeni dialogue;

(w) to ensure that the UN General Assembly provides, in cooperation with the EU, all positive instruments to ensure that a two-state solution, on the basis of the 1967 borders, with Jerusalem as capital of both states, and a secure State of Israel with secure and recognised borders, and an independent, democratic, contiguous and viable State of Palestine, living side by side in peace and security, is sustainable and effective;

(x) to support UN efforts to secure a fair and lasting settlement of the Western Sahara conflict, on the basis of the right to self-determination of the Sahrawi people and in accordance with the relevant UN resolutions;

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[1] European Parliament recommendation of 1 March 2018 to the Council, the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on cutting the sources of income for jihadists — targeting the financing of terrorism, Texts adopted, P8_TA(2018)0059.

(y) to keep addressing the major security threats in the Sahel, Sahara, Lake Chad and Horn of Africa regions with a view to eradicating the terrorist threat caused by ISIL/Daesh and al-Qaeda affiliates and by Boko Haram or any other affiliated terrorist groups;

(z) to uphold the nuclear agreement between Iran and the Security Council Members plus Germany as an important success of international and, notably, EU diplomacy and to continue putting pressure on the United States to deliver on its practical implementation;

(aa) to continue to call for full respect for the sovereignty of internationally recognised borders and the territorial integrity of Georgia, Moldova and Ukraine, in light of the violations of international law in these areas; to support and reinvigorate diplomatic efforts for a peaceful and sustainable settlement of these ongoing and frozen conflicts; to urge the international community to implement fully the policy of non-recognition of the illegal annexation of Crimea;

(ab) to support the intra-Korean talks in their efforts towards the denuclearisation of the Korean peninsula; to call on all international actors involved to actively and positively contribute towards this goal on the basis of dialogue;

(ac) to urge the General Assembly and the UNSC to discuss the tensions in the South China Sea with the intention of encouraging all parties concerned to finalise the negotiation of a code of conduct;

Women, Peace and Security Agenda

(ad) to call on all Member States to continue to support and implement the eight above mentioned UNSC resolutions which make up the Women, Peace and Security Agenda, and guide work to achieve full gender equality and ensure women's participation, protection and rights across the conflict cycle, from conflict prevention through post-conflict reconstruction, while adopting a victim-centred approach to reduce further harm to women and girls directly affected by conflict;

(ae) to recall that women's participation in peace processes remains one of the most unfulfilled aspects of the Women, Peace and Security agenda, in spite of women being the primary victims of security, political and humanitarian crises; to highlight that UNSC Resolution 1325 on Women, Peace and Security has not achieved its primary objective of protecting women and substantially increasing their participation in political and decision-making processes; to recall that equality between women and men is a core principle of the European Union and its Member States, and fostering it is one of the Union's principal objectives; to continue to promote equality and non-discrimination between women and men, and to actively promote the support of further actions against violations of LGBTI rights; to involve the most vulnerable people in all levels of decision-making and all processes;

(af) to recall that armed conflict leaves both men and women vulnerable, but puts women at greater risk of economic and sexual exploitation, forced labour, displacement and detention and sexual violence such as rape, which is used as a tactic of war and constitutes a war crime; to ensure safe medical assistance for cases of war rape; to call for strengthened protection of minors, women, girls and the elderly in conflict situations, especially as regards sexual violence, and child, early and forced marriage, as well as of men and boy victims, whose real numbers in conflict-affected settings are severely underestimated according to the WHO and international studies [1]; to urge all UN Member States to make all necessary financial and human resources available to assist the population in conflict areas;

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[1] World Health Organisation, *World Report on Violence and Health*, Geneva, 2002, p. 154; United Nations Office for the Coordination of Humanitarian Affairs, *Discussion paper 2: The Nature, Scope and Motivation for Sexual Violence Against Men and Boys in Armed Conflict*, paper presented at the UNOCHA Research Meeting on the Use of Sexual Violence in Armed Conflict: Identifying Gaps in Research to Inform More Effective Interventions, 26 June 2008.

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(ag) to call on the UN to set up efficient procedures for reporting concerns or evidence of abuses, fraud, corruption and misconduct related to activities carried out by UN military and civilian personnel during peacekeeping missions and to tackle these cases through specific investigations in a timely manner; to urgently change the fact that legal actions regarding alleged abuses currently remain purely voluntary and dependent on the troop-contributing country; to urgently address all aspects of the 15 May 2015 UN Evaluation Report on Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations without delay and to hold perpetrators to account; to investigate, prosecute and sentence any military and civilian personnel who have committed acts of sexual violence without delay and with the firmest resolve; to encourage further training of UN peacekeeping personnel on the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, in order to promote expertise on sexual violence issues;

(ah) to support and strengthen international efforts through the UN to ensure gender analysis as well as gender and human rights mainstreaming in all UN activities, notably in peacekeeping operations, humanitarian operations, post-conflict reconstruction and reconciliation processes; to develop indicators and to implement monitoring tools to measure progress on the participation of women in peace and security building, including in peacekeeping operations, and to ensure accountability, as well as to provide effective engagement with communities and to ensure improved cultures and behaviours which are also in line with the UN Secretary General's High Level Panel on Women's Economic Empowerment; to ensure that the implementation of the Women, Peace and Security agenda includes adequate funding and provides support for making women the central component in all efforts to address global challenges, including rising violent extremism, conflict prevention and mediation, humanitarian crises, poverty, climate change, migration, sustainable development, peace and security;

(ai) to support and strengthen international efforts through the UN to end the abuse of children in armed conflicts and to more effectively address the impact of conflict and post-conflict situations on girls; to support the role of the UN Working Group on Children in Armed Conflict in order to deepen support for the rights of young people affected by war, and to support the UN 'Children Not Soldiers' campaign with a view to ending the recruitment and use of children by government armed forces and non-state actors in conflict;

(aj) to maintain its commitment with the UN to monitor and effectively implement the Spotlight initiative, the aim of which is to put an end to all forms of violence against women and girls;

Conflict prevention and mediation

(ak) to provide all means to proactively support the UNSG's priorities for conflict prevention and mediation [1], by such initiatives as the establishment of the High-Level Advisory Board on Mediation, and in line with the priorities of the UN's Special Political Missions and Peacebuilding Fund tools; to ensure that human rights are at the core of conflict prevention and mediation policies;

(al) to strengthen the operational side of EU and UN priorities for conflict prevention and reduction, including by ensuring the availability of experienced mediators and mediation advisers, including women envoys and senior officials, and to ensure more effective coordination of the UN's political, humanitarian, security, and development tools;

(am) to consider that women are conspicuously underrepresented at the peace table, where crucial decisions about post-conflict recovery and governance are made, despite the fact that when women have an explicit role in peace processes there is a 20 % increase in the probability of an agreement lasting at least 2 years, and a 35 % increase in the probability of an agreement lasting at least 15 years;

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[1] As set out in his first statement to the UNSC on 10 January 2017.

(an) to strongly support the Youth, Peace and Security Agenda and its objective of giving youth a greater voice in decision-making at the local, national, regional and international levels; to support in this regard the setting up of mechanisms that would enable young people to participate meaningfully in peace processes;

(ao) to further strengthen EU-UN cooperation on devising instruments to address the recurrent problem of election-related violence, including by building on the experience of MEPs in Election Observation Missions and parliamentary pre-election dialogues with political parties, in order to give greater credibility to elections in those countries seeking to strengthen their democratic procedures, as well as to send a strong message to those seeking to abuse the system;

(ap) to recall the significant contributions made by the EU (external financing instruments) to the UN system, including global peace, the rule of law and human rights and the development agenda;

(aq) to strongly support the Secretary General's proposals to make the UN Development System more effective and to define a supportive position in view of the proposed funding compact in return for increased effectiveness, transparency and accountability;

Non-proliferation, arms control and disarmament

(ar) to systematically support all UN actions related to disarmament, confidence-building, non-proliferation and counter-proliferation of weapons of mass destruction, including the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by a state party or non-state actor;

(as) to express concern at the erosion of the existing arms control and disarmament system and its legal instruments; to support all efforts to put the arms control and disarmament agenda back on course, including by reviving the Conference on Disarmament; to promote nuclear non-proliferation through the 2020 review process by bringing the Comprehensive Nuclear Test-Ban Treaty into force without delay; to undertake efforts to enforce the Chemical Weapons Convention; to reaffirm the commitment to its objectives and to encourage all UN Member States to ratify or accede to it; to strengthen the Organisation for the Prohibition of Chemical Weapons (OPCW) and its work by ensuring it has appropriate financial resources and staff to fulfil its objectives; to ensure that in cases where the use of chemical weapons is reported, perpetrators are brought to justice; to ensure accountability for violations of disarmament and arms control treaties by existing arms control mechanisms and disarmament instruments; to support the Treaty on the Prohibition of Nuclear Weapons backed in 2017 by 122 UN Member States and to work for the signing and ratification of this Treaty by all UN Member States; to urgently advance nuclear disarmament both regionally and globally in line with Parliament's resolution of 27 October 2016 ([1]) which calls on all EU Member States to support the United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons; to support UN efforts to prevent non-state actors and terrorist groups from developing, manufacturing, acquiring or transferring weapons of mass destruction and their delivery systems; to insist on full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention and the Biological Weapons Convention;

(at) to fully implement the Arms Trade Treaty (ATT) and to encourage all UN Member States to ratify or accede to it;

(au) to work towards more effective action against the diversion of, and illicit trade in, weapons and ammunition, including small arms and light weapons, in particular by developing a weapons tracking system; to request that UN members actively take steps towards global disarmament and towards the prevention of arms races;

([1]) OJ C 215, 19.6.2018, p. 202.

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(av) to pay special attention to technological progress in the field of the weaponisation of robotics and, in particular, on armed robots and drones and their conformity with international law; to establish a legal framework on drones and armed robots in line with existing IHL to prevent this technology from being misused in illegal activities by state and non-state actors; to promote the start of effective negotiations on the prohibition of drones and armed robots which enable strikes to be carried out without human intervention; to promote a UN-based legal framework which strictly stipulates that the use of armed drones has to respect international humanitarian and human rights law; to strongly condemn the widespread human rights abuses and violations of international humanitarian law; to call for greater protection of human rights and fundamental freedoms in every dimension of their expression, including in the context of new technologies; to work towards an international ban on weapon systems that lack human control over the use of force as requested by Parliament on various occasions and, in preparation of relevant meetings at UN level, to urgently develop and adopt a common position on autonomous weapon systems and to speak at relevant fora with one voice and act accordingly;

(aw) to encourage all UN Member States to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction;

(ax) to work, with reference to UN Environment Assembly resolution UNEP/EA.3/Res.1 and UN Human Rights Council resolution 34/20, towards the clarification and development of post-conflict obligations for the clearance and management of contamination from the use of depleted uranium weapons, and the assistance of communities affected by their use;

Human rights, democracy and the rule of law

(ay) to recall that human rights are indivisible, interdependent and interrelated; to call on the EU and the UN not only to firmly condemn the disturbing global trend towards a marginalisation and denial of human rights and democracy in order to counter any negative trends, including with regard to the space for civil society, but also to make effective use of the legal instruments available, notably Article 2 of EU association agreements with third countries, when appropriate; to urge all UN Member States to ratify and effectively implement all core UN human rights conventions, including the UN Convention Against Torture and the Optional Protocol thereto, the Optional Protocols to the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights establishing complaint and inquiry mechanisms, and to comply with the reporting obligations under these instruments and the commitment to cooperate in good faith with UN human rights mechanisms; to draw attention to the global backlash against human rights defenders and advocates of democratisation;

(az) to ensure that human rights reforms continue to be fully integrated within the UN's three pillars of reform; to support mainstreaming of the human rights dimension in the work of the United Nations;

(ba) to promote the freedom of deists and theists as well as of people who regard themselves as atheists, agnostics, humanists and free thinkers;

(bb) to continue to advocate freedom of religion or belief; to call for greater efforts to protect the rights of religious and other minorities; to call for greater protection of religious minorities against persecution and violence; to call for the repeal of laws criminalising blasphemy or apostasy that serve as a pretext for the persecution of religious minorities and non-believers; to support the work of the Special Rapporteur on freedom of religion or belief; to actively work for UN recognition of the genocide against religious and other minorities committed by ISIL/Daesh, and for referral to the International Criminal Court (ICC) of cases of suspected crimes against humanity, war crimes and genocide;

(bc) to encourage the United Nations Human Rights Council (UNHRC) to supervise respect for human rights by its own Member States, in order to avoid the mistakes of the past such as giving membership to gross violators of human rights and those adopting anti-Semitic political positions;

(bd) to encourage all UN Member States to ensure that their citizens are able to be fully involved in political, social, and economic processes — including the freedom of religion or belief — without discrimination;

(be) to call on all national and international authorities to adopt binding instruments devoted to the effective protection of human rights as a matter of urgency and to ensure that all national and international obligations stemming from international rules are fully enforced; to reiterate the importance of the UNHRC; to recall the obligation of the General Assembly, when electing the membership of the UNHRC, to take into account candidates' respect for the promotion and protection of human rights, the rule of law and democracy; to call for the establishment of clear human rights performance-based criteria for membership of the UNHRC;

(bf) deeply regrets the decision of the USA to withdraw from the UNHRC; recalls the EU's participation and support for this indispensable human rights body and urges the US administration to reconsider its decision;

(bg) to urge all states, including EU Member States, to swiftly ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights establishing a complaints and inquiry mechanism;

(bh) to work together with all UN Member States to respect the rights of freedom of expression, as mentioned in Article 19 of the Universal Declaration of Human Rights, and to emphasise the importance of a free press and media in a healthy society, and the role of every citizen therein; to stress the importance of media freedom, pluralism, media independence and the safety of journalists to counter the new challenges; to initiate a debate on finding the right balance between protecting media freedom and freedom of expression and combatting false information; to seek to protect journalists who are working on corruption cases and whose lives are in danger;

(bi) to maintain a strong commitment to promoting an end to the death penalty worldwide; to continue to advocate zero tolerance for the death penalty; to call for a moratorium on the use of the death penalty and to further work towards its universal abolition; to denounce the increased recourse to death sentences for drug-related offences, and to call for the outlawing of use of the death penalty and summary execution as punishment for such offences;

(bj) to support and strengthen international efforts through the UN to ensure gender analysis as well as gender and human rights mainstreaming in all UN activities; to call for the eradication of all violence and discrimination against women and girls, by also taking into account discrimination based on gender identity; to advocate and protect the rights of LGBTI people, and to call for a repeal of legislation in UN Member States which criminalises people on the grounds of their sexuality or gender identity; to encourage the Security Council to further address and strengthen LGBTI rights;

(bk) to strengthen the role of the ICC and the international criminal justice system in order to promote accountability and to end impunity; to provide the ICC with strong diplomatic, political and financial support; to call on all UN Member States to join the ICC by ratifying and implementing the Rome Statute and to encourage the ratification of the Kampala amendments; to call on those withdrawing from the ICC to reverse their decisions; to support the ICC as a key institution for holding perpetrators to account and assisting victims in achieving justice, and to encourage strong dialogue and cooperation between the ICC, the UN and its agencies and the UN Security Council;

(bl) to strongly condemn the judicial harassment, detention, killing, threatening and intimidation of human rights defenders (HRDs) around the world for doing their legitimate human rights work; to push for international efforts and to call on UN Member States to adopt policies providing protection and support for HRDs at risk, and enabling them to carry out their work; to adopt a policy to denounce, systematically and unequivocally, the killing of HRDs and any

attempt to subject them to any form of violence, persecution, threat, harassment, disappearance, imprisonment or arbitrary arrest; to condemn those who commit or tolerate such atrocities, and to step up public diplomacy in full support of HRDs; to underline that HRDs and civil society activists are among the central actors in sustainable development; to call on UN Member States to adopt policies to provide protection and support for HRDs at risk; to recognise that environmental, land and indigenous HRDs have faced increasing threats;

(bm) to pledge, in line with the European anti-corruption *acquis*, to promote anti-corruption measures and push for these to be further integrated in United Nations programmes;

(bn) to request the EU and its Member States to work with partners on the implementation of the UN Guiding Principles on Business and Human Rights by urging all countries, including EU Member States, to develop and implement National Action Plans (NAP) obliging businesses to ensure observance of human rights; to renew its call for the EU and its Member States to be actively and constructively engaged in formulating, as soon as possible, a legally binding international instrument that regulates, in international human rights law, the activities of transnational corporations and other business enterprises in order to prevent, investigate, redress and provide access to remedy to human rights violations whenever these occur; to support a binding UN Treaty on Business and Human Rights with the aim of ensuring corporate accountability; to welcome, in that context, the work carried out by the UN Working Group on Business and Human Rights and to remind the UN, the EU and its Member States to engage constructively in order to speed up these negotiations and to address remaining EU concerns;

(bo) to step up its efforts within the framework of the International Alliance for Torture Free-Trade, co-initiated by the EU alongside regional partners; to set up an international fund to assist countries in developing and implementing legislation banning trade in goods that could be used for torture and the death penalty; to support the establishment of an international instrument to ban the trade in such goods, drawing on the experience of Council Regulation (EC) No 1236/2005 on this issue;

(bp) to ensure that women have access to family planning and the full range of public and universal sexual and reproductive health and rights, including modern contraception and safe and legal abortion; underscores the fact that universal access to health, in particular sexual and reproductive health and associated rights, is a fundamental human right, thereby countering the Global Gag Rule which was reinstated by the United States Government in early 2017;

(bq) to support a human rights-based approach to disability in situations of risk in line with the United Nations Convention on the Rights of Persons with Disabilities (CRPD);

(br) to consider that the Roma people are among the most discriminated against minorities in the world and that the discrimination is getting worse in several countries; to recall that Roma people live on all continents and the issue is thus of global concern; to call on the UN to appoint a special rapporteur on Roma issues in order to raise awareness and to ensure that UN programmes also reach Roma people;

(bs) to call for the UN Member States, including the EU Member States, to implement the recommendations of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

Global Compacts for Migration and on Refugees

(bt) to fully support the UN-led efforts to negotiate two Global Compacts for Migration and on Refugees based on the September 2016 New York Declaration for Refugees and Migrants, in order to develop a more effective international response to the issue and the corresponding process for developing a global governance regime, for enhancing coordination on international migration, human mobility, large movements of refugees and protracted refugee situations, and for putting in place durable solutions and approaches to clearly outline the importance of protecting

the rights of refugees and migrants; calls on the EU Member States to unite behind such a position and to actively defend and advance the negotiations on these important issues; to recall that the SDGs contained in the UN 2030 Agenda recognise that planned and well-managed migration policies can help achieve sustainable development and inclusive growth, as well as reduce inequality within and between states;

(bu) to push for ambitious and balanced provisions allowing for more effective international cooperation and more equitable and predictable global sharing of responsibility in dealing with migration movements and forced displacement, ensuring adequate support to refugees worldwide;

(bv) to support all efforts to ensure robust and sustainable assistance to developing countries that host large numbers of refugees, and to ensure that refugees are offered durable solutions, including by becoming self-sustainable and being integrated into the communities in which they live; to recall that the implementation of the Global Compact provides a unique opportunity to strengthen the linkage between humanitarian aid and development policies;

(bw) to ensure that Global Compacts are people-centred and human rights-based, and provide long-term, sustainable and comprehensive measures for the benefit of all parties involved; to pay specific attention to migrants in situations of vulnerability, such as children, women at risk, victims of human trafficking or persons with disabilities, and other groups at risk, including the LGBTI community, stressing the importance of designing migration policy from an intersectional perspective in order to respond to their particular needs; to stress the need to fully develop a renewed and horizontal gender perspective for a collective international response to refugees which addresses the specific protection needs of women, including combatting violence against women, and which enhances women's abilities and skills in reconstruction and reconciliation; to call on the UN Member States to make a stand-alone commitment to promoting gender equality and empowerment of women and girls as a central element of the Global Compact, in line with SDG 5;

(bx) to demand that greater efforts be made to prevent irregular migration and to fight people smuggling and human trafficking, in particular by combating criminal networks through timely and effective exchange of relevant intelligence; to improve methods to identify and protect victims and to reinforce cooperation with third countries with a view to tracking, seizing and recovering the proceeds of criminal activities in this sector; to insist at the UN level on the importance of the ratification and full implementation of the UN Convention Against Transnational Organised Crime and the protocols thereto against the smuggling of migrants by land, sea and air and to prevent, suppress and punish trafficking in persons, especially women and children;

(by) to ensure that special attention is paid to women refugees and asylum seekers who are subjected to multiple forms of discrimination and are more vulnerable to sexual and gender-based violence both in their countries of origin and during their journeys to safer destinations; to recall that women and girls seeking asylum have specific needs and concerns which differ from those of men, and which require that the implementation of all asylum policies and procedures be gender sensitive and individualised; to call for a strengthening of child protection systems and to support concrete measures in the best interests of child refugees and migrants, based on the Convention on the Rights of the Child;

(bz) to address the widespread phenomenon of statelessness, which poses acute human rights challenges; to ensure that this issue is adequately addressed in the current negotiations on the Global Compact;

(ca) to continue and enhance the support, including financial support, provided to the United Nations High Commissioner for Refugees (UNHCR) in implementing its international mandate to protect refugees, including from criminal gangs and individuals involved in human trafficking and people smuggling at source and in transit countries;

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(cb) to assist Eastern Partnership countries in dealing with the problems they have been facing as a result of massive forced internal displacement from conflict areas, and to act resolutely for the protection and restoration of the rights of displaced people, including their right to return, property rights and the right to personal security;

(cc) to continue to stress the utmost importance of education for girls and women to create economic opportunities;

(cd) to reiterate its serious concern that hundreds of thousands of IDPs and refugees who fled their native lands in connection with protracted conflicts remain displaced, and to reaffirm the right of all IDPs and refugees to return to their places of origin in safety and dignity;

(ce) to insist on the need to provide funding specifically for women's participation in international decision-making processes;

Development

(cf) to implement the ambitious UN Agenda 2030 for Sustainable Development and its 17 Sustainable Development Goals; to underline the leading role of the EU in the process that led to the adoption of the UN Agenda 2030 for Sustainable Development and the Addis Ababa Action Agenda; to take concrete steps to ensure the efficient implementation of the UN Agenda 2030 and the Addis Ababa Agenda as important instruments for development; to ensure that the EU and the UN continue to play a major role in implementing the UN 2030 Agenda with a view to eradicating poverty and generating collective prosperity, addressing inequalities, creating a safer and more just world, and combatting climate change and protecting the natural environment;

(cg) to take concrete steps to ensure the efficient implementation of UN Agenda 2030 and all 17 SDGs as important instruments for prevention and sustainable development; to encourage and support countries to take ownership and establish national frameworks for the achievement of the 17 SDGs; to encourage UN Member States to reorient their budgets towards the UN 2030 Agenda for Sustainable Development; to reiterate that the EU remains the world's leading donor of development assistance, providing EUR 75,7 billion, and to encourage the continued growth in EU collective aid underpinning the Member States' sustained efforts to promote peace, prosperity and sustainable development worldwide; to push UN Member States to meet their commitments on development aid spending and to call for the adoption of a solid framework of indicators and the use of statistical data to evaluate the situation in developing countries, monitor progress and ensure accountability; to pursue its efforts to achieve policy coherence for development across all EU policies, which is crucial for achieving the SDGs, and to push also at the UN level for greater policy coherence in accordance with Goal 17;

Climate change and climate diplomacy

(ch) to reaffirm the EU's commitment to the Paris Agreement, to encourage all the UN Member States to ratify it and implement it effectively, and to stress the need to implement the Paris Agreement globally and by all UN Member States; to reaffirm the need for an ambitious EU climate policy and its readiness to improve the existing Nationally Determined Contributions (NDCs), including those of the EU, for 2030, as well as the necessity of developing a long-term strategy for 2050 in a timely manner, and to support any initiative in this direction; to work towards more effective action for environmental sustainability, notably in the fight against climate change, by promoting international measures and actions to preserve and improve the quality of the environment and the sustainable management of natural resources; to further raise our level of ambition regarding emissions reductions and to emphasise the role of the EU as a global leader in climate action;

(ci) to reiterate that climate action is a main priority for the European Union; to ensure that the EU remains at the forefront of the fight against climate change and cooperates further with the UN in this area; to call on all UN members to uphold the Paris Agreement and to ensure swift implementation of the decisions taken at the 2016 UN Climate Change Conference; to step up efforts to re-engage the US in multilateral cooperation on climate change;

(cj) to be a pro-active partner in all UN efforts to foster global partnerships and cooperation on climate change challenges, stressing that climate can be an entry point for diplomatic relations with partners with whom other agenda items are highly contested, thereby offering an opportunity to enhance stability and peace;

(ck) to step up its climate diplomacy efforts by developing a comprehensive climate diplomacy strategy and to integrate climate action into all fields of EU external action, including trade, development cooperation, humanitarian aid and security and defence, taking into account the fact that an environmentally unsustainable system produces instability; to form a strong alliance of countries and actors that will continue to support and contribute to the objectives of limiting global warming to well below 2 °C, while pursuing efforts to limit the temperature increase to 1,5 °C;

(cl) to recall that the impacts of climate change are experienced differently by women and men; to underline that women are more vulnerable and face higher risks and burdens for various reasons, ranging from unequal access to resources, education, job opportunities and land rights, to social and cultural norms; to stress that this should be reflected accordingly; to ensure that women play a central role in finding solutions for mitigating and adapting to climate challenges, including international climate negotiations, with a view to developing gender-sensitive responses to address underlying inequalities;

(cm) to recall that where women have limited access to and control over production resources and restricted rights, they have fewer opportunities to shape decisions and influence policy, as has been officially recognised since the 13th Conference of the Parties on Climate Change (COP 13) held in Bali in 2007;

(cn) to work closely with small island states and other countries facing the most serious consequences of climate change to ensure that their voices and their needs are taken into consideration in the different UN fora;

(co) to engage in a comprehensive public debate with all UN Member States on the importance of respecting constitutional limits on presidential mandates worldwide;

2. Instructs its President to forward this recommendation to the Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the European External Action Service, the Commission and, for information, the United Nations General Assembly and the Secretary-General of the United Nations.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2018)0269

Cooperation Agreement between the EU and the Agency for Aerial Navigation Safety in Africa and Madagascar ***

European Parliament legislative resolution of 3 July 2018 on the draft Council decision on the conclusion on behalf of the Union of the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation (11351/2017 — C8-0018/2018 — 2017/0104(NLE))

(Consent)

(2020/C 118/27)

The European Parliament,

— having regard to the draft Council decision (11351/2017),

— having regard to the draft Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation (13661/2016),

— having regard to the request for consent submitted by the Council in accordance with Article 172 and Article 218(6), second subparagraph, point (a), point (v), of the Treaty on the Functioning of the European Union (C8-0018/2018),

— 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 (A8-0213/2018),

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 to ASECNA.

Tuesday 3 July 2018

P8_TA(2018)0270

Extension of the EU-US Agreement for scientific and technological cooperation ***

European Parliament legislative resolution of 3 July 2018 on the draft Council decision concerning the extension of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America (08166/2018 — C8-0259/2018 — 2018/0067(NLE))

(Consent)

(2020/C 118/28)

The European Parliament,

— having regard to the draft Council decision (08166/2018),

— having regard to Council Decision 98/591/EC of 13 October 1998 concerning the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America ([1]),

— having regard to the request for consent submitted by the Council in accordance with Articles 186 and Article 218(6), second subparagraph, point (a) (v), of the Treaty on the Functioning of the European Union (C8-0259/2018),

— 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 (A8-0212/2018),

1. Gives its consent to the extension 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.

([1]) OJ L 284, 22.10.1998, p. 35.

Tuesday 3 July 2018

P8_TA(2018)0271

European High Performance Computing Joint Undertaking *

European Parliament legislative resolution of 3 July 2018 on the proposal for a Council regulation on establishing the European High Performance Computing Joint Undertaking (COM(2018)0008 — C8-0037/2018 — 2018/0003(NLE))

(Consultation)

(2020/C 118/29)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2018)0008),

— having regard to Article 187 and the first paragraph of Article 188 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0037/2018),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Industry, Research and Energy (A8-0217/2018),

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 and the Commission.

Tuesday 3 July 2018

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(2) Regulation (EU) No 1291/2013 of the European Parliament and of the Council ([15]) establishes Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020), 'Horizon 2020'. It aims to achieve a greater impact with respect to research and innovation by combining Horizon 2020 and private-sector funds in public-private partnerships in key areas where research and innovation can contribute to the Union's wider competitiveness goals, leverage private investment and help tackle societal challenges. Those partnerships should be based on a long-term commitment, including a balanced contribution from all partners, be accountable for the achievement of their objectives and be aligned with the Union's strategic goals relating to research, development and innovation. The governance and functioning of those partnerships should be open, transparent, effective and efficient and give the opportunity to a wide range of stakeholders active in their specific areas to participate.	(2) Regulation (EU) No 1291/2013 of the European Parliament and of the Council ([15]) establishes Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020), 'Horizon 2020'. It aims to achieve a greater impact with respect to research and innovation by combining Horizon 2020 and private-sector funds in public-private partnerships in key areas where research and innovation can contribute to the Union's wider competitiveness goals, leverage private investment and help tackle societal challenges. Those partnerships should be based on a long-term commitment, including a balanced contribution from all partners, be accountable for the achievement of their objectives and be aligned with the Union's strategic goals relating to research, development and innovation. The governance and functioning of those partnerships should be open, transparent, effective and efficient and give the opportunity to a wide range of stakeholders active in their specific areas to participate ***and to civil society organisations and citizen groups to be properly consulted in the decision-making process***.

([15]) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104)

([15]) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104)

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Amendment 2

Proposal for a regulation

Recital 8

Text proposed by the Commission	*Amendment*
(8) The Communication from the Commission of 19 April 2016 entitled 'European Cloud Initiative — building a competitive data and knowledge economy in Europe ([22])', calls for the establishment of a European Data Infrastructure based on leading-class High Performance Computing capabilities and the development of a full European High Performance Computing ecosystem capable of developing new European technology and realise exascale supercomputers. The importance of the area and the challenges faced by the stakeholders in the Union require urgent action in order to gather the necessary resources and capabilities to close the chain from research and development to the delivery and operation of the exascale High Performance Computing systems. Therefore a mechanism should be set up at Union level to combine and concentrate the provision of support to the establishment of a world-leading European High Performance Computing infrastructure and for research and innovation in High Performance Computing by Member States, the Union and the private sector. This infrastructure should provide access to the public sector users, users from industry and users from academia, including the scientific communities being part of the European Open Science Cloud.	(8) The Communication from the Commission of 19 April 2016 entitled 'European Cloud Initiative — building a competitive data and knowledge economy in Europe ([22])', calls for the establishment of a European Data Infrastructure based on leading-class High Performance Computing capabilities and the development of a full European High Performance Computing ecosystem capable of developing new European technology and realise exascale supercomputers. The importance of the area and the challenges faced by the stakeholders in the Union require urgent action in order to gather the necessary resources and capabilities to close the chain from research and development to the delivery and operation of the exascale High Performance Computing systems. Therefore a mechanism should be set up at Union level to combine and concentrate the provision of support to the establishment of a world-leading European High Performance Computing infrastructure and for research and innovation in High Performance Computing by Member States, the Union and the private sector. This infrastructure should provide access to the public sector users, users from industry***, including small and medium-sized enterprises (SMEs),*** and users from academia, including the scientific communities being part of the European Open Science Cloud.

([22]) COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS — European Cloud Initiative — Building a competitive data and knowledge economy in Europe, COM(2016)0178

([22]) COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS — European Cloud Initiative — Building a competitive data and knowledge economy in Europe, COM(2016)0178

Tuesday 3 July 2018

Amendment 3

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) It is of utmost importance for the Union to rank among the top supercomputing powers in the world by 2022. Currently, the Union is lagging behind on the development of High Performance Computing as a result of its under-investment in establishing a complete system. In order to close this gap, The Union needs to acquire world-class supercomputers, secure its supply system and deploy services to industry and SMEs for simulation, visualisation and prototyping while ensuring a HCP system in accordance with Union values and principles.

Amendment 4

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) In order to equip the Union with the computing performance needed to maintain its research at a leading edge the Member States investment in High Performance Computing should be coordinated and the industrial take-up of High Performance Computing technology have to be reinforced. The Union should increase its effectiveness in turning the technology developments into High Performance Computing systems that are procured in Europe, establishing an effective link between technology supply, co-design with users, and a joint procurement of world-class systems.	(10) In order to equip the Union with the computing performance needed to maintain its research at a leading edge ***and to harness the added value of joint action at Union level,*** the Member States investment in High Performance Computing should be coordinated and the industrial take-up of High Performance Computing technology have to be reinforced. The Union should increase its effectiveness in turning the technology developments into High Performance Computing systems that are procured in Europe, establishing an effective link between technology supply, co-design with users, and a joint procurement of world-class systems.

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Amendment 5

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission	*Amendment*
	(10a) It is necessary for the Commission and the Member States to explore appropriate governance and funding frameworks, with sufficient consideration of the EuroHPC Joint Undertaking initiative and its sustainability and of the necessity of a Union-wide level playing field. Furthermore, Member States should consider the funding programmes in a manner that is streamlined with the Commission's approach.

Amendment 6

Proposal for a regulation

Recital 10 b (new)

Text proposed by the Commission	*Amendment*
	(10b) The European Technology Platform and the cPPP on HPC are crucial to defining the Union's research priorities in developing Union technology in all segments of the HPC solution supply chain.

Amendment 7

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission	*Amendment*
	(11a) The mission of the Joint Undertaking is to establish and maintain in the Union an integrated world-class High Performance Computing and Big Data ecosystem based on Union leadership in HPC, cloud and Big Data technologies.

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Amendment 8

Proposal for a regulation

Recital 12

Text proposed by the Commission	*Amendment*
(12) The Joint Undertaking should be set up and start operating in 2019 to reach the target of equipping the Union with a pre-exascale infrastructure by 2020 and developing the necessary technologies for reaching exascale capabilities by 2022/2023. Since a development cycle of the next generation of technology typically takes 4-5 years, to stay competitive on the global market, the actions to reach this target have to start now.	(12) The Joint Undertaking should be set up and start operating in 2019 to reach the target of equipping the Union with a pre-exascale infrastructure by 2020 and developing the necessary technologies for reaching***, where possible, autonomous*** exascale capabilities by 2022/2023. Since a development cycle of the next generation of technology typically takes 4-5 years, to stay competitive on the global market, the actions to reach this target have to start now.

Amendment 9

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) EuroHPC Joint Undertaking should be treated as an integral part of the Union Data Infrastructure across the whole ecosystem and the benefits should be promoted widely.

Amendment 10

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) The Commission should encourage more Member States to join the EuroHPC Joint Undertaking and use it as a priority area for research and development programmes corresponding with national activities. The Commission should also promote the initiative in all Member States as part of a strong political and economic commitment in digital innovation.

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Amendment 11

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Amendment*
(14) The Union, the Participating States and the Private Members of the Joint Undertaking should each provide a financial contribution to the administrative costs of the Joint Undertaking. Since, under the multiannual financial framework for the years 2014-2020 a contribution to the administrative costs by the Union can be frontloaded to cover the running costs only up to 2023, the Participating States and the Private Members of the Joint Undertaking should fully cover the administrative costs of the Joint Undertaking as of 2024.	(14) The Union, the Participating States and the Private Members of the Joint Undertaking should each provide a financial contribution to the administrative costs of the Joint Undertaking. Since, under the multiannual financial framework for the years 2014-2020 a contribution to the administrative costs by the Union can be frontloaded to cover the running costs only up to 2023, the Participating States and the Private Members of the Joint Undertaking should fully cover the administrative costs of the Joint Undertaking as of 2024 ***to ensure the sustainability of the Joint Undertaking on a long-term basis***.

Amendment 12

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15a) All potential synergies between Euro HPC and Union and national research programmes should be explored and promoted. The Joint Undertaking should integrate with existing leading research and development structures, such as the European Technology Platform for high performance computing value PPP and Big Data, to maximise efficiency and facilitate its use and to set the grounds for thriving data driven economy.

Amendment 13

Proposal for a regulation

Recital 15 b (new)

Text proposed by the Commission	*Amendment*
	(15b) The Commission and the Member States should strengthen the existing work of the European Cloud Partnership based on the existing pillars of PRACE and GEANT, avoid any conflict of interest, and recognise their vital complementary roles in realising a EUROHPC ecosystem.

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Amendment 14

Proposal for a regulation

Recital 18

Text proposed by the Commission	*Amendment*
(18) The Joint Undertaking should address clearly defined topics that would enable academia and European industries at large to design, develop and use the most innovative technologies in High Performance Computing, and to establish an integrated infrastructure across the Union with world-class High Performance Computing capability, high-speed connectivity and leading-edge applications and data and software services for its scientists and for other lead users from industry, ***including SMEs*** and the public sector. The Joint Undertaking should make efforts to reduce the specific HPC-related skills gap. The Joint Undertaking should prepare the path towards building the first hybrid High Performance Computing infrastructure in Europe, integrating classical computing architectures with quantum computing devices, e.g. exploiting the quantum computer as an accelerator of High Performance Computing threads. Structured and coordinated financial support at European level is necessary to help research teams and European industries remain at the leading edge in a highly competitive international context by producing world-class results and their integration in competitive systems, to ensure the fast and broad industrial exploitation of European technology across the Union generating important spill-overs for society, to share risk-taking and joining of forces by aligning strategies and investments towards a common European interest. The Commission could consider, upon notification by a Member State or group of Member States concerned, that the Joint Undertaking's initiatives qualify as Important Projects of Common European Interest, provided that all relevant conditions are met in accordance with the Community Framework for state aid for research and development and innovation ([25]).	(18) The Joint Undertaking should address clearly defined topics that would enable academia ***but also*** and European industries at large to design, develop and use the most innovative technologies in High Performance Computing, and to establish an integrated infrastructure across the Union with world-class High Performance Computing capability, high-speed connectivity and leading-edge applications and data and software services for its scientists and for other lead users from industry, ***in particular, micro-enterprises, SMEs and start-ups*** and the public sector. The Joint Undertaking should make efforts to reduce the specific HPC-related skills gap***, encouraging qualification, HPC-related career choices and offering special programs to encourage balanced representation of men and women in the HPC career paths***. The Joint Undertaking should prepare the path towards building the first hybrid High Performance Computing infrastructure in Europe, integrating classical computing architectures with quantum computing devices, e.g. exploiting the quantum computer as an accelerator of High Performance Computing threads. Structured and coordinated financial support at European level is necessary to help research teams and European industries remain at the leading edge in a highly competitive international context by producing world-class results and their integration in competitive systems, to ensure the fast and broad industrial exploitation of European technology across the Union generating important ***beneficial*** spill-overs for society, to share risk-taking and joining of forces by aligning strategies and investments towards a common European interest. The Commission could consider, upon notification by a Member State or group of Member States concerned, that the Joint Undertaking's initiatives qualify as Important Projects of Common European Interest, provided that all relevant conditions are met in accordance with the Community Framework for state aid for research and development and innovation ([25]).

([25]) Communication from the Commission — Criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of important projects of common European interest, OJ C 188, 20.6.2014, p. 4.

([25]) Communication from the Commission — Criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of important projects of common European interest, OJ C 188, 20.6.2014, p. 4.

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Amendment 15

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18a) The Joint Undertaking should promote and provide Union scientists, industry and the public sector with access to world-class supercomputers and associated services, giving them the tools to stay at the forefront of science and industrial competition with a view to maintaining and supporting integrated scientific data infrastructures and High Performance Computing.

Amendment 16

Proposal for a regulation

Recital 18 b (new)

Text proposed by the Commission	*Amendment*
	(18b) The Joint Undertaking should be open to the participation of all Member States which are encouraged to join the Joint Undertaking and use it as a priority area for research and development programmes corresponding with national activities. The Joint Undertaking should promote the activities of the supercomputer as part of a strong political and economic commitment in digital innovation.

Amendment 17

Proposal for a regulation

Recital 18 c (new)

Text proposed by the Commission	*Amendment*
	(18c) In order to build the necessary capacity and ensure the participation of all the Member States and one High Performance Computing Competence Centre (Centre) associated with the national supercomputing centre should be established per Member State. The Centres should facilitate and promote access to the HPC ecosystem, from access to the supercomputers, to access to applications and services. They should also provide to HPC users learning and training courses for building HPC skills and should promote awareness raising and training and outreach activities of the benefits of High Performance Computing, for SMEs in particular and embark on networking activities with stakeholders and other Centres to foster wider innovations enabling further High Perfomance Computing uptake.

Amendment 18

Proposal for a regulation

Recital 18 d (new)

Text proposed by the Commission	*Amendment*
	(18d) Broad participation across the Union and fair and reasonable access for third-country actors is important in order to realise the full potential of a Union supercomputer capable of contributing to Union excellent science and regional competitiveness.

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Amendment 19

Proposal for a regulation

Recital 18 e (new)

Text proposed by the Commission	*Amendment*
	(18e) Although access time to the supercomputers is proportionate to financial contributions, a playing field from all Members States, scientists and industries in the Union should be ensured.

Amendment 20

Proposal for a regulation

Recital 18 f (new)

Text proposed by the Commission	*Amendment*
	(18f) The Union's access time should be attributed by competitive calls based on excellence, independently of the Union's nationality of the applicant. In addition, participating Member States should also be able to make available their access time to other Union's scientists, industry or researchers.

Amendment 21

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20a) The supercomputers acquired and supported by the Joint Undertaking should be designed and selected in order to maximise their efficiency for scientific purposes as well as for their use by industry. For that reason, the Commission needs to take steps to further strengthen the assessment of efficiency and cost-effectiveness in its evaluations.

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Amendment 22

Proposal for a regulation

Recital 22

Text proposed by the Commission	*Amendment*
(22) The use of the pre-exascale and petascale supercomputers should be primarily for public research and innovation purposes, for any user from academia, industry or the public sector. The Joint Undertaking should be allowed to carry out some limited economic activities for private purposes. Access should be granted to users established in the Union or an Associated Country to Horizon 2020. The access rights should be equitable to any user and allocated in a transparent manner. The Governing Board should define the access rights to the Union's share of access time for each supercomputer.	(22) The use of the pre-exascale and petascale supercomputers should be primarily for public ***civilian*** research and innovation purposes, for any user from academia, industry***, including SMEs,*** or the public sector. The Joint Undertaking should be allowed to carry out some limited economic activities for private purposes. Access should be granted to users established in the Union or an Associated Country to Horizon 2020. The access rights should be equitable to any user and allocated in a transparent manner. The Governing Board should define the access rights to the Union's share of access time for each supercomputer.

Amendment 23

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28a) The provisions of Horizon 2020 on intellectual property rights, transfer of ownership of IPR, licensing and exploitation should apply, as a minimum, in order to protect the Union`s economic interests.

Amendment 24

Proposal for a regulation

Recital 29 a (new)

Text proposed by the Commission	*Amendment*
	(29a) The amount necessary for the purchase of the supercomputer should also cover investment in improved dataflow and connection to the network.

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Amendment 25

Proposal for a regulation

Recital 30 a (new)

Text proposed by the Commission	*Amendment*
	(30a) HPC initiative providers operating in the Union must compete on an even playing field, with the same rules applicable to all.

Amendment 26

Proposal for a regulation

Recital 30 b (new)

Text proposed by the Commission	*Amendment*
	(30b) To ensure consistency and avoid duplication with other existing initiatives in the field of High Performance Computing and big data, in particular with the contractual public–private partnerships in High Performance Computing and big data established in 2014 and PRACE, those initiatives should be streamlined by incorporating them into the Joint Undertaking in the post-2020 framework.

Amendment 27

Proposal for a regulation

Recital 32

Text proposed by the Commission	*Amendment*
(32) ***Provision of financial support to*** activities ***from Connecting Europe Facility programme should comply with*** rules ***of this programme***.	(32) ***Administrative simplification should be sought and the coexistence of different rules within the same Joint Undertaking should be avoided. A unique set of rules should be in place for all*** activities ***of the Joint Undertaking, instead of the coexistence of Horizon 2020 and CEF*** rules.

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Amendment 28

Proposal for a regulation

Recital 40

Text proposed by the Commission	*Amendment*
(40) All calls for proposals and all calls for tender under the Joint Undertaking should take into account the duration of the Horizon 2020 Framework Programme and Connecting Europe Facility Programme, as appropriate, except in duly justified cases.	(40) All calls for proposals and all calls for tender under the Joint Undertaking should take into account the duration of the Horizon 2020 Framework Programme and Connecting Europe Facility Programme, as appropriate, except in duly justified cases. ***For the period not covered by the Horizon 2020 Framework Programme and the Connecting Europe Facility Programme, appropriate adjustments should be made taking in to account the MFF for the period after 2020, with the aim at continuing the activities of the Joint Undertaking.***

Amendment 29

Proposal for a regulation

Recital 41 a (new)

Text proposed by the Commission	*Amendment*
	(41a) High Performance Computing is important for cloud development and its full potential can only be realised when data can flow freely across the Union with clear rules.

Amendment 30

Proposal for a regulation

Recital 41 b (new)

Text proposed by the Commission	*Amendment*
	(41b) In addition, the Union law on data protection, privacy and security should apply to any supercomputer owned fully or in part by the Joint Undertaking, or for any supercomputer making available access time to the Joint Undertaking.

Amendment 31

Proposal for a regulation

Recital 41 c (new)

Text proposed by the Commission	*Amendment*
	(41c) The Joint Undertaking should guarantee that the High Performance Computing supercomputers in the Union are accessible exclusively to entities which comply with Union law on data protection, privacy and security.

Amendment 32

Proposal for a regulation

Recital 41 d (new)

Text proposed by the Commission	*Amendment*
	(41d) The Joint Undertaking should guarantee that the High Performance Computing supercomputers in the Union are accessible exclusively to entities established in the Member States or associated countries which comply with Union law on data protection, privacy and security.

Amendment 33

Proposal for a regulation

Recital 41 e (new)

Text proposed by the Commission	*Amendment*
	(41e) Where appropriate, international cooperation with third countries and between the participating countries should be promoted. Access to supercomputers in the Union should not be granted to entities established in third countries unless those countries grant reciprocal access to their supercomputers. Exploitation of the data of supercomputers in the Union should be encouraged while ensuring compliance with Union law on data protection, privacy and security.

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Amendment 34

Proposal for a regulation

Article 2 — paragraph 1 — point 7

Text proposed by the Commission	*Amendment*
(7) 'hosting entity' means a legal entity established in a Member State participating in the Joint Undertaking which includes facilities to host and operate a pre-exascale supercomputer.	(7) 'hosting entity' means a legal entity established in a Member State participating in the Joint Undertaking which includes facilities to host and operate a ***petascale or*** pre-exascale supercomputer.

Amendment 35

Proposal for a regulation

Article 3 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) to provide scientists, industry and the public sector from the Union or an Associated Country to Horizon 2020 with latest High Performance Computing and Data Infrastructure and support the development of its technologies and its applications across a wide range of fields.	(a) to provide scientists ***and researchers***, industry***, including start-ups, micro-enterprises, SMEs*** and the public sector from the Union or an Associated Country to Horizon 2020 with latest High Performance Computing and Data Infrastructure and support the development of its technologies and its applications across a wide range of fields ***primarily for civilian use such as healthcare, energy, smart cities, autonomous transport and space;***

Amendment 36

Proposal for a regulation

Article 3 — paragraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) to provide a framework for acquisition of an integrated world-class pre-exascale supercomputing and data infrastructure in the Union;	(b) to provide a framework for acquisition of an integrated world-class pre-exascale supercomputing and data infrastructure in the Union***, including through supporting the acquisition of petascale supercomputers***;

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Amendment 37

Proposal for a regulation

Article 3 — paragraph 1 — point d

Text proposed by the Commission	*Amendment*
(d) to support the development of an integrated High Performance Computing ecosystem in the Union covering all scientific and industrial value chain segments notably hardware, software, applications, services, engineering, interconnections, know-how and skills.	(d) to support the development of an integrated High Performance Computing ecosystem in the Union covering all scientific and industrial value chain segments notably hardware, software, applications, services, engineering, interconnections, know-how and skills***, in order to strengthen the Union as a global centre for innovation, contributing to competitiveness and enhanced research and development capacity;***

Amendment 38

Proposal for a regulation

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

Text proposed by the Commission	*Amendment*
	(da) to enable synergies and provide added value of cooperation between participating Member States and other actors;

Amendment 39

Proposal for a regulation

Article 3 — paragraph 1 — point d b (new)

Text proposed by the Commission	*Amendment*
	(db) to liaise with existing contractual public-private partnerships with regard to High Performance Computing and big data in order to create synergies and integration.

Amendment 40

Proposal for a regulation

Article 3 — paragraph 2 — point d

Text proposed by the Commission	*Amendment*
(d) to build and operate a leading-class integrated supercomputing and data infrastructure across the Union ***as*** an essential component for scientific excellence, and for the digitisation of industry, and the public sector, and for strengthening the innovation capabilities and global competitiveness for creating economic and employment growth in the Union;	(d) to build and operate a leading-class integrated supercomputing and data infrastructure across the Union***, where that infrastructure is designed to be efficient for scientific purposes and provides*** an essential component for scientific excellence, and for the digitisation of industry, and the public sector, and for strengthening the innovation capabilities and global competitiveness for creating economic and employment growth in the Union;

Amendment 41

Proposal for a regulation

Article 3 — paragraph 2 — point e

Text proposed by the Commission	*Amendment*
(e) to provide access to High Performance Computing-based infrastructures and services to a wide range of users from the research and scientific community as well as the industry ***including*** SMEs, and the public sector, for new and emerging data and compute-intensive applications and services;	(e) to provide access to High Performance Computing-based infrastructures and services to a wide range of users from the research and scientific community as well as the industry***, micro-enterprises,*** SMEs, and the public sector, for new and emerging data and compute-intensive applications and services;

Amendment 42

Proposal for a regulation

Article 3 — paragraph 2 — point f

Text proposed by the Commission	*Amendment*
(f) to bridge the gap between research and development and the delivery of exascale High Performance Computing systems reinforcing the digital technology supply chain in the Union and enabling the acquisition by the Joint Undertaking of ***leadership-class*** supercomputers;	(f) to bridge the gap between research and development and the delivery of exascale High Performance Computing systems reinforcing the digital technology supply chain in the Union and enabling the acquisition by the Joint Undertaking of ***world-class*** supercomputers;

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Amendment 43

Proposal for a regulation

Article 3 — paragraph 2 — point h

Text proposed by the Commission	*Amendment*
(h) to interconnect and federate regional, national and European High Performance Computing supercomputers and other computing systems, data centres and associated software and applications;	(h) to interconnect and federate regional, national and European High Performance Computing supercomputers and other computing systems, data centres and associated software and applications ***without jeopardising data protection and privacy***;

Amendment 44

Proposal for a regulation

Article 3 — paragraph 2 — point i

Text proposed by the Commission	*Amendment*
(i) to increase the innovation potential of industry, and in particular of SMEs, using advanced High Performance Computing infrastructures and services;	(i) to increase the innovation potential of industry, and in particular of ***micro-enterprises and*** SMEs, ***as well as of research and scientific communities*** using advanced High Performance Computing infrastructures and services***, including national High Performance Computing and Supercomputing centres***;

Amendment 45

Proposal for a regulation

Article 3 — paragraph 2 — point j

Text proposed by the Commission	*Amendment*
(j) to improve understanding of High Performance Computing and contribute to reducing skills gaps in the Union related to High Performance Computing;	(j) to improve understanding of High Performance Computing and contribute to reducing skills gaps in the Union related to High Performance Computing***, encouraging qualification and a balanced representation of men and women on High Performance Computing career paths***;

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Amendment 46

Proposal for a regulation

Article 6 — paragraph 1

Text proposed by the Commission	*Amendment*
(1) The Joint Undertaking shall entrust the operation of each individual pre-exascale supercomputer it owns to a hosting entity selected in accordance with paragraph 3 and the Joint Undertaking's financial rules referred to in Article 11.	(1) The Joint Undertaking shall entrust the operation of each individual ***petascale or*** pre-exascale supercomputer it owns to a hosting entity***, representing one or several Participating Countries,*** selected in accordance with paragraph 3 and the Joint Undertaking's financial rules referred to in Article 11.

Amendment 47

Proposal for a regulation

Article 6 — paragraph 2

Text proposed by the Commission	*Amendment*
(2) Pre-exascale supercomputers shall be located in a Participating State that is a Member State of the Union. A Member State shall not host more than one pre-exascale supercomputer.	(2) ***Petascale or*** pre-exascale supercomputers shall be located in a Participating State that is a Member State of the Union. A Member State shall not host more than one pre-exascale supercomputer.

Amendment 48

Proposal for a regulation

Article 6 — paragraph 3 — introductory part

Text proposed by the Commission	*Amendment*
(3) The hosting entity shall be selected by the Governing Board, based, inter alia on the following criteria:	(3) The hosting entity shall be selected ***by means of a fair and transparent process*** by the Governing Board, based, inter alia on the following criteria:

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Amendment 49

Proposal for a regulation

Article 6 — paragraph 3 — point c

Text proposed by the Commission	*Amendment*
(c) experience of the hosting entity in installing ***and*** operating similar systems;	(c) experience of the hosting entity in installing, operating ***and maintaining*** similar systems***, including the energy demand of the supercomputer***;

Amendment 50

Proposal for a regulation

Article 6 — paragraph 3 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) a high level of data protection, privacy and cybersecurity, including a state-of-the-art management of risks and threats and resilience against cyber-attacks;

Amendment 51

Proposal for a regulation

Article 6 — paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) Once the hosting entities are selected, the Joint Undertaking shall ensure synergies with the ESIF.

Amendment 52

Proposal for a regulation

Article 9 — paragraph 2

Text proposed by the Commission	*Amendment*
(2) The Governing Board shall define the general access conditions and may define specific access conditions for different types of users or applications. The quality of service shall be the same for all users.	(2) The Governing Board shall define the general access conditions and may define specific access conditions for different types of users or applications. The quality of service shall be the same for all users ***but priority criteria can be defined in advance without jeopardising access to all potential users and applications***.

Amendment 53

Proposal for a regulation

Article 9 — paragraph 3

Text proposed by the Commission	*Amendment*
(3) Without prejudice to international agreements concluded by the Union, only users residing, established or located in a Member State or in a country associated to Horizon 2020, shall be granted access time, except if decided otherwise by the Governing Board in duly justified cases, taking into account the interests of the Union.	(3) Without prejudice to international agreements concluded by the Union, only users residing, established or located in a Member State or in a country associated to Horizon 2020, shall be granted access time, except if decided otherwise by the Governing Board in duly justified cases, ***and, in particular, regarding third countries that have signed international agreements on scientific cooperation and, where applicable, if they have granted reciprocal access to their supercomputer,*** taking into account the interests of the Union.

Amendment 54

Proposal for a regulation

Article 10 — paragraph 2 — subparagraph 1

Text proposed by the Commission	*Amendment*
The share of the Union's access time to each pre-exascale supercomputer shall be directly proportional to the financial contribution of the Union to its acquisition cost in relation to the total cost of acquisition and operation of the pre-exascale supercomputer. The Governing Board shall define the access rights to the Union's share of access time.	The share of the Union's access time to each pre-exascale supercomputer shall be directly proportional to the financial contribution of the Union to its acquisition cost in relation to the total cost of acquisition and operation of the pre-exascale supercomputer. ***Access to the share of the Union's time shall be exclusively focused on civil applications.*** The Governing Board shall define the access rights to the Union's share of access time.

Amendment 55

Proposal for a regulation

Article 10 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2a) The contribution from each Participating State to the cost of the access time shall be made publicly available.

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Amendment 56

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission	*Amendment*
(1) By 30 June 2022 the Commission shall carry out, with the assistance of independent experts, an interim evaluation of the Joint Undertaking, which shall assess in particular the level of participation in, and contribution to, the actions by the Participating States, the Private Members and their constituent entities and affiliated entities, and also by other legal entities. The Commission shall prepare a report on that evaluation which includes conclusions of the evaluation and observations by the Commission. The Commission shall send that report to the European Parliament and to the Council by 31 December 2022.	(1) By 30 June 2022 the Commission shall carry out, with the assistance of independent experts, an interim evaluation of the Joint Undertaking, which shall assess in particular the level of participation in, and contribution to, the actions by the Participating States, the Private Members and their constituent entities and affiliated entities ***as well as the Union's industry at large***, and also by other legal entities***. The evaluation should also identify possible other policy needs, including assessment of the situation for specific sectors on their possibility to fully access and use the possibilities enabled by High Performance Computing***. The Commission shall prepare a report on that evaluation which includes conclusions of the evaluation and observations by the Commission. The Commission shall send that report to the European Parliament and to the Council by 31 December 2022.

Amendment 57

Proposal for a regulation

Article 17 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) The evaluation shall cover commercial services as referred to in Article 12, based on actual usage.

Amendment 58

Proposal for a regulation

Annex — Article 1 — paragraph 1 — point c

Text proposed by the Commission	*Amendment*
(c) initiate and manage the procedure for the acquisition of the pre-exascale supercomputers, evaluate the offers received, award of funding within the limits of available funds, monitor the implementation of the contract and manage the contracts;	(c) initiate and manage the procedure for the acquisition of the pre-exascale supercomputers ***in an open and transparent manner, by using independent experts***, evaluate the offers received, award of funding within the limits of available funds, monitor the implementation of the contract and manage the contracts;

Tuesday 3 July 2018

Amendment 59

Proposal for a regulation

Annex — Article 1 — paragraph 1 — point d

Text proposed by the Commission	*Amendment*
(d) select the hosting entity of the pre-exascale supercomputers, in accordance with ***its*** financial rules referred to in Article 11 of this Regulation;	(d) select the hosting entity of the pre-exascale supercomputers, in accordance with ***Article 6(3) and with the*** financial rules referred to in Article 11 of this Regulation;

Amendment 60

Proposal for a regulation

Annex — Article 1 — paragraph 1 — point i

Text proposed by the Commission	*Amendment*
(i) provide financial support, mainly in the form of grants, focusing on applications, outreach activities, awareness raising actions and professional development activities for attracting human resources to High Performance Computing, as well as increasing skills and engineering know-how of the ecosystem;	(i) provide financial support, mainly in the form of grants, focusing on applications, outreach activities, awareness raising actions and professional development ***and reconversion*** activities for attracting human resources to High Performance Computing, ***promoting the balanced participation of men and women,*** as well as increasing skills and engineering know-how of the ecosystem;

Amendment 61

Proposal for a regulation

Annex — Article 6 — point 5

Text proposed by the Commission	*Amendment*
(5) The Governing Board shall elect a chair for a period of two years. The mandate of the chairperson shall be extended only once, following a decision by the Governing Board.	(5) The Governing Board shall elect a chair ***from among its members*** for a period of two years. The mandate of the chairperson shall be extended only once, following a decision by the Governing Board.

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Amendment 62

Proposal for a regulation

Annex — Article 8 — point 1 — paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The list of candidates shall be drawn with a view to ensure equal representation and opportunities for men and women.

Amendment 63

Proposal for a regulation

Annex — Article 10 — point 2

Text proposed by the Commission	*Amendment*
(2) The Research and Innovation Advisory Group shall consist of no more than ***twelve*** members, whereof no more than ***six*** shall be appointed by the Private Members and no more than ***six*** shall be appointed by the Governing Board. The Governing Board shall establish the specific criteria and selection process for the members it appoints.	(2) The Research and Innovation Advisory Group shall consist of no more than ***twenty*** members, whereof no more than ***eight*** shall be appointed by the Private Members and no more than ***twelve*** shall be appointed by the Governing Board. The Governing Board shall establish the specific criteria and selection process for the members it appoints.

Amendment 64

Proposal for a regulation

Annex — Article 21 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The Joint Undertaking shall ensure compliance with union law on data protection, and privacy.

Tuesday 3 July 2018

Amendment 65

Proposal for a regulation

Annex — Article 23 — point 2

Text proposed by the Commission	*Amendment*
(2) The Joint Undertaking Governing Board shall adopt rules for the prevention and management of conflicts of interest in respect of its members, bodies and staff. Those rules shall contain provisions intended to avoid a conflict of interest in respect of the representatives of the members of the Joint Undertaking serving on the Governing Board.	(2) The Joint Undertaking Governing Board shall adopt rules for the prevention and management of conflicts of interest in respect of its members, bodies and staff ***in accordance with Union best practices***. Those rules shall ***also*** contain provisions intended to avoid a conflict of interest in respect of the representatives of the members of the Joint Undertaking serving on the Governing Board.

Tuesday 3 July 2018

P8_TA(2018)0272

Mobilisation of the European Globalisation Adjustment Fund: application EGF/2017/009 FR/Air France

European Parliament resolution of 3 July 2018 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from France — EGF/2017/009 FR/Air France) (COM(2018)0230 — C8-0161/2018 — 2018/2059(BUD))

(2020/C 118/30)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2018)0230 — C8-0161/2018),

— having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ([1]) (EGF Regulation),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([2]), and in particular Article 12 thereof,

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([3]) (IIA of 2 December 2013), and in particular point 13 thereof,

— having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the letter of the Committee on Regional Development,

— having regard to the report of the Committee on Budgets (A8-0210/2018),

A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns or of the global financial and economic crisis, and to assist their reintegration into the labour market;

B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible;

C. whereas France submitted application EGF/2017/009 FR/Air France for a financial contribution from the EGF, following 1 858 redundancies in the economic sector classified under the NACE Revision 2 Division 51 (Air transport) in the NUTS level 2 regions of Île-de-France (FR10) and Provence-Alpes-Côte d'Azur (FR82) in France;

D. whereas supporting Union air companies is of crucial importance considering that the Union's market share in the international air transport sector is decreasing;

([1]) OJ L 347, 20.12.2013, p. 855.
([2]) OJ L 347, 20.12.2013, p. 884.
([3]) OJ C 373, 20.12.2013, p. 1.

E. whereas the application is based on the intervention criteria of point (a) of Article 4(1) of the EGF Regulation, which requires at least 500 workers being made redundant over a reference period of four months in an enterprise in a Member State, including workers made redundant by suppliers and downstream producers and / or self-employed persons whose activity has ceased;

1. Agrees with the Commission that the conditions set out in Article 4(1) of the EGF Regulation are met and that France is entitled to a financial contribution of EUR 9 894 483 under that Regulation, which represents 60 % of the total cost of EUR 16 490 805, comprising expenditure for personalised services of EUR 16 410 805 and expenditure for preparatory, management, information and publicity, control and reporting activities of EUR 80 000;

2. Notes that the French authorities submitted the application on 23 October 2017, and that, following the provision of additional information by France, the Commission finalised its assessment on 23 April 2018 and notified it to Parliament on the same day;

3. Notes that France started providing the personalised services to the targeted beneficiaries on the 19 May 2015, and that the period of eligibility for a financial contribution from the EGF will therefore be from 19 May 2015 to 23 October 2019;

4. Recalls that this is the second application from France, and the third concerning air transport, for a financial contribution from the EGF in relation to redundancies at Air France, following application EGF/2013/014 FR/Air France in 2013, EGF/2015/004 IT Alitalia in 2015 and a positive decision thereon [1];

5. Recalls that the financial contribution from the EGF targets the redundant workers in order to help them find alternative employment and does not constitute a subsidy to companies;

6. Notes that France argues that the redundancies are linked to major structural changes in world trade patterns due to globalisation and, more particularly, to the serious economic disruption undergone by the international air transport sector, notably the decline of the Union's market share in the face of the spectacular rise of three major companies in the Persian Gulf, which receive a very high level of State aid and subsidies and are subject to less restrictive social and environmental regulation than Union companies;

7. Deplores the level of subsidies and State aid being received by Emirates, Qatar Airways and Etihad Airways, leading to massive increases in their capacity and weakening the position of European airport hubs including Paris Charles de Gaulle;

8. Recalls that, on 8 June 2017, the Commission proposed a regulation on safeguarding competition in air transport [2] which seeks to ensure fair competition between Union air carriers and third country air carriers, with a view to maintaining conditions conducive to a high level of connectivity; notes that Parliament and the Council are expected to start negotiations on that legislative proposal in the autumn of 2018;

9. Recalls that the redundancies that occurred at Air France are expected to have a significant adverse effect on the local economy, which has issues related to long-term unemployment and to the redeployment of workers aged 50 and over;

10. Calls on Air France to ensure the necessary high-quality social dialogue;

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[1] Decision (EU) 2015/44 of the European Parliament and of the Council of 17 December 2014 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 13 of 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 (application EGF/2013/014 FR/Air France, from France) (OJ L 8, 14.1.2015, p. 18).

[2] COM(2017)0289.

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11. Notes that the application relates to 1 858 workers made redundant at Air France, with 76,2 % of all redundancies taking place in Île-de-France, the majority of whom are between 55 and 64 years old; acknowledges the importance of active labour market measures co-funded by the EGF for improving the chances of reintegration in the labour market; further notes that none of the workers made redundant are in the 25-29 age group years or over 64 years old;

12. Notes that France is planning five types of actions for the redundant workers covered by this application:

(i) advisory services and vocational guidance for workers,

(ii) vocational training,

(iii) contribution for business recovery or business start-up,

(iv) job-search allowance,

(v) mobility allowance;

13. Welcomes the way in which the co-ordinated package of personalised services has been drawn up in consultation with the representatives of the targeted beneficiaries and the social partners as well as the agreements between Air France, unions and the Central Works Council which ensured that all departures were voluntary;

14. Notes that the EGF co-funded personalised services are intended for workers who, at the time of their voluntary departure, do not have any precise plans for redeployment and who wish to benefit from retraining measures, advice, guidance or assistance to set up or take over a business;

15. Recognises that the French Labour Code requires a company employing more than one thousand people to propose measures and that the EGF application does not provide for any contributions for the first four months of the redeployment leave, which correspond to the minimum duration stipulated by French law;

16. Notes that the income supports measures represent the maximum 35 % of the overall package of personalised measures, set out in the EGF Regulation, and that these actions are conditional on the active participation of the targeted beneficiaries in job-search or training activities;

17. Recalls that, in line with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy;

18. Stresses that the French authorities have confirmed that the eligible actions do not receive assistance from other Union funds or financial instruments;

19. Reiterates that assistance from the EGF must not replace actions which are the responsibility of companies, by virtue of national law or collective agreements, or measures for restructuring companies or sectors;

20. Calls on the Commission to urge national authorities to provide more details, in future proposals, on the sectors which have growth prospects and are therefore likely to hire people, as well as to gather substantiated data on the impact of the EGF funding, including on the quality of jobs and the reintegration rate achieved through the EGF; moreover, calls on the Commission to monitor the implementation of the EGF and to report back to Parliament;

21. Recalls its appeal to the Commission to assure public access to all the documents related to EGF cases;

22. Approves the decision annexed to this resolution;

23. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;

24. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund following an application from France — EGF/2017/009 FR/Air France

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2018/1093.)

Tuesday 3 July 2018

P8_TA(2018)0275

European Defence Industrial Development Programme ***I

European Parliament legislative resolution of 3 July 2018 on the proposal for a regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry (COM(2017)0294 — C8-0180/2017 — 2017/0125(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/31)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0294),

— having regard to Article 294(2) and Article 173 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0180/2017),

— 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 7 December 2017 ([1]),

— after consulting the Committee of the Regions,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 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 Industry, Research and Energy and the opinions of the Committee on Foreign Affairs, the Committee on Budgets and the Committee on the Internal Market and Consumer Protection (A8-0037/2018),

1. Adopts its position at first reading hereinafter set out;

2. Approves the joint statement by Parliament and the Council annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;

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.

P8_TC1-COD(2017)0125

Position of the European Parliament adopted at first reading on 3 July 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union's defence industry

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1092.)

([1]) OJ C 129, 11.4.2018, p. 51.

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ANNEX TO THE LEGISLATIVE RESOLUTION

JOINT STATEMENT ON FINANCING OF THE EUROPEAN DEFENCE INDUSTRIAL DEVELOPMENT PROGRAMME

The European Parliament and the Council agree, without prejudice to the prerogatives of the budgetary authority in the framework of the annual budgetary procedure, that the financing of the European Defence Industrial Development Programmes will be covered in the years 2019-2020 as follows:

— EUR 200 million from the unallocated margin;

— EUR 116,1 million from CEF;

— EUR 3,9 million from Egnos;

— EUR 104,1 million from Galileo;

— EUR 12 million from Copernicus;

— EUR 63,9 million from ITER.

COMMISSION STATEMENT WITH THE SUPPORT OF THE EUROPEAN PARLIAMENT CONCERNING THE IMPLEMENTATION OF THE EUROPEAN DEFENCE INDUSTRIAL DEVELOPMENT PROGRAMME

In order to implement the European Defence Industrial Development Programme efficiently and ensure full consistency with other Union initiatives, the Commission intends to implement the programme under direct management in accordance with Article 62(1)(a) of the Financial Regulation.

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P8_TA(2018)0276

Integrated farm statistics ***I

European Parliament legislative resolution of 3 July 2018 on the proposal for a regulation of the European Parliament and of the Council on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011 (COM(2016)0786 — C8-0514/2016 — 2016/0389(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/32)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0786),

— having regard to Article 294(2) and Article 338 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0514/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— 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 8 May 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 the report of the Committee on Agriculture and Rural Development (A8-0300/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0389

Position of the European Parliament adopted at first reading on 3 July 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1091.)

Tuesday 3 July 2018

P8_TA(2018)0277

Notification of investment projects in energy infrastructure: repeal ***I

European Parliament legislative resolution of 3 July 2018 on the proposal for a regulation of the European Parliament and of the Council repealing Regulation (EU) No 256/2014 of the European Parliament and of the Council concerning the notification to the Commission of investment projects in energy infrastructure within the European Union (COM(2017)0769 — C8-0448/2017 — 2017/0347(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/33)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0769),

— having regard to Article 294(2) and Article 194 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0448/2017),

— 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 February 2018 ([1]),

— after consulting the Committee of the Regions,

— having regard to 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 Industry, Research and Energy (A8-0211/2018),

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.

P8_TC1-COD(2017)0347

Position of the European Parliament adopted at first reading on 3 July 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council repealing Regulation (EU) No 256/2014 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1504.)

([1]) OJ C 227, 28.6.2018, p. 103.

Tuesday 3 July 2018

P8_TA(2018)0278

Measures to strengthen administrative cooperation in the field of value-added tax *

European Parliament legislative resolution of 3 July 2018 on the amended proposal for a Council regulation amending Regulation (EU) No 904/2010 as regards measures to strengthen administrative cooperation in the field of value-added tax (COM(2017)0706 — C8-0441/2017 — 2017/0248(CNS))

(Special legislative procedure — consultation)

(2020/C 118/34)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2017)0706),

— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0441/2017),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0215/2018),

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.

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) VAT fraud is often linked with organised crime and a very small number of those organised networks can be responsible for billions of euro in cross-border VAT fraud, affecting not only revenue collection in Member States but also having a negative impact on the Union's own resources. Therefore, Member States have a shared responsibility for the protection of the VAT revenue of all Member States.

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Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(2) ***Carrying out*** an administrative enquiry is often necessary to combat VAT fraud in particular when the taxable person is not established in the Member ***States*** where the tax is due. To ensure the proper enforcement of VAT ***and*** to avoid duplication of work and administrative burden ***of*** tax authorities and ***business***, ***where at least two Member States consider that*** an administrative enquiry into the amounts declared by a taxable person ***non-established*** on their territory but taxable therein***, is necessary,*** the Member State where the taxable person is established ***should*** undertake the enquiry and the requiring Member ***States should*** assist the Member State of establishment by taking part ***actively*** in the enquiry.	(2) An administrative enquiry is often necessary to combat VAT fraud, in particular when the taxable person is not established in the Member ***State*** where the tax is due. To ensure the proper enforcement of VAT, to avoid duplication of work and ***to reduce the*** administrative burden ***on*** tax authorities and ***businesses***, an administrative enquiry ***needs to be carried out*** into the amounts declared by a taxable person ***who is not established*** on their territory but ***is*** taxable therein. The Member State where the taxable person is established ***must*** undertake the enquiry and the requiring Member ***State(s) must*** assist the Member State of establishment by ***actively*** taking part in the enquiry.

Amendment 3

Proposal for a regulation

Recital 11

Text proposed by the Commission	*Amendment*
(11) For the purpose of ensuring the effective and efficient monitoring of VAT on cross-border transactions, Regulation (EU) No 904/2010 provides for the presence of officials in administrative offices and during administrative enquiries in other Member States. In order to strengthen the capacity of tax authorities to check cross-border supplies, there should be joint audits enabling officials from two or more Member States to form a single audit team and actively take part in a joint administrative enquiry.	(11) For the purpose of ensuring the effective and efficient monitoring of VAT on cross-border transactions, Regulation (EU) No 904/2010 provides for the presence of officials in administrative offices and during administrative enquiries in other Member States. In order to strengthen the capacity of tax authorities ***by providing them with enhanced technical and human resources*** to check cross-border supplies, there should be joint audits enabling officials from two or more Member States to form a single audit team and actively take part in a joint administrative enquiry***, in a cooperative and productive spirit and on terms to be agreed by the Member States in order to detect and counter cross-border VAT fraud which is currently eroding the tax bases of Member States***.

Tuesday 3 July 2018

Amendment 4

Proposal for a regulation

Recital 13

Text proposed by the Commission	*Amendment*
(13) In order to combat the most serious cross-border fraud schemes, it is necessary to clarify and strengthen the governance, tasks and functioning of Eurofisc. Eurofisc liaison officials should be able to access, exchange, process and analyse all necessary information swiftly and coordinate any follow-up actions. It is also necessary to strengthen the cooperation with other authorities involved in the fight against VAT fraud at Union level, in particular through the exchange of targeted information with Europol and the European Anti-Fraud Office. Therefore, Eurofisc liaison officials should ***be able to*** share, spontaneously or on foot of a request, information and intelligence with Europol ***and*** the European Anti-Fraud Office. This would enable Eurofisc liaison officials to receive data and intelligence held by Europol and the European Anti-Fraud Office in order to identify the real perpetrators of the VAT fraud activities.	(13) In order to combat the most serious cross-border fraud schemes, it is necessary to clarify and strengthen the governance, tasks and functioning of Eurofisc. Eurofisc liaison officials should be able to access, exchange, process and analyse all necessary information swiftly and coordinate any follow-up actions. It is also necessary to strengthen the cooperation with other authorities involved in the fight against VAT fraud at Union level, in particular through the exchange of targeted information with Europol and the European Anti-Fraud Office. Therefore, Eurofisc liaison officials should share, spontaneously or on foot of a request, information and intelligence with Europol, the European Anti-Fraud Office***, and, for participating Member States, the European Public Prosecutor's Office, especially for suspicion of VAT fraud above a certain amount***. This would enable Eurofisc liaison officials to receive data and intelligence held by Europol and the European Anti-Fraud Office in order to identify the real perpetrators of the VAT fraud activities.

Amendment 5

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) Organising the forwarding of requests for VAT refunds — pursuant to Article 5 of Council Directive 2008/9/EC ([35]) offers an opportunity to reduce the administrative burden for the competent authorities to recover unpaid ***VAT debts*** in the Member State of establishment.	(15) Organising the forwarding of requests for VAT refunds — pursuant to Article 5 of Council Directive 2008/9/EC ([35]) offers an opportunity to reduce the administrative burden for the competent authorities to recover unpaid ***tax liabilities*** in the Member State of establishment.
([35]) Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State (OJ L 44, 20.2.2008, p. 23).	([35]) Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State (OJ L 44, 20.2.2008, p. 23).

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Amendment 6

Proposal for a regulation

Recital 16

Text proposed by the Commission	*Amendment*
(16) To protect the financial interests of the Union against serious cross-border VAT fraud, the Member States participating in the European Public Prosecutor's Office should communicate to that office, including via Eurofisc liaisons officials, information on the most serious VAT offences as referred to in Article 2(2) of Directive (EU) 2017/1371 of the European Parliament and of the Council ([36]).	(16) To protect the financial interests of the Union against serious cross-border VAT fraud, the Member States participating in the European Public Prosecutor's Office should communicate to that office ***in a timely manner***, including via Eurofisc liaisons officials, information on the most serious VAT offences as referred to in Article 2 (2) of Directive (EU) 2017/1371 of the European Parliament and of the Council ([36]).
([36]) Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).	([36]) Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

Amendment 7

Proposal for a regulation

Recital 18

Text proposed by the Commission	*Amendment*
(18) The Commission ***may*** have access to the information communicated or collected pursuant to Regulation (EU) No 904/2010 ***only*** in so far as it is necessary for care, maintenance and development of the electronic systems hosted by the Commission and used by the Member States for the purpose of this Regulation.	(18) The Commission ***should*** have access to the information communicated or collected pursuant to Regulation (EU) No 904/2010 in so far as it is necessary for care, maintenance and development of the electronic systems hosted by the Commission and used by the Member States for the purpose of this Regulation***, and to ensure the proper implementation of this Regulation. In addition, it should be possible for the Commission to conduct visits in Member States to evaluate how the administrative cooperation arrangements work.***

Tuesday 3 July 2018

Amendment 8

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) For the purposes of this Regulation, it is appropriate to consider limitations on certain rights and obligations laid down by Regulation (EU) 2016/679 of the European Parliament and of the Council ([37]) in order to safeguard the interests referred to in Article 23(1)(e) of that Regulation. Such limitations are necessary and proportionate in view of the potential loss of revenue for Member States and the crucial importance of making information available in order to combating fraud effectively.	(19) For the purposes of this Regulation, it is appropriate to consider limitations on certain rights and obligations laid down by Regulation (EU) 2016/679 of the European Parliament and of the Council ([37]) in order to safeguard the interests referred to in Article 23(1)(e) of that Regulation. Such limitations are necessary and proportionate in view of the potential loss of revenue for Member States and the crucial importance of making information available in order to combating fraud effectively. ***Such limitations, however, should not go beyond what is strictly necessary to achieve that objective and must meet the high standards required by Article 52(1) of the Charter of Fundamental Rights of the European Union. In addition, any future implementing acts to this Regulation should comply with the data protection requirements laid down in the Regulation (EU) 2016/679 and Regulation (EC) No 45/2001 of the European Parliament and of the Council ([37a]).***
([37]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	([37]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). ***([37a]) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).***

Tuesday 3 July 2018

Amendment 9

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20a) Given the low number of Member States publishing estimates of VAT losses due to intra-community fraud, having comparable data on intra-Community VAT fraud would contribute to better targeted cooperation between Member States. Therefore, the Commission, together with the Member States, should develop a common statistical approach to quantify and analyse VAT fraud.

Amendment 42

Proposal for a regulation

Article 1 — paragraph 1 — point 1 — point b

Regulation (EU) No 904/2010

Article 7 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The request referred to in paragraph 1 may contain a reasoned request for a specific administrative enquiry. The requested authority shall undertake the administrative enquiry in coordination with the requesting authority. The tools and procedures referred to in Articles 28 to 30 of this Regulation may be used. If the requested authority takes the view that no administrative enquiry is necessary, it shall immediately inform the requesting authority of the reasons thereof.	4. Where ***a*** competent ***authority*** of ***a*** Member State ***considers*** that an administrative enquiry is required, ***it shall submit a duly justified request***. The requested authority shall not refuse to undertake ***the*** enquiry ***concerned, and if the information is already available, the requested authority shall supply it to the requesting authority prior to receipt of any request***. Member States shall ensure that arrangements are put in place between ***the*** requesting ***authority*** and the requested authority whereby ***officials*** authorised by the requesting ***authority*** shall take part in the administrative enquiry carried out in the territory of the requested authority with a view to collecting the information referred to in the second subparagraph. Such administrative enquiry shall be carried out jointly by the officials of the requesting and requested ***authorities in a cooperative and productive spirit***. The officials of the requesting ***authority*** shall have access to the same ***information, documents and premises and shall, insofar as permitted under the law of the requested Member State, be able to directly question individuals in order to detect and counter cross-border VAT fraud which is currently eroding national tax bases.***

Text proposed by the Commission	*Amendment*
Notwithstanding the first subparagraph, an enquiry into the amounts declared by a taxable person established in the Member State of the requested authority and which are taxable in the Member State of the requesting authority, may be refused solely on any of the following grounds:	
(a) on the grounds provided for in Article 54(1), assessed by the requested authority in conformity with a statement of best practices concerning the interaction of this paragraph and Article 54(1), to be adopted in accordance with the procedure provided for in Article 58(2);	
(b) on the grounds provided for in paragraphs 2, 3 and 4 of Article 54;	
(c) on the grounds that the requested authority had already supplied the requesting authority with information on the same taxable person as a result of an administrative enquiry held less than two years previously.	
Where the requested authority refuses an administrative enquiry referred to in the second subparagraph on the grounds set out in points (a) or (b), it shall nevertheless provide to the requesting authority the dates and values of any relevant supplies made by the taxable person in the Member State of the requesting authority over the previous two years.	
Where ***the*** competent ***authorities*** of ***at least two*** Member States ***consider*** that an administrative enquiry is required, the requested authority shall not refuse to undertake ***that*** enquiry. Member States shall ensure that arrangements are put in place between ***those*** requesting ***authorities*** and the requested authority whereby officials authorised by the requesting ***authorities*** shall take part in the administrative enquiry carried out in the territory of the requested authority with a view to collecting the information referred to in the second subparagraph. Such administrative enquiry shall be carried out jointly by the officials of the requesting and requested authorities. The officials of the requesting authorities shall exercise the same powers of inspection as those conferred on officials of the requested ***authority***. The officials of the requesting ***authorities*** shall have access to the same ***premises and documents as the officials of the requested authority for the sole purpose of carrying out the administrative enquiry.***	

Tuesday 3 July 2018

Amendment 13

Proposal for a regulation

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

Regulation (EU) No 904/2010

Article 12 a (new)

Text proposed by the Commission	*Amendment*
	(1a) the following Article is inserted:
	'Article 12a
	All Member States shall implement a set of operational targets for reducing the percentage of late replies and improving the quality of requests for information and shall inform the Commission about those targets.';

Amendment 14

Proposal for a regulation

Article 1 — paragraph 1 — point 2

Regulation (EU) No 904/2010

Article 13 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The information shall be forwarded ***by means of*** standard forms or by other means which the respective competent authorities deem appropriate. The Commission shall adopt by means of implementing acts ***the standard forms***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2);	3. The information shall be forwarded ***using*** standard forms or by other means which the respective competent authorities deem appropriate. The Commission shall adopt ***the standard forms*** by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

Tuesday 3 July 2018

Amendment 15

Proposal for a regulation

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

Regulation (EU) No 904/2010

Article 14 — paragraph 1 — subparagraph 2

Present text	*Amendment*
	(2a) in Article 14(1) the second subparagraph is replaced by the following:
'A Member State may abstain from taking part in the automatic exchange of information with respect to one or more categories where the collection of information for such exchange would require the imposition of ***new*** obligations on persons liable for VAT or would impose a disproportionate administrative burden on the Member State.'	'A Member State may abstain from taking part in the automatic exchange of information with respect to one or more categories where the collection of information for such exchange would require the imposition of ***disproportionate*** obligations on persons liable for VAT or would impose a disproportionate administrative burden on the Member State.';

Amendment 16

Proposal for a regulation

Article 1 — paragraph 1 — point 3 — point a

Regulation (EU) No 904/2010

Article 17 — paragraph 1 — point e

Text proposed by the Commission	*Amendment*
(e) information ***as regards*** the status of a certified taxable person pursuant to Article 13a of Directive 2006/112/EC, as well as the date on which that status was granted, refused and withdrawn.	(e) information ***regarding*** the status of a certified taxable person pursuant to Article 13a of Directive 2006/112/EC, as well as the date on which that status was granted, refused and withdrawn.

Tuesday 3 July 2018

Amendment 17

Proposal for a regulation

Article 1 — paragraph 1 — point 3 — point b

Regulation (EU) No 904/2010

Article 17 — paragraph 1 — point f

Text proposed by the Commission	*Amendment*
(f) information which it collects pursuant to points (a) and (b) of Article 143(2) of Directive 2006/112/EC, as well as the country of origin, the country of destination, the commodity code, the currency, the total amount, the exchange rate, the ***prices of the individual items*** and the net weight.	(f) information which it collects pursuant to points (a) and (b) of Article 143(2) of Directive 2006/112/EC, as well as the country of origin, ***the exporter's identification data,*** the country of destination, the commodity code, the currency, the total amount, the exchange rate, the ***item price*** and the net weight.

Amendment 18

Proposal for a regulation

Article 1 — paragraph 1 — point 3 — point e

Regulation (EU) No 904/2010

Article 17 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission shall determine by means of implementing acts the ***exact*** categories of information referred to in point (f) of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).;	3. The Commission shall determine by means of implementing acts the ***specific*** categories ***to be comprised in the standard forms, templates and procedures for the provision*** of information referred to in point (f) of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

Amendment 19

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point a

Regulation (EU) No 904/2010

Article 21 — paragraph 1a

Text proposed by the Commission	*Amendment*
1a. Every Member State shall grant its officials who check the requirements provided for in Article 143(2) of Directive 2006/112/EC access to the information referred to in points (b) and (c) of Article(17)(1) of this Regulation for which automated access is granted by the other Member States.	1a. Every Member State shall grant its officials who check the requirements provided for in Article 143(2) of Directive 2006/112/EC access to the information referred to in points (b) and (c) of Article(17)(1) of this Regulation***, including to the register of certified taxable persons,*** for which automated access is granted by the other Member States.

Amendment 20

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point b — point i

Regulation (EU) No 904/2010

Article 21 — paragraph 2 — point e — point i

Text proposed by the Commission	*Amendment*
(i) access is in connection with an investigation into suspected fraud or is to detect or identify perpetrators of fraud;	(i) access is in connection with an investigation into suspected fraud or is to detect or identify perpetrators of fraud ***and serious misconduct***;

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Amendment 21

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point b — point i

Regulation (EU) No 904/2010

Article 21 — paragraph 2 — point e — point ii

Text proposed by the Commission	*Amendment*
(ii) access is through a Eurofisc liaison official, as referred to in Article 36(1), who holds a personal user identification for the electronic systems allowing access to this information.	(ii) access is through a Eurofisc liaison official, as referred to in Article 36(1), who holds a personal user identification for the electronic systems allowing access to this information ***and the register of certified taxable persons***.

Amendment 22

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point c

Regulation (EU) No 904/2010

Article 21 — paragraph 2a — subparagraph 1 — introductory part

Text proposed by the Commission	*Amendment*
With respect to the information referred to in Article 17(1)(f), at least the following ***details*** shall be accessible:	With respect to the information referred to in Article 17(1)(f), at least the following ***information*** shall be accessible:

Amendment 23

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point c

Regulation (EU) No 904/2010

Article 21 — paragraph 2a — subparagraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) the VAT identification numbers issued by the Member State receiving the information;	(a) the VAT identification numbers issued by the Member State receiving the information ***and the register of certified taxable persons***;

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Amendment 24

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point c

Regulation (EU) No 904/2010

Article 21 — paragraph 2a — subparagraph 1 — point c

Text proposed by the Commission	*Amendment*
(c) the country of origin, the country of destination, the commodity code, the currency, the total amount, the exchange rate, the ***prices of the individual items*** and the net weight of the imported goods followed by an intra-Community supply of goods from each person referred to in point (b) to each person holding a VAT identification number referred to in point (a);	(c) the country of origin, the country of destination, the commodity code, the currency, the total amount, the exchange rate, the ***item price*** and the net weight of the imported goods followed by an intra-Community supply of goods from each person referred to in point (b) to each person holding a VAT identification number referred to in point (a);

Amendment 25

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point c

Regulation (EU) No 904/2010

Article 21 — paragraph 2a — subparagraph 1 — point d — introductory part

Text proposed by the Commission	*Amendment*
(d) the country of origin, the country of destination, the commodity code, the currency, the total amount, the exchange rate, the ***prices of the individual items*** and the net weight of the imported goods followed by an intra-Community supply of goods from each person referred to in point (b) to each person holding a VAT identification number issued by another Member State under the following conditions:	(d) the country of origin, the country of destination, the commodity code, the currency, the total amount, the exchange rate, the ***item price*** and the net weight of the imported goods followed by an intra-Community supply of goods from each person referred to in point (b) to each person holding a VAT identification number issued by another Member State under the following conditions:

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Amendment 26

Proposal for a regulation

Article 1 — paragraph 1 — point 4 — point c

Regulation (EU) No 904/2010

Article 21 — paragraph 2a — subparagraph 1 — point d — point i

Text proposed by the Commission	*Amendment*
(i) access is in connection with an investigation into suspected fraud or is to detect or identify perpetrators of fraud;	(i) access is in connection with an investigation into suspected fraud or is to detect or identify perpetrators of fraud ***and serious misconduct***;

Amendment 27

Proposal for a regulation

Article 1 — paragraph 1 — point 5

Regulation (EU) No 904/2010

Article 21a — paragraph 2 — subparagraph 1 — point i

Text proposed by the Commission	*Amendment*
(i) access is in connection with an investigation into suspected fraud or is to detect or identify perpetrators of fraud;	(i) access is in connection with an investigation into suspected fraud or is to detect or identify perpetrators of fraud ***and serious misconduct***;

Tuesday 3 July 2018

Amendment 28

Proposal for a regulation

Article 1 — paragraph 1 — point 8 — point a

Regulation (EU) No 904/2010

Article 28 — paragraph 2a

Text proposed by the Commission	*Amendment*
2a. By agreement between the requesting authority and the requested authority, and in accordance with the arrangements laid down by the latter, officials authorised by the requesting authority may, with a view to collecting and exchanging the information referred to in Article 1, take part in the administrative enquiries carried out in the territory of the requested Member State. Such administrative enquiries shall be carried out jointly by the officials of the requesting and requested authorities***. The officials of the requesting authority shall exercise the same powers of inspection as those conferred on officials*** of the requested authority. The officials of the requesting authorities shall have access to the same premises and documents as the officials of the requested authority for the sole purpose of carrying out the administrative enquiry. By agreement between the requesting authority and the requested authority, and in accordance with the arrangements laid down by the requested authority, ***both*** authorities may draft a common audit report.	2a. By agreement between the requesting authority and the requested authority, and in accordance with the arrangements laid down by the latter, officials authorised by the requesting authority may, with a view to collecting and exchanging the information referred to in Article 1, take part in the administrative enquiries carried out in the territory of the requested Member State. Such administrative enquiries shall be carried out jointly ***in a spirit of mutual trust and fruitful cooperation*** by the officials of the requesting and requested authorities***, respecting the administrative practices of those authorities and the national law of the Member State with the aim of combating cross-border VAT fraud*** of the requested authority. The officials of the requesting authorities shall have access to the same premises and documents as the officials of the requested authority for the sole purpose of carrying out the administrative enquiry. By agreement between the requesting authority and the requested authority, and in accordance with the arrangements laid down by the requested authority, ***the participating*** authorities may draft a common audit report.

Amendment 29

Proposal for a regulation

Article 1 — paragraph 1 — point 11 — point a

Regulation (EU) No 904/2010

Article 33 — paragraph 1

Text proposed by the Commission	*Amendment*
1. In order to promote and facilitate multilateral cooperation in the fight against VAT fraud, this Chapter establishes a network for the swift exchange, processing and analysis of targeted information between Member States and for the coordination of any follow-up actions ('Eurofisc').	1. In order to promote and facilitate multilateral cooperation in the fight against VAT fraud, this Chapter establishes a network for the swift exchange, processing and analysis of targeted information ***on cross-border fraud schemes*** between Member States and for the coordination of any follow-up actions ('Eurofisc').

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Amendment 30

Proposal for a regulation

Article 1 — paragraph 1 — point 11 — point b — point i

Regulation (EU) No 904/2010

Article 33 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) carry out and coordinate the swift multilateral exchange and the joint processing and analysis of targeted information in the subject areas in which Eurofisc operates ('Eurofisc working fields');	(b) carry out and coordinate the swift multilateral exchange and the joint processing and analysis of targeted information ***on cross-border fraud schemes*** in the subject areas in which Eurofisc operates ('Eurofisc working fields');

Amendment 31

Proposal for a regulation

Article 1 — paragraph 1 — point 11 — point b — point ii

Regulation (EU) No 904/2010

Article 33 — paragraph 2 — point d

Text proposed by the Commission	*Amendment*
(d) coordinate participating Member States' administrative enquiries ***into the suspects and perpetrators*** of fraud identified by the Eurofisc liaison officials as referred to in Article 36(1).	(d) coordinate participating Member States' administrative enquiries of fraud identified by the Eurofisc liaison officials as referred to in Article 36(1).

Amendment 32

Proposal for a regulation

Article 1 — paragraph 1 — point 12

Regulation (EU) No 904/2010

Article 34 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States having chosen to take part in a Eurofisc working field shall actively participate in the multilateral exchange and the joint processing and analysis of targeted information between all participating Member States and in the coordination of any follow-up actions.	2. Member States having chosen to take part in a Eurofisc working field shall actively participate in the multilateral exchange and the joint processing and analysis of targeted information ***on cross-border fraud schemes*** between all participating Member States and in the coordination of any follow-up actions.

Amendment 33

Proposal for a regulation

Article 1 — paragraph 1 — point 13

Regulation (EU) No 904/2010

Article 35 — paragraph 1

Text proposed by the Commission	*Amendment*
The Commission shall provide Eurofisc with technical and logistical support. The Commission shall ***not*** have access to the information referred to in Article 1, which may be exchanged over Eurofisc, ***except in*** the circumstances provided for in Article 55(2).	The Commission shall provide Eurofisc with ***the necessary*** technical and logistical support. The Commission shall have access to the information referred to in Article 1, which may be exchanged over Eurofisc, ***for*** the circumstances provided for in Article 55(2).

Amendment 34

Proposal for a regulation

Article 1 — paragraph 1 — point 14 — point c

Regulation (EU) No 904/2010

Article 36 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Eurofisc working field coordinators may ***forward***, on their own initiative or on request, ***some of the collated and processed*** information to Europol and the European Anti-Fraud Office ('OLAF'), as agreed by the working field participants.	3. Eurofisc working field coordinators may, on their own initiative or on request, ***forward relevant*** information ***on the most serious cross-border VAT offences*** to Europol and the European Anti-Fraud Office ('OLAF'), as agreed by the working field participants.

Amendment 35

Proposal for a regulation

Article premier — paragraph 1 — point 14 — point c

Regulation (EU) No 904/2010

Article 36 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Eurofisc working field coordinators shall make the information received from Europol and OLAF available to the other participating Eurofisc liaison officials; this information shall be exchanged by electronic means.	4. ***Eurofisc working field coordinators may ask Europol and OLAF for relevant information.*** Eurofisc working field coordinators shall make the information received from Europol and OLAF available to the other participating Eurofisc liaison officials; this information shall be exchanged by electronic means.

Tuesday 3 July 2018

Amendment 36

Proposal for a regulation

Article 1 — paragraph 1 — point 16

Regulation (EU) No 904/2010

Article 48 — paragraph 1 — subparagraph 2

Text proposed by the Commission	*Amendment*
Where the Member State of establishment becomes aware that a taxable person making a request for refund of VAT, in accordance with Article 5 of Directive 2008/9/EC, has undisputed VAT liabilities in that Member State of establishment, it ***may*** inform the Member State of refund of those liabilities so that the Member State of refund ***shall request*** the consent of the taxable person for the transfer of the VAT refund directly to the Member State of establishment in order to discharge the outstanding VAT liabilities. Where the taxable person consents to this transfer, the Member State of refund on behalf of the taxable person shall transfer this amount to the Member State of establishment, to the extent that it is required to discharge the outstanding VAT liability. The Member State of establishment shall inform the taxable person whether the amount transferred amounts to either a full or a partial discharge of the VAT liability within ***15*** days of the receipt of the transfer from the Member State of refund.	Where the Member State of establishment becomes aware that a taxable person making a request for refund of VAT, in accordance with Article 5 of Directive 2008/9/EC, has undisputed VAT liabilities in that Member State of establishment, it ***shall*** inform the Member State of refund of those liabilities so that the Member State of refund ***requests*** the consent of the taxable person for the transfer of the VAT refund directly to the Member State of establishment in order to discharge the outstanding VAT liabilities. Where the taxable person consents to this transfer, the Member State of refund on behalf of the taxable person shall transfer this amount to the Member State of establishment, to the extent that it is required to discharge the outstanding VAT liability. The Member State of establishment shall inform the taxable person whether the amount transferred amounts to either a full or a partial discharge of the VAT liability within ***10 working*** days of the receipt of the transfer from the Member State of refund.

Amendment 37

Proposal for a regulation

Article 1 — paragraph 1 — point 18

Regulation (EU) No 904/2010

Article 49 — paragraph 2a — subparagraph 2

Text proposed by the Commission	*Amendment*
The Member States may communicate to the European Anti-fraud Office any available information about offences against the common VAT system to enable it to consider appropriate action in accordance with its mandate.	***Without prejudice to Article 36(3),*** the Member States may communicate to the European Anti-fraud Office any available information about offences against the common VAT system to enable it to consider appropriate action in accordance with its mandate.

Tuesday 3 July 2018

Amendment 38

Proposal for a regulation

Article 1 — paragraph 1 — point 18 a (new)

Regulation (EU) No 904/2010

Article 49 a (new)

Text proposed by the Commission	*Amendment*
	(18a) the following Article is inserted:
	'Article 49a
	Member States and the Commission shall establish a common system of collecting statistics on intra-Community VAT fraud and shall publish national estimates of VAT losses resulting from that fraud, as well as estimates for the Union as a whole. The Commission shall adopt by means of implementing acts the practical arrangements for such statistical system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).'

Amendment 39

Proposal for a regulation

Article 1 — paragraph 1 — point 18 b (new)

Regulation (EU) No 904/2010

Article 50 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(18b) in Article 50, the following paragraph is inserted:
	'1a. When a Member State provides wider information to a third country than that provided for under Chapters II and III of this Regulation, that Member State may not refuse to provide that information to any other Member State requesting cooperation or having an interest to receive it.'

Tuesday 3 July 2018

Amendment 40

Proposal for a regulation

Article 1 — paragraph 1 — point 19 — point a

Regulation (EU) No 904/2010

Article 55 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Persons duly accredited by the Security Accreditation Authority of the Commission ***may*** have access to this information ***only*** in so far as it is necessary for care, maintenance and development of the electronic systems hosted by the Commission and used by the Member States to implement this Regulation.	2. Persons duly accredited by the Security Accreditation Authority of the Commission ***shall*** have access to this information in so far as it is necessary for care, maintenance and development of the electronic systems hosted by the Commission and used by the Member States to implement this Regulation***, and to ensure the proper implementation of this Regulation.***

Amendment 41

Proposal for a regulation

Article 1 — paragraph 1 — point 19 — point b

Regulation (EU) No 904/2010

Article 55 — paragraph 5

Text proposed by the Commission	*Amendment*
5. All storage, processing or exchange of information referred to in this Regulation is subject to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council (*). However, Member States shall, for the purpose of the correct application of this Regulation, restrict the scope of the obligations and rights provided for in Articles 12 to 22 and Articles 5 and 34 of Regulation (EU) 2016/679 to the extent required in order to safeguard the interests referred to in Article 23(1)(e) of that Regulation. The processing and storage of information referred to in this Regulation shall be ***carried out*** only for the purposes referred to in Article 1(1) of this Regulation and the storage periods of this information shall be limited to the extent necessary to achieve those purposes.	5. All storage, processing or exchange of information referred to in this Regulation is subject to the provisions of Regulation (EU) 2016/679 of the European Parliament and the Council(*). However, Member States shall, for the purpose of the correct application of this Regulation, restrict the scope of the obligations and rights provided for in Articles 12 to 22 and Articles 5 and 34 of Regulation (EU) 2016/679 to the extent required in order to safeguard the interests referred to in Article 23(1)(e) of that Regulation. The processing and storage of information referred to in this Regulation shall be ***approved*** only for the purposes referred to in Article 1(1) of this Regulation and the storage periods of this information shall be limited to the extent necessary to achieve those purposes.

Wednesday 4 July 2018

P8_TA(2018)0281

Structural Reform Support Programme: financial envelope and general objective***I

Amendments adopted by the European Parliament on 4 July 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)) ([1])

(Ordinary legislative procedure: first reading)

(2020/C 118/35)

Amendment 1

Proposal for a regulation

Recital - 1 (new)

Text proposed by the Commission	*Amendment*
	(-1) The Union is required to support Member States, upon their request, to improve their administrative capacity to implement Union law.

([1]) The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0227/2018).

Wednesday 4 July 2018

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Amendment*
(1) The Structural Reform Support Programme ('the Programme') was established with the objective of strengthening the capacity of Member States to prepare and implement growth-sustaining administrative and structural reforms, including through assistance for the efficient and effective use of the Union funds. Support under the Programme is provided by the Commission, upon request by a Member State, and can cover a wide range of policy areas. Developing resilient economies built on strong economic ***and*** social structures, which allow Member States to efficiently absorb shocks and swiftly recover from them, contributes to economic ***and*** social cohesion. The implementation of institutional, administrative and growth-sustaining structural reforms ***is an*** appropriate ***tool*** for achieving such a development.	(1) The Structural Reform Support Programme ('the Programme') was established with the objective of strengthening the capacity of Member States to prepare and implement growth-sustaining administrative and structural reforms ***with European added value***, including through assistance for the efficient and effective use of the Union funds. Support under the Programme is provided by the Commission, upon request by a Member State, and can cover a wide range of policy areas. Developing resilient economies ***and a resilient society*** built on strong economic, social ***and territorial*** structures, which allow Member States to efficiently absorb shocks and swiftly recover from them, contributes to economic, social ***and territorial*** cohesion. ***Reforms supported by the Programme require efficient and effective national and regional public administration as well as ownership and active participation of all stakeholders***. The implementation of institutional, administrative and growth-sustaining structural reforms ***that are country-specific***, ***and the ownership on the ground of structural reforms which are of interest to the Union, in particular through local and regional authorities and social partners, are*** appropriate ***tools*** for achieving such a development.

Amendment 3

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) Efficient delivery and communication of the Programme's results at Union, national and regional level are needed in order to ensure the visibility of the results of the reforms implemented based on the request of each Member State. That would ensure exchange of knowledge, experience and best practices, which is also one of the Programme's aims.

Wednesday 4 July 2018

Amendment 4

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission	*Amendment*
	(1b) It is expected that demand for support under the Programme will remain high, meaning that certain requests will need to be prioritised. Preference should be given, where appropriate, to requests that are aimed at shifting taxation away from labour to wealth and pollution, promoting stronger employment and social policies and thus social inclusion, fighting tax fraud, evasion and avoidance through improved transparency, establishing strategies for innovative and sustainable re-industrialisation and improving education and training systems. Special attention should be paid to requests for support which have a high level of democratic support and involvement of partners and which have spill over effects on other sectors. The Programme should complement other instruments in order to avoid overlaps.

Amendment 5

Proposal for a regulation

Recital 1 c (new)

Text proposed by the Commission	*Amendment*
	(1 c) In its pursuit of strengthening the capacity of Member States to prepare and implement growth-sustaining structural reforms, the Programme should not replace or substitute funding from national budgets of Member States, or be used to cover current expenditure.

Wednesday 4 July 2018

Amendment 6

Proposal for a regulation

Recital 3

Text proposed by the Commission	*Amendment*
(3) Strengthening economic ***and*** social cohesion ***by reinforcing*** structural reforms is crucial for successful participation in the Economic and Monetary Union. That is particularly important for Member States whose currency is not the euro, in their preparation to join the euro area.	(3) Strengthening economic, social ***and territorial*** cohesion ***through*** structural reforms ***which benefit the Union and are in accordance with its principles and values*** is crucial for successful participation ***and enhanced real convergence*** in the Economic and Monetary Union, ***ensuring its long-term stability and prosperity***. That is particularly important for Member States whose currency is not ***yet*** the euro, in their preparation to join the euro area.

Amendment 7

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) It is thus appropriate to stress in the general objective of the Programme — within its contribution towards responding to economic and social challenges — that enhancing cohesion, competitiveness, productivity, sustainable growth, ***and*** job creation should also contribute to the preparations for future participation in the euro area by those Member States whose currency is not the euro.	(4) It is thus appropriate to stress in the general objective of the Programme — within its contribution towards responding to economic and social challenges — that enhancing ***economic, social and territorial*** cohesion, competitiveness, productivity, sustainable growth, job creation***, social inclusion and reducing disparities between Member States and regions*** should also contribute to the preparations for future participation in the euro area by those Member States whose currency is not ***yet*** the euro.

Wednesday 4 July 2018

Amendment 8

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(5) ***It*** is also necessary to indicate that actions and activities of the Programme may support reforms that may help Member States that wish to adopt the euro to prepare for participation in the euro area.	(5) ***Bearing in mind the positive experience that the Union has had with the technical assistance offered to other countries that have already adopted the euro, it*** is also necessary to indicate that actions and activities of the Programme may support reforms that may help Member States ***which joined the Union at a later date and*** that wish to adopt the euro to prepare for participation in the euro area.

Amendment 9

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) Seven Member States are subject to a Treaty obligation to prepare for participation in the euro area, namely Bulgaria, the Czech Republic, Croatia, Hungary, Poland, Romania and Sweden. Some of those Member States have made little progress towards that goal in recent years, making Union support for euro participation increasingly relevant. Denmark and the United Kingdom are under no obligation to join the euro area.

Amendment 10

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5b) Regional and local authorities have an important role to play in structural reform, to a degree which depends on the constitutional and administrative organisation of each Member State. It is therefore appropriate to provide for an appropriate level of involvement and consultation of regional and local authorities in the preparation and implementation of structural reform.

Wednesday 4 July 2018

Amendment 11

Proposal for a regulation

Recital 6

Text proposed by the Commission	*Amendment*
(6) In order to meet the growing demand for support from Member States, and in view of the need to support the implementation of structural reforms in Member States whose currency is not the euro, the financial allocation for the Programme should be increased to a sufficient level that allows the Union to provide support that meets the needs of the requesting Member States.	(6) In order to meet the growing demand for support from Member States, and in view of the need to support the implementation of structural reforms ***which are of interest to the Union*** in Member States whose currency is not ***yet*** the euro, the financial allocation for the Programme should be increased, ***by using the Flexibility Instrument under Council Regulation (EU, Euratom) No 1311/2013*** ([1a])***,*** to a sufficient level that allows the Union to provide support that meets the needs of the requesting Member States. ***That increase should not negatively impact the other priorities of cohesion policy. Moreover, Member States should not be obliged to transfer their national and regional allocations from European Structural and Investment Funds (ESIF) with a view to filling the financing gap of the Programme.***
	([1a]) ***Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).***

Amendment 12

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Amendment*
(7) In order to provide support with the least possible delay, the Commission should be able to use part of the financial envelope also to cover the cost of activities supporting the Programme, such as expenses related to quality control ***and*** monitoring of projects on the ground.	(7) In order to provide ***quality*** support with the least possible delay, the Commission should be able to use part of the financial envelope also to cover the cost of activities supporting the Programme, such as expenses related to quality control and monitoring***, and evaluation*** of projects on the ground. ***Such expenses should be proportional to the overall value of expenditure under the support projects.***

Wednesday 4 July 2018

Amendment 13

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) In order to ensure smooth reporting on implementation of the Programme to the European Parliament and the Council, the period in which the Commission is to provide annual monitoring reports should be specified.

Amendment 14

Proposal for a regulation

Article 1 — paragraph 1 — point 1

Regulation (EU) 2017/825

Article 4 — paragraph 1

Text proposed by the Commission	*Amendment*
The general objective of the Programme shall be to contribute to institutional, administrative and growth-sustaining structural reforms in the Member States by providing support to ***national*** authorities for measures aimed at reforming and strengthening institutions, governance, public administration, and economic and social sectors in response to economic and social challenges, with a view to enhancing cohesion, competitiveness, productivity, sustainable growth, job creation, ***and*** investment, which will also prepare for participation in the euro area, in particular in the context of economic governance processes, including through assistance for the efficient, effective and transparent use of the Union funds.	The general objective of the Programme shall be to contribute to institutional, administrative and growth-sustaining structural reforms in the Member States, by providing support to ***Member State*** authorities***, including regional and local authorities where appropriate,*** for measures aimed at reforming and strengthening institutions, governance, public administration, and economic and social sectors in response to economic and social challenges, with a view to enhancing ***economic, social and territorial*** cohesion, competitiveness, productivity, sustainable growth, job creation, ***social inclusion, the fight against tax evasion and poverty,*** investment, ***and real convergence in the Union,*** which will also prepare for participation in the euro area, in particular in the context of economic governance processes, including through assistance for the efficient, effective and transparent use of the Union funds.

Wednesday 4 July 2018

Amendment 15

Proposal for a regulation

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

Regulation (EU) 2017/825

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

Text proposed by the Commission	*Amendment*
	(1a) in Article 5(1) the following point is added:
	'(da) to support the involvement and consultation of regional and local authorities in the preparation and implementation of structural reform measures to a degree commensurate with the powers and responsibilities of those regional and local authorities within the constitutional and administrative structure of each Member State.'

Amendment 16

Proposal for a regulation

Article 1 — paragraph 1 — point 3 — point a

Regulation (EU) 2017/825

Article 10 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The financial envelope for the implementation of the Programme is set at EUR 222 800 000 in current prices.;	1. The financial envelope for the implementation of the Programme is set at EUR 222 800 000 in current prices***, of which EUR 80 000 000 shall be provided from the Flexibility Instrument under the Council Regulation (EU, Euratom) No 1311/2013 (*)***;
	(*) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

Wednesday 4 July 2018

Amendment 17

Proposal for a regulation

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

Regulation (EU) 2017/825

Article 16 — paragraph 2 — subparagraph 1 — introductory part

Present text	*Amendment*
	(3a) in Article 16(2), the introductory part is replaced by the following:
2. ***The*** Commission shall provide the European Parliament and the Council with an annual monitoring report on the implementation of the Programme. That report shall include information on:	'2. ***From 2018 until and including 2021 the*** Commission shall provide the European Parliament and the Council with an annual monitoring report on the implementation of the Programme. That report shall include information on:'

Amendment 18

Proposal for a regulation

Article 1 — paragraph 1 — point 3 b (new)

Regulation (EU) 2017/825

Article 16 — paragraph 2 — subparagraph 1 — point d a (new)

Text proposed by the Commission	*Amendment*
	(3b) in Article 16, paragraph 2 point da is inserted:
	'(da) outcomes of quality control and monitoring of support projects on the ground;'

Wednesday 4 July 2018

P8_TA(2018)0282

Reform of the electoral law of the European Union ***

European Parliament legislative resolution of 4 July 2018 on the draft Council decision amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (09425/2018 — C8-0276/2018 — 2015/0907(APP))

(Special legislative procedure — consent)

(2020/C 118/36)

The European Parliament,

— having regard to the draft Council decision (09425/2018),

— having regard to the request for consent submitted by the Council in accordance with Article 223(1) of the Treaty on the Functioning of the European Union (C8-0276/2018),

— having regard to its resolution of 11 November 2015 on the reform of the electoral law of the European Union and to the annexed proposal for a Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage [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 French Senate, the Luxembourg Chamber of Deputies, the Netherlands Senate, the Netherlands House of Representatives, the Swedish Parliament, the United Kingdom House of Commons and the United Kingdom House of Lords, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to Rule 99(1) and (4) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Constitutional Affairs (A8-0248/2018),

1. Gives its consent to the draft Council decision;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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[1] OJ C 366, 27.10.2017, p. 7.

Wednesday 4 July 2018

P8_TA(2018)0283

Partnership Agreement between the EU and EAEC and Armenia ***

European Parliament legislative resolution of 4 July 2018 on the draft Council decision on the conclusion, on behalf of the Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part (12543/2017 — C8-0422/2017 — 2017/0238(NLE))

(Consent)

(2020/C 118/37)

The European Parliament,

— having regard to the draft Council decision (12543/2017),

— having regard to the draft Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part (12548/2017),

— having regard to the request for consent submitted by the Council in accordance with Article 37 of the Treaty on European Union; and in accordance with Article 91, Article 100(2), Articles 207 and 209, and Article 218(6), second subparagraph, point (a), Article 218(7) and Article 218(8), second subparagraph of the Treaty on the Functioning of the European Union (C8-0422/2017),

— having regard to its non-legislative resolution of 4 July 2018 [1] on the draft decision,

— having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0177/2018),

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 Republic of Armenia.

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[1] Texts adopted, P8_TA(2018)0284.

Wednesday 4 July 2018

P8_TA(2018)0285

EU-Iraq Partnership and Cooperation Agreement ***

European Parliament legislative resolution of 4 July 2018 on the draft Council decision on the conclusion of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part (10209/1/2012 — C8-0038/2018 — 2010/0310(NLE))

(Consent)

(2020/C 118/38)

The European Parliament,

— having regard to the draft Council decision (10209/1/2012),

— having regard to the draft Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part (5784/2/2011 and 8318/2012),

— having regard to the request for consent submitted by the Council in accordance with Article 91, Article 100, Article 207, Article 209 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0038/2018),

— having regard to its position of 17 January 2013 on the draft Council decision on the conclusion of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part ([1]),

— having regard to the change of legal basis following the judgment of the Court of Justice of 11 June 2014 ([2]),

— having regard to its non-legislative resolution of 4 July 2018 ([3]) on the draft decision,

— having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Foreign Affairs (A8-0222/2018),

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 Republic of Iraq.

([1]) OJ C 440, 30.12.2015, p. 301.

([2]) Judgment of the Court of Justice of 11 June 2014, *Commission* v *Council*, on the Framework Agreement on Partnership and Cooperation between the European Union and the Republic of the Philippines, C-377/12, ECLI:EU:C:2014:1903.

([3]) Texts adopted, P8_TA(2018)0286.

Wednesday 4 July 2018

P8_TA(2018)0287

EU-New Zealand Agreement relating to the modification of concessions (accession of Croatia) ***

European Parliament legislative resolution of 4 July 2018 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (10670/2017 — C8-0121/2018 — 2017/0137(NLE))

(Consent)

(2020/C 118/39)

The European Parliament,

— having regard to the draft Council decision (10670/2017),

— having regard to draft Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (10672/2017),

— having regard to the request for consent submitted by the Council in accordance with Article 207(4) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0121/2018),

— 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 International Trade (A8-0220/2018),

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 New Zealand.

Wednesday 4 July 2018

P8_TA(2018)0288

Statute of the European System of Central Banks and of the European Central Bank ***I

Amendments adopted by the European Parliament on 4 July 2018 on the draft decision of the European Parliament and of the Council amending Article 22 of the Statute of the European System of Central Banks and of the European Central Bank (10850/2017 — ECB/2017/18 — C8-0228/2017 — 2017/0810(COD)) [1]

(Ordinary legislative procedure: first reading)

(2020/C 118/40)

Amendment 1

Draft decision

Recital 1

Draft by the European Central Bank	*Amendment*
(1) The basic tasks to be carried out through the European System of Central Banks (ESCB) include the definition and implementation of the monetary policy of the Union and the promotion of the smooth operation of payment systems. Safe and efficient financial market infrastructures, in particular clearing systems, are essential for the fulfilment of these basic tasks.	(1) The basic tasks to be carried out through the European System of Central Banks (ESCB) include the definition and implementation of the monetary policy of the Union and the promotion of the smooth operation of payment systems***, which is essential in order to maintain financial stability***. Safe and efficient financial market infrastructures, in particular clearing systems, are essential for the fulfilment of these basic tasks.

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0219/2018).

Wednesday 4 July 2018

Amendment 2

Draft decision

Recital 3

Draft by the European Central Bank	*Amendment*
(3) On 4 March 2015, the General Court delivered its judgment in United Kingdom v ECB, Case T-496/11 ([7]), which held that the ECB does not have the competence necessary to regulate the activity of clearing systems. The General Court stated that Article 129(3) of the Treaty enables the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and on a recommendation from the ECB, to amend Article 22 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'). ***The*** Court concluded that 'it would be for the ECB, should it consider that the grant to it of a power to regulate infrastructures clearing transactions in securities is necessary for proper performance of the task referred to in the fourth indent of Article 127(2) TFEU, to request the EU legislature to amend Article 22 of the Statute, by the addition of an explicit reference to securities clearing systems.'	(3) On 4 March 2015, the General Court delivered its judgment in United Kingdom v ECB, Case T-496/11 ([7]), which held that 'the ECB does not have the competence necessary to regulate the activity of clearing systems***, so that, in so far as the Policy Framework imposes on CCPs involved in the clearing of securities a requirement to be located within the euro area, it must be annulled for lack of competence'***. The General Court stated that Article 129(3) of the Treaty enables the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and on a recommendation from the ECB, to amend Article 22 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'). ***Therefore, the*** Court concluded that 'it would be for the ECB, should it consider that the grant to it of a power to regulate infrastructures clearing transactions in securities is necessary for proper performance of the task referred to in the fourth indent of Article 127(2) TFEU, to request the EU legislature to amend Article 22 of the Statute, by the addition of an explicit reference to securities clearing systems.'

([7]) ECLI: EU:T:2015:133.

Amendment 3

Draft decision

Recital 3 a (new)

Draft by the European Central Bank	*Amendment*
	(3a) Although securities clearing systems are a typology of payment systems, more clarity on the issue is required in the light of the General Court's judgment of 4 March 2015 in Case T-496/11 and therefore, by means of a review of Article 22 of the Statute of the European System of Central Banks and of the European Central Bank, the issue of competence over such systems needs to be made clear.

Wednesday 4 July 2018

Amendment 4

Draft decision

Recital 4

Draft by the European Central Bank	*Amendment*
(4) Significant developments at both global and European level are expected to increase the risk that disturbances affecting clearing systems, in particular central counterparties (CCPs), threaten the smooth operation of payment systems and implementation of the single monetary policy, ultimately affecting the Eurosystem's primary objective of maintaining price stability.	(4) Significant developments at both global and European level are expected to increase the risk that disturbances affecting clearing systems, in particular central counterparties (CCPs), threaten the smooth operation of payment systems and implementation of the single monetary policy, ultimately affecting ***financial stability, including*** the Eurosystem's primary objective of maintaining price stability.

Amendment 5

Draft decision

Recital 5

Draft by the European Central Bank	*Amendment*
(5) On 29 March 2017, the United Kingdom of Great Britain and Northern Ireland notified the European Council of its intention to withdraw from the European Union. The withdrawal of the United Kingdom will lead to a fundamental change in how certain systemically important euro-denominated clearing activities are regulated, overseen and supervised, thereby adversely affecting the Eurosystem's ability to monitor and manage risks to the smooth operation of payment systems, and implementation of the Eurosystem's monetary policy.	***deleted***

Wednesday 4 July 2018

Amendment 6

Draft decision

Recital 6

Draft by the European Central Bank	*Amendment*
(6) Central clearing is becoming increasingly cross-border in nature and systemically important. Given their diverse membership and the pan-European nature of the financial services they provide, CCPs are of key importance to the Union as a whole, and in particular to the euro area. This is reflected in Regulation (EU) No 648/2012 of the European Parliament and of the Council ***(8)***, which establishes collective supervisory arrangements in the form of colleges, composed of the relevant national and Union authorities, including the Eurosystem in its role as central bank of issue for the euro.	(6) Central clearing is becoming increasingly cross-border in nature and systemically important. Given their diverse membership and the pan-European nature of the financial services they provide, CCPs are of key importance to the Union as a whole, and in particular to the euro area. This is reflected in Regulation (EU) No 648/2012 of the European Parliament and of the Council, which establishes collective supervisory arrangements in the form of colleges, composed of the relevant national and Union authorities, including the Eurosystem in its role as central bank of issue for the euro***, the currency of the Union***.

(8) ***Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).***

Amendment 7

Draft decision

Recital 7

Draft by the European Central Bank	*Amendment*
(7) In order to address these issues, on 13 June 2017 the Commission presented its legislative proposal to ensure financial stability and the safety and soundness of CCPs that are of systemic relevance for financial markets across the Union. In order to ensure that the Eurosystem as central bank of issue for the euro can carry out the role envisaged by the legislative proposal, it is of utmost importance that it has the relevant powers under the Treaty and the Statute of the ESCB. In particular, the Eurosystem should have regulatory powers to adopt binding assessments and require remedial action, in close cooperation with other Union authorities. Moreover, where necessary to protect the stability of the euro, the ECB should also have the regulatory powers to adopt additional requirements for CCPs involved in the clearing of significant amounts of euro-denominated transactions.	(7) In order to address these issues, on 13 June 2017 the Commission presented its legislative proposal to ensure financial stability and the safety and soundness of CCPs that are of systemic relevance for financial markets across the Union. In order to ensure that the Eurosystem as central bank of issue for the euro can carry out the role envisaged by the legislative proposal, it is of utmost importance that it has the relevant powers under the Treaty and the Statute of the ESCB. In particular, the Eurosystem should have regulatory powers to adopt binding assessments and require remedial action, in close cooperation with other Union authorities. Moreover, where necessary to protect the stability of the euro, the ECB should also have the regulatory powers to adopt additional requirements for CCPs involved in the clearing of significant amounts of euro-denominated transactions. ***Those requirements should protect the integrity of the Single Market and ensure that in the supervision of third country CCPs, Union law and the jurisprudence of the Court of Justice of the European Union have primacy.***

Wednesday 4 July 2018

Amendment 8

Draft decision

Recital 8

Draft by the European Central Bank	*Amendment*
(8) Article 22 of the Statute of the ESCB is part of Chapter IV 'Monetary functions and operations of the ESCB'. The tasks conferred therein should accordingly only be used for monetary policy purposes.	(8) Article 22 of the Statute of the ESCB is part of Chapter IV 'Monetary functions and operations of the ESCB'. The tasks conferred therein should accordingly only be used for monetary policy purposes. ***With regard to clearing systems for financial instruments, requirements that may be applied on the basis of that Article should include reporting requirements and requirements imposed on the clearing system to cooperate with the ECB and national central banks in their assessment of the resilience of the system to adverse market developments. Such requirements should also include the opening by the system of an overnight deposit account with the ESCB in accordance with relevant access criteria and requirements of the ESCB. In addition, they should include requirements necessary to address situations in which a clearing system for financial instruments poses an imminent risk of substantial harm to Union financial institutions or markets or to the financial system of the Union or one of its Member States, such as requirements relating to liquidity risk controls, settlement arrangements, margins, collateral or interoperability arrangements. With regard to third-country clearing systems for financial instruments of systemic importance, Regulation (EU) No …/… [Regulation of the European Parliament and of the Council amending Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs] provides for the possibility for the ECB to propose additional requirements on such systems.***

Wednesday 4 July 2018

Amendment 9

Draft decision

Recital 8 a (new)

Draft by the European Central Bank	*Amendment*
	(8a) The new powers of the ECB regarding clearing systems for financial instruments on the basis of amended Article 22 of the Statute of the ESCB and of the ECB will be exercised alongside the powers exercised by other Union institutions, agencies and bodies on the basis of provisions relating to the establishment or functioning of the internal market provided for in Part III of the TFEU, including those contained in acts adopted by the Commission or by the Council pursuant to the powers conferred upon them. In that context, in order to ensure that the respective powers of each entity are respected and to prevent conflicting rules and inconsistencies between the decisions taken by different Union institutions, agencies and bodies, the powers conferred under the amended Article 22 of the Statute of the ESCB and of the ECB should be exercised having due regard to the general framework for the internal market established by the co-legislators and in a manner which is fully consistent with the legal acts of the European Parliament and the Council as well as measures adopted under such acts.

Amendment 10

Draft decision

Recital 8 b (new)

Draft by the European Central Bank	*Amendment*
	(8b) The ECB should ensure full transparency and accountability towards the European Parliament and the Council regarding the exercise of its powers and tasks under Article 22 of its Statute. In particular, it should keep the European Parliament and the Council regularly informed of all decisions taken and regulations adopted on the basis of that Article. To that end, it should dedicate a specific chapter of its annual report to the exercise of its powers under Article 22 of its Statute and it should publish on its website all the decisions, recommendations and opinions related to regulations that it adopts on the basis of that Article.

Wednesday 4 July 2018

Amendment 11

Draft decision

Article 1

Statute of the European System of Central Banks and of the European Central Bank

Article 22

Draft by the European Central Bank	*Amendment*
Article 22	Article 22
Clearing systems and payment systems	Clearing systems and payment systems
The ECB and national central banks may provide facilities, and the ECB may make regulations, to ensure efficient and sound clearing and payment systems, ***and clearing systems for financial instruments,*** within the Union and with other countries.	The ECB and national central banks may provide facilities, and the ECB may make regulations, to ensure efficient and sound clearing and payment systems within the Union and with ***third*** countries.
	In order to achieve the objectives of the ESCB and to carry out its tasks, the ECB may make regulations concerning clearing systems for financial instruments within the Union and with third countries, with due regard to the legal acts of the European Parliament and the Council and with measures adopted under such acts, and in a manner which is fully consistent with those acts and measures.

Wednesday 4 July 2018

P8_TA(2018)0289

Vehicle taxation: charging of heavy good vehicles for the use of certain infrastructures *

European Parliament legislative resolution of 4 July 2018 on the proposal for a Council directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, as regards certain provisions on vehicle taxation (COM(2017)0276 — C8-0196/2017 — 2017/0115(CNS))

(Special legislative procedure — consultation)

(2020/C 118/41)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2017)0276),

— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0196/2017),

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs (A8-0200/2018),

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.

Amendment 1

Proposal for a directive

Recital 4

Text proposed by the Commission	*Amendment*
(4) The application of vehicle taxes represents a cost the industry must so far bear in any event, even if tolls were to be levied by Member States. Therefore, vehicle taxes may act as an obstacle to the introduction of tolls.	(4) The application of vehicle taxes represents a cost the industry, ***and in particular SMEs,*** must so far bear in any event, even if tolls were to be levied by Member States. Therefore, vehicle taxes may act as an obstacle to the introduction of tolls.

Wednesday 4 July 2018

Amendment 2

Proposal for a directive

Recital 5

Text proposed by the Commission	*Amendment*
(5) ***Therefore, Member States should be afforded more scope to lower vehicle taxes, namely by way of a reduction of the minima set out in Directive 1999/62/EC. In*** order to minimise the risk of distortions of competition between transport operators established in different Member States***, such reduction*** should be ***gradual***.	(5) ***Taking into account the form of road charging related to the distance travelled, and in*** order to minimise the risk of distortions of competition between transport operators established in different Member States ***and the possible administrative burden, Member States*** should be ***afforded more scope to lower vehicle taxes, namely by way of a reduction of the minima set out in Directive 1999/62/EC***.

Amendments 3 and 17

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) Member States should be encouraged to dismantle any contradictory tax incentives that discourage low-emission mobility and subsidise inefficient and polluting vehicles, like company diesel cars;

Amendment 4

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5b) In order to afford Member States greater discretion to reduce their rate of vehicle taxation in order to support the introduction of distance-based tolls and to avoid any potential administrative burdens, the minimum rates of taxation should be reduced in one step from 1 January 2024, giving the Member States the greatest flexibility in deciding on the rate and speed of reduction.

Amendment 5

Proposal for a directive

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

Directive 1999/62/EC

Article 6 — paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	(2a) In Article 6, the following paragraph is added:
	'4a. The gradual reduction of the vehicle tax on heavy goods vehicles applied by a Member State shall be fully compensated by additional revenues generated by its toll system. By 1 January 2024, all Member States shall have implemented the toll system in accordance with this Directive.'

Amendment 6

Proposal for a directive

Annex I — paragraph 1 — point a

Directive 1999/62/EC

Annex I — title

Text proposed by the Commission	*Amendment*
Table A: MINIMUM RATES of TAX TO BE APPLIED TO HEAVY GOODS VEHICLES UNTIL ***31 DECEMBER […]" [insert year of entry into force of this Directive];***	Table A: MINIMUM RATES of TAX TO BE APPLIED TO HEAVY GOODS VEHICLES UNTIL ***31 DECEMBER 2023***

Amendment 7

Proposal for a directive

Annex I — paragraph 1 — point b

Directive 1999/62/EC

Annex I — table B

Text proposed by the Commission	*Amendment*
"Table B: MINIMUM RATES OF TAX TO BE APPLIED TO HEAVY GOODS VEHICLES FROM 1 JANUARY […] insert the year following the year of entry into force of this directive]	***deleted***

Wednesday 4 July 2018

Amendment 8

Proposal for a directive

Annex I — paragraph 1 — point b

Directive 1999/62/EC

Annex I — table C

Text proposed by the Commission	*Amendment*
Table C: MINIMUM RATES OF TAX TO BE APPLIED TO HEAVY GOODS VEHICLES FROM 1 JANUARY […] [insert the second year following the entry into force of this directive]	***deleted***

Amendment 9

Proposal for a directive

Annex I — paragraph 1 — point b

Directive 1999/62/EC

Annex I — table D

Text proposed by the Commission	*Amendment*
Table D: MINIMUM RATES OF TAX TO BE APPLIED TO HEAVY GOODS VEHICLES FROM 1 JANUARY […] [insert the third year following the entry into force of this directive]	***deleted***

Amendment 10

Proposal for a directive

Annex I — paragraph 1 — point b

Directive 1999/62/EC

Annex I — table E

Text proposed by the Commission	*Amendment*
Table E: MINIMUM RATES OF TAX TO BE APPLIED TO HEAVY GOODS VEHICLES FROM 1 JANUARY […] [insert the fourth year following the entry into force of this directive]	***deleted***

Wednesday 4 July 2018

Amendment 11

Proposal for a directive

Annex I — paragraph 1 — point b

Directive 1999/62/EC

Annex I — table F — title

Text proposed by the Commission	*Amendment*
Table F: MINIMUM RATES OF TAX TO BE APPLIED TO HEAVY GOODS VEHICLES FROM ***1 JANUARY […] [insert the fifth year following the entry into force of this directive]***	Table F: MINIMUM RATES OF TAX TO BE APPLIED TO HEAVY GOODS VEHICLES FROM ***1 JANUARY 2024***

Wednesday 4 July 2018

P8_TA(2018)0290

Draft Amending Budget No 2/2018 entering the surplus of the financial year 2017

European Parliament resolution of 4 July 2018 on the Council position on Draft amending budget No 2/2018 of the European Union for the financial year 2018: Entering the surplus of the financial year 2017 (09325/2018 — C8-0277/2018 — 2018/2057(BUD))

(2020/C 118/42)

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 18(3) and Article 41 thereof,

— having regard to the general budget of the European Union for the financial year 2018, as definitively adopted on 30 November 2017 ([2]),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([3]),

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([4]),

— having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ([5]),

— having regard to Draft amending budget No 2/2018, which the Commission adopted on 13 April 2018 (COM(2018)0227),

— having regard to the position on Draft amending budget No 2/2018 which the Council adopted on 18 June 2018 and forwarded to Parliament on 19 June 2018 (09325/2018 — C8-0277/2018),

— having regard to Rules 88 and 91 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0209/2018),

A. whereas Draft amending budget No 2/2018 aims to enter in the 2018 budget the surplus from the 2017 financial year, amounting to EUR 555,5 million;

([1]) OJ L 298, 26.10.2012, p. 1.
([2]) OJ L 57, 28.02.2018.
([3]) OJ L 347, 20.12.2013, p. 884.
([4]) OJ C 373, 20.12.2013, p. 1.
([5]) OJ L 168, 7.6.2014, p. 105.

B. whereas the main components of that surplus are a positive outturn on income of EUR 338,6 million, an under-spending in expenditure of EUR 383,4 million, and a positive balance of exchange rate differences amounting to EUR 166,4 million;

C. whereas on the income side, the largest difference stems from a larger than expected outturn on default interest and fines (EUR 342,6 million);

D. whereas on the expenditure side, under-implementation in payments by the Commission reached EUR 201,5 million for 2017 (of which EUR 99,3 million is from the Emergency Aid Reserve) and EUR 53,5 million for 2016 carryovers, and under-implementation by other institutions reached EUR 82,6 million for 2017 and EUR 45,7 million for 2016 carryovers;

1. Takes note of Draft amending budget No 2/2018 as submitted by the Commission, which is devoted solely to the budgeting of the 2017 surplus, for an amount of EUR 555,5 million, in accordance with Article 18 of the Regulation (EU, Euratom) No 966/2012, and of the Council's position thereon;

2. Recalls that the low under-implementation in payments at the end of 2017 was only made possible by the adoption of Amending budget 6/2017, which reduced payment appropriations by EUR 7 719,7 million due to heavy implementation delays, particularly in sub-heading 1b 'Economic, social and territorial cohesion'; recalls furthermore that all amending budgets in 2017, even when they substantially increased commitment appropriations (e.g. EUR 1 166,8 million under the EU Solidarity Fund for Italy, EUR 500 million for the Youth Employment Initiative, EUR 275 million for the European Fund for Sustainable Development), were fully financed by redeployments from unused payment appropriations; regrets that implementation delays and inaccurate forecasts by the Member States seem to be continuing in 2018;

3. Notes, once again, the relatively high level of competition fines in 2017, totalling EUR 3 273 million; considers that, in addition to any surplus resulting from under-implementation, it should be possible for any revenue resulting from fines or linked to late payments to be reused in the Union budget without a corresponding decrease in GNI contributions; recalls its proposal for a special reserve to be established in the Union budget, which will be progressively filled up by all types of unforeseen other revenue and duly carried over in order to provide additional spending possibilities when the need arises;

4. Furthermore, believes that, given the urgent need to provide a quick response to the migration challenge and taking into account the delays in the extension of the Facility for Refugees in Turkey, the 2017 surplus, amounting to EUR 555,5 million, could provide an excellent solution to finance the Union contribution to this instrument for 2018 without pushing the Union general budget to its limits;

5. Approves the Council position on Draft amending budget No 2/2018;

6. Instructs its President to declare that Amending budget No 2/2018 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;

7. Instructs its President to forward this resolution to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

Wednesday 4 July 2018

P8_TA(2018)0291

Draft amending budget No 3/2018: extension of the Facility for refugees in Turkey

European Parliament resolution of 4 July 2018 on the Council position on Draft amending budget No 3/2018 of the European Union for the financial year 2018, Section III — Commission: Extension of the Facility for refugees in Turkey (09713/2018 — C8-0302/2018 — 2018/2072(BUD))

(2020/C 118/43)

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 and in particular Articles 18(3) and 41 thereof,

— having regard to the general budget of the European Union for the financial year 2018, as definitively adopted on 30 November 2017 ([2]),

— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ([3]) (MFF Regulation),

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([4]),

— having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ([5]),

— having regard to Draft amending budget No 3/2018, which the Commission adopted on 23 May 2018 (COM(2018)0310),

— having regard to the position on Draft amending budget No 3/2018 which the Council adopted on 22 June 2018 and forwarded to Parliament on 25 June 2018 (09713/2018 — C8-0302/2018),

— having regard to the letter from the Committee on Foreign Affairs,

— having regard to Rules 88 and 91 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0246/2018),

A. whereas the Commission amended on 14 March 2018 its decision on the Facility for Refugees (FRT) in Turkey in order to allocate an additional EUR 3 billion (a 'second tranche') to the FRT, in line with the EU-Turkey Statement of 18 March 2016;

([1]) OJ L 298, 26.10.2012, p. 1.
([2]) OJ L 57, 28.02.2018.
([3]) OJ L 347, 20.12.2013, p. 884.
([4]) OJ C 373, 20.12.2013, p. 1.
([5]) OJ L 168, 7.6.2014, p. 105.

B. whereas Draft amending budget No 3/2018 aims to add EUR 500 million in commitment appropriations to the 2018 Union budget as the 2018 Union contribution to the second tranche, in addition to the EUR 50 million financed from the existing Humanitarian Aid budgetary envelope in 2018;

C. whereas the Commission proposes to use the Global Margin for Commitments, in accordance with Article 14 of the MFF Regulation, to finance EUR 243,8 million which cannot be covered solely by the unallocated margin under Heading 4, under which it is proposed to contribute EUR 256,2 million;

D. whereas the Commission has proposed to fund a further EUR 1,45 billion under the 2019 draft budget as the Union budget contribution to the FRT;

E. whereas Parliament has consistently stressed its support for the continuation of the FRT while emphasising that, as one of the two arms of the budgetary authority, it must be fully associated with the decision-making process relating to the extension of the FRT, *inter alia* to avoid the repetition of the procedure of its setting-up; whereas no negotiations on the financing of the second tranche of the FRT have so far taken place between Parliament and the Council; whereas it would have been advisable that the discussions on the financing of the second tranche take place within the conciliation on the 2018 Union budget;

1. Takes note of Draft amending budget No 3/2018 as submitted by the Commission, which is devoted solely to the financing of the 2018 Union budget contribution to the FRT, for an amount of EUR 500 million in commitment appropriations, and of the Council's position thereon;

2. Strongly deplores the discrepancy between the absence of Parliament's involvement in the adoption of the decisions on the setting-up and on the prolongation of the FRT on the one hand, and its role as budgetary authority in the financing of the FRT from the Union budget on the other hand;

3. Regrets that the Commission did not include the 2018 financing of the FRT in its 2018 draft budget at any stage of the 2018 budgetary procedure; believes that such inclusion would have been an opportunity for the two arms of the budgetary authority to discuss the financing of the whole second tranche of the FRT, as the positions of Parliament and of the Council diverge on the scale of the Union budget contribution;

4. Insists that the Commission reinforces the monitoring of the use of FRT and that it reports regularly and in adequate detail to the budgetary authority on the compatibility of the actions financed with the underlying legal basis in general and the types of action listed, in particular, in Article 3(2) of Commission Decision establishing the FRT;

5. Notes that the purpose of Draft amending budget No 3/2018 is primarily to allow for the schooling of refugee children in Turkey to continue seamlessly;

6. Approves the Council position on Draft amending budget No 3/2018;

7. Underlines that this decision is without prejudice to its position on the remaining part of the financing of the second tranche of the FRT; stresses that, irrespective of the Council's deliberations on the prolongation of the FRT, Parliament will fully retain its prerogatives through the 2019 budgetary procedure;

8. Instructs its President to declare that Amending budget No 3/2018 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;

9. Instructs its President to forward this resolution to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

Thursday 5 July 2018

P8_TA(2018)0306

Launch of automated data exchange with regard to DNA data in Croatia *

European Parliament legislative resolution of 5 July 2018 on the draft Council implementing decision on the launch of automated data exchange with regard to DNA data in Croatia (06986/2018 — C8-0164/2018 — 2018/0806(CNS))

(Consultation)

(2020/C 118/44)

The European Parliament,

— having regard to the Council draft (06986/2018),

— 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 (C8-0164/2018),

— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([1]), and in particular Article 33 thereof,

— having regard to Rule 78c of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0225/2018),

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 210, 6.8.2008, p. 1.

Thursday 5 July 2018

P8_TA(2018)0307

European Travel Information and Authorisation System (ETIAS) ***I

European Parliament legislative resolution of 5 July 2018 on the proposal for a regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624 (COM(2016)0731 — C8-0466/2016 — 2016/0357A(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/45)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0731),

— having regard to Article 294(2), Article 77(2)(b) and (d) Article 87(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0466/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 27 April 2017 ([1]),

— having regard to the decision by the Conference of Presidents on 14 September 2017 to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the above-mentioned Commission proposal and to draw up two separate legislative reports on the basis thereof,

— 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 25 April 2018 to approve that 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 opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0322/2017),

1. Adopts its position at first reading hereinafter set out;

2. Approves the joint statement by Parliament and the Council annexed to this resolution;

3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0357A

Position of the European Parliament adopted at first reading on 5 July 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1240.)

([1]) OJ C 246, 28.7.2017, p. 28.

Thursday 5 July 2018

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement by the European Parliament and the Council

The costs for the operation and maintenance of the ETIAS Information System, the ETIAS Central Unit and the ETIAS National Units, will be covered entirely by the revenues generated by the fees. The fee should therefore be adapted as necessary, having regard to the costs. This includes both costs incurred by EU Member States and those incurred by Schengen Associated Countries in this regard, in accordance with the provisions of the ETIAS Regulation. The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as the hosting of the National Uniform Interface and the set-up of the ETIAS Central Unit and ETIAS National Units, including those incurred by EU Member States as well as Schengen Associated Countries, will be borne by the Internal Security Fund (Borders and Visa) respectively its successor(s).

Therefore, these costs should not be considered for the calculation of the contribution of the Schengen Associated Countries to ETIAS under the respective Association Agreement and the relevant specific arrangements for the participation of the Schengen Associated Countries in the agencies. This should be taken into account in particular in the context of the negotiations on the successor(s) to the Internal Security Fund (Borders and Visas) and the specific arrangements for the participation of the Schengen Associated Countries therein.

The European Parliament and the Council call on the Commission to present a proposal on the specific arrangements provided for in Article 95 of this Regulation without delay after its adoption.

Thursday 5 July 2018

P8_TA(2018)0308

European Travel Information and Authorisation System: Europol tasks ***I

European Parliament legislative resolution of 5 July 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS) (COM(2016)0731 — C8-0466/2016 — 2016/0357B(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/46)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0731),

— having regard to Article 294(2) and Article 88(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0466/2016),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the decision by the Conference of Presidents on 14 September 2017 to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the above-mentioned Commission proposal and to draw up two separate legislative reports on the basis thereof,

— 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 25 April 2018 to approve that position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0323/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0357B

Position of the European Parliament adopted at first reading on 5 July 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1241.)

Thursday 5 July 2018

P8_TA(2018)0309

Financial rules applicable to the general budget of the Union ***I

European Parliament legislative resolution of 5 July 2018 on the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, (EU) No 652/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council (COM(2016)0605 — C8-0372/2016 — 2016/0282A(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/47)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0605),

— having regard to Article 294(2) and Articles 42, 43(2), 46(d), 149, 153(2)(a), 164, 168(4)(b), 172, 175, 177, 178, 189(2), 212(2), 322(1) and 349 of the Treaty on the Functioning of the European Union and to Article 106a of the Treaty establishing the European Atomic Energy Community, pursuant to which the Commission submitted the proposal to Parliament (C8-0372/2016),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Court of Auditors No 1/2017 of 26 January 2017 ([1]),

— having regard to the provisional agreement approved by the committees responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 April 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 joint deliberations of the Committee on Budgets and the Committee on Budgetary Control under Rule 55 of the Rules of Procedure,

— having regard to the report of the Committee on Budgets and the Committee on Budgetary Control and the opinions of Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Agriculture and Rural Development, the Committee on Foreign Affairs, the Committee on Development, the Committee on Fisheries, and the Committee on Civil Liberties, Justice and Home Affairs (A8-0211/2017),

1. Adopts its position at first reading hereinafter set out;

2. Takes note of the statements by the Commission annexed to this resolution;

([1]) OJ C 91, 23.3.2017, p. 1.

3. Approves the joint statement of the Parliament, the Council and 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(2016)0282A

Position of the European Parliament adopted at first reading on 5 July 2018 with a view to the adoption of Regulation (EU, Euratom) 2018/… of the European Parliament and of the Council 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

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU, Euratom) 2018/1046.)

Thursday 5 July 2018

ANNEX I TO THE LEGISLATIVE RESOLUTION

Statement in relation to Article 38 *Publication of information on recipients and other information:*

'The Commission will support through networks with the Member States the exchange of good practices as regards the publication of information on recipients of Union funds implemented under shared management. The Commission will take into due consideration the lessons learnt in view of preparing the next Multiannual Financial Framework.'

Statement in relation to Article 266 *Specific provisions regarding building projects*:

'The Commission and the EEAS will inform the European Parliament and the Council, in the context of the working document referred to in Article 266, on any sale and acquisition of building, including those below the threshold set in that Article.'

ANNEX II TO THE LEGISLATIVE RESOLUTION

Joint Statement on the discharge procedure and the date of adoption of the final EU accounts:

'The European Parliament, the Council and the Commission will — in cooperation with the European Court of Auditors — set out a pragmatic calendar for the discharge procedure.

In that context, the Commission confirms that it will strive to adopt the EU consolidated annual accounts for the financial year 2017 by 30 June 2018 provided that the European Court of Auditors transmits all findings concerning the reliability of these EU accounts, and all consolidated entities' accounts, by 15 May 2018, and its draft annual report by 15 June 2018.

The Commission also confirms that it will strive to provide its replies to the European Court of Auditors' Annual report for the financial year 2017 by 15 August 2018 provided that the European Court of Auditors transmits its draft observations to the Commission by 1 June 2018.'

Thursday 5 July 2018

P8_TA(2018)0310

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ***I

European Parliament legislative resolution of 5 July 2018 on the proposal for a regulation of the European Parliament and of the Council on the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (COM(2017)0352 — C8-0216/2017 — 2017/0145(COD))

(Ordinary legislative procedure: first reading)

(2020/C 118/48)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2017)0352),

— having regard to Article 294(2) and Article 74, Articles 77(2)(a) and (b), Article 78(2)(e), Article 79(2)(c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0216/2017),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 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 Budgets (A8-0404/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0145

Position of the European Parliament adopted at first reading on 5 July 2018 with a view to the adoption of Regulation (EU) 2018/… of the European Parliament and of the Council on the European Union Agency for the Operational Management of Large-Scale IT systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1726.)

Thursday 5 July 2018

P8_TA(2018)0311

2019 budget — Trilogue mandate

European Parliament resolution of 5 July 2018 on the mandate for the trilogue on the 2019 draft budget (2018/2024(BUD))

(2020/C 118/49)

The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union,

— having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,

— having regard to the draft general budget of the European Union for the financial year 2019, which the Commission adopted on 23 May 2018 (COM(2018)0600),

— 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]),

— 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 its subsequent amendment by Council Regulation (EU, Euratom) No 2017/1123 of 20 June 2017 ([3]),

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([4]),

— having regard to its resolution of 15 March 2018 on general guidelines for the preparation of the 2019 budget, Section III — Commission ([5]),

— having regard to the Council conclusions of 20 February 2018 on the 2019 budget guidelines (06315/2018),

— having regard to Rule 86a of its Rules of Procedure,

— having regard to the report of the Committee on Budgets and the opinions of the other committees concerned (A8-0247/2018),

Draft budget 2019 — reinforcing solidarity and preparing for a sustainable future

1. Recalls that in its resolution of 15 March 2018 Parliament identified the following priorities for the 2019 EU budget: sustainable growth, innovation, competitiveness, security, the fight against climate change and the transition to renewable energy and migration, and also called for a particular focus on young people;

2. Underlines that the EU must be a frontrunner in implementing the UN Sustainable Development Goals (SDGs) through their mainstreaming into all EU policies;

([1]) OJ L 298, 26.10.2012, p. 1.
([2]) OJ L 347, 20.12.2013, p. 884.
([3]) OJ L 163, 24.6.2017, p. 1.
([4]) OJ C 373, 20.12.2013, p. 1.
([5]) Texts adopted, P8_TA(2018)0089.

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3. Recalls that the 2019 EU budget will be the last under the current parliamentary term and will be negotiated in parallel with the negotiations on the next multiannual financial framework (MFF) and the reform of EU own resources; recalls also that the UK has committed to contribute to, and participate in, the implementation of the Union annual budgets for 2019 and 2020 as if it had remained in the Union after March 2019;

4. Welcomes the Commission proposal and believes that it corresponds broadly to Parliament's own priorities; intends to further reinforce key programmes and ensure an appropriate level of financing corresponding to the latter; notes the increase of 3,1 % in commitment appropriations and the lower percentage of GNI as compared to 2018 both for commitment appropriations (1 % as compared to 1,02 %) and payment appropriations (0,9 % as compared to 0,92 %);

5. Welcomes the proposed reinforcements to Horizon 2020, the Connecting Europe Facility (CEF), Erasmus+ and programmes contributing to increase the security of EU citizens; points, however, to the need to further reinforce support for SMEs, which are key to enabling economic growth and job creation, and to dedicate appropriate resources to the digitalisation of EU industry and the promotion of digital skills and digital entrepreneurship, as well as to programmes supportive of young people, and specifically ErasmusPro; recalls its conviction that the Erasmus+ budget for 2019 needs to be at least doubled;

6. Welcomes the launch of Discover EU, the distribution of 15 000 Interrail tickets to 18-year-old Europeans in 2018, as well as the Commission proposal of EUR 700 million for the MFF 2021-2027, which fits well with the EU's ambitions to promote learning mobility, active citizenship, social inclusion and solidarity among all young people; regrets that the Commission did not propose any appropriations for 2019 and 2020; is determined to continue the Preparatory Action in 2019 and 2020;

7. Takes note of the Commission's pre-assessment of the continuation of the Preparatory Action on the Child Guarantee scheme; underlines the reference made therein to a possible larger-scale implementation under the European Social Fund; suggests that the opportunity of a third implementation phase be taken in order to prepare for this larger-scale implementation under the ESF+;

8. Regrets the fact that the increase for the EU programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME), in comparison with the 2018 budget, is only 2,3 % (EUR 362,2 million in commitment appropriations), and that the proposed payment appropriations are lower by 0,6 %; recalls that this is a successful programme which has far more applicants than recipients of funding; stresses that SMEs are an important driver of employment, economic growth and competitiveness in the EU, represent the backbone of the European economy, and have the capacity to create growth and jobs; urges, as a top priority, that this be reflected in sufficient funding for SME programmes and a further increase in appropriations for COSME given the success of this programme;

9. Commends the role of the European Fund for Strategic Investments (EFSI) in reducing the investment gap in the EU; calls, in the framework of an optimal regional and sectorial balance, for reinforcement of the social dimension of EFSI deployment, including innovation in healthcare and medicine, social infrastructure, environmental protection, sustainable transport, renewable energy and energy storage infrastructures; reiterates its long-standing position that any new initiatives within the MFF must be financed by new appropriations and not to the detriment of the existing programmes; reiterates also its commitment to reinforce Horizon 2020 and CEF so as to reverse as far as possible the cuts made to those programmes to finance the extension of EFSI in the 2019 budget;

10. Notes the commitment to a renewed EU defence agenda, namely through the agreement on the European Defence Industrial Development Programme (EDIDP), as a first stage of the European Defence Fund; believes that this shared commitment will contribute to achieving economies of scale and greater coordination among Member States and businesses, allowing the EU to retain its strategic autonomy and become a genuine world player;

11. Notes that the Commission has proposed an increase for the Youth Employment Initiative (YEI) of EUR 233 million, in line with financial programming; reaffirms once again that Parliament did not agree to any frontloading of the 2018-2020 top-up resulting from the MFF mid-term revision (MTR); maintains that the budgetary authority retains in full its prerogatives as regards deciding the levels of funding of all programmes, including those which have been subject to the MFF MTR; underlines the importance of sincere cooperation between the institutions, and calls on all actors concerned to retain trust throughout the 2019 budgetary procedure;

12. Remains committed to the fight against unemployment and against youth unemployment in particular; believes in this respect that the YEI should be further strengthened, thus reflecting the need to step up EU funding in order to achieve the Pillar of Social Rights, in spite of the complexities involved in reprogramming YEI and ESF programmes in case of modifications of the YEI envelope; recognises that youth unemployment has not been adequately addressed across the EU, with youth unemployment still higher than 2007 levels; calls on the Commission to guarantee that Member States do not replace their own policies and funding with YEI funding to fight youth unemployment but, rather, use it as a complement; emphasises the fact that both vocational training and apprenticeship constitute efficient practices to tackle youth unemployment; stresses that mobility through Erasmus Pro strongly stimulates benchmarking for implementation of best practices;

13. Stresses that in 2019 cohesion policy programmes will be at cruising speed, and emphasises Parliament's commitment to ensuring adequate appropriations for these programmes; welcomes the fact that almost all of the managing authorities for the 2014-2020 programmes have now been designated; points out that the unacceptable delays in the implementation of operational programmes have been to a large extent due to the late designation of those authorities; calls on the Member States to ensure that the implementation of the programmes is accelerated so as to catch up with the delays, and to seek the Commission's assistance in this respect;

14. Takes note of the reports on the functioning of regional and cohesion policy in the Union and the economic challenges facing lagging regions, which recurringly point out shortcomings as regards efficiency and results;

15. Take notes of the fact that the Commission proposal would enable reaching the target of 20 % of the budget being dedicated to climate spending in 2019; regrets, however that the Commission has not followed up on Parliament's request regarding offsetting the lower allocations made during the first years of the MFF; considers this proposal to be insufficient since in total only 19,3 % of the EU budget 2014-2020 would be dedicated to climate-related measures, which would prevent the EU from meeting its target of climate mainstreaming of at least 20 % during 2014-2020, also if it again allocates only 20 % of the budget to climate protection in 2020; regrets that the Commission has not been able to present draft budgets that are aligned with the commitments and targets set by the Union in this field in the European Council conclusions of 7-8 February 2013; believes that more should be done through the development of an action plan within programmes having massive potential, as for example under Horizon 2020, CEF, European Social Fund (ESF), European Agricultural Guarantee Fund (EAGF), European Agricultural Fund for Rural Development (EAFRD), European Maritime and Fisheries Fund (EMFF) or LIFE+, as these programmes allow notably for investments in energy efficiency and renewable energy; recalls the Court of Auditors' reasoned criticism as regards the methodology deployed by the Commission, and calls for swift improvements in this light and in this regard;

16. Welcomes the commitment of the Commission to improve the biodiversity tracking methodology; disapproves, however, the proposed decrease of the total contribution to biodiversity protection to 8,2 %, which is in contrast to the objective of halting and reversing the loss of biodiversity and ecosystem services by 2020;

17. Believes that ensuring the security of the Union's citizens and addressing the challenges of migration and refugees remain two top Union priorities in 2019; deems it crucial to maintain spending in these areas at a level that is adequate to respond to the needs raised by the migration and refugee crisis in the African continent, especially in the Sahel, as well as in the Levant countries and the Mediterranean sea; considers that the necessary solidarity among Member States in order to manage the flow of migration, in particular once the revision of the Dublin Regulation has been adopted, has to be reflected in the EU budget; notes that the 2019 draft budget integrates the budgetary implications of the Commission's proposal;

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18. Emphasises that several important legislative initiatives under negotiation or in the early stages of implementation, such as the revision of the Dublin Regulation, the establishment of the Entry/Exit System and the European Travel Information and Authorisation System, the upgrading of the Schengen Information System and the initiative on interoperability of EU information systems for security, borders and migration management, are expected to have significant budgetary implications for the 2019 budget, and underlines the importance of adequate financing to match the Union's ambition in these areas; encourages the Commission to engage in an open and proactive dialogue with the budgetary authority on the above initiatives, in order to allow it to adjust appropriations, where necessary and without prejudging, during the annual budgetary procedure, the outcome of ongoing legislative procedures;

19. Regrets the Commission's proposal for the funding of the second tranche of the Facility for Refugees in Turkey (FRT) and the subsequent agreement reached between Member States in the Council on 29 June 2018; supports the continuation of the FRT, but maintains that, as also proposed by the Commission on 14 March 2018, the EU budget should contribute to its financing to the sum of EUR 1 billion, with Member States contributing EUR 2 billion by means of bilateral contributions, in order to leave sufficient margins under the MFF special instruments for unforeseen events in the last two years of the current MFF, as well as the financing of other priorities; also maintains that as the FRT has been a new initiative within this MFF, it should be funded by fresh appropriations; regrets that, despite Parliament's clear request to be fully associated with the decision-making process relating to the extension of the FRT, *inter alia* to avoid the repetition of the procedure of its setting-up, no negotiations on the financing of the second tranche of the FRT have so far taken place between Parliament and the Council; informs Member States that Parliament has every right to assume its role as an arm of the budgetary authority of the Union and that it will do so, as already announced on previous occasions;

20. Notes that the draft budget for 2019 leaves very limited margins or no margin under the MFF ceilings throughout Headings 1a, 1b, 3 and 4, as a consequence of the limited flexibility of the current MFF in terms of responding to new challenges and accommodating new initiatives; expresses its intention to further mobilise the flexibility provisions under the revised MFF as part of the amending process;

21. Remains concerned at the possible reconstitution of a backlog of unpaid bills towards the end of the current MFF period; notes the moderate increase of 2,7 % in payment appropriations over the 2018 budget, mainly due to the Asylum, Migration and Integration Fund (AMIF), Internal Security Fund (ISF) and FRT; notes the proposed margin of EUR 19,3 billion under the payment ceiling; invites the Commission to remain vigilant on the evolution of payments, so as to allow the budgetary authority to take the necessary measures to avoid an abnormal backlog in due time; is convinced that the credibility of the EU is also linked to its ability to ensure an adequate level of payment appropriations in the EU budget in order to deliver on its commitments;

Subheading 1a — Competitiveness for growth and jobs

22. Notes that in comparison with 2018, the Commission proposal for 2019 corresponds to an increase in commitments under Subheading 1a of + 3,9 %, to EUR 22 860 million; notes that Horizon 2020, CEF, Large Infrastructure Projects and Erasmus+ account for an important part of this increase as their commitment appropriations have risen by 8,5 %, 36,4 %, 7,8 % and 10,4 % respectively; underlines, however, that these increases are mostly in line with the financial programming and thus do not constitute additional reinforcements;

23. Recalls that programmes related to research and innovation, such as Horizon 2020, are essential for the creation of jobs and competitiveness within Europe; urges the Commission to reflect this within its priorities; calls for an appropriate level of funding for programmes related to research and innovation; stresses that in particular, Member States facing economic and financial difficulties should be supported in this area;

24. Recalls that new initiatives in the past few years such as EFSI (I and II), Wifi4EU and the EDIDP have come at the expense of several programmes under Subheading 1a which were severely impacted by redeployments, namely Horizon 2020, CEF, Galileo, ITER, Copernicus and the European Geostationary Navigation Overlay Service (EGNOS);

25. Stresses that Erasmus+ remains the leading programme for fostering youth mobility at all levels of education and vocational training and encouraging young people to take part in European democracy; recalls that administrative efforts need to be made to increase access to Erasmus+ and that the volume of eligible applications is by far exceeding the current budget; believes, therefore, that the envelope of Erasmus+ should be able to meet the eligible demand for this programme, notably that linked to lifelong learning;

26. Notes with concern the discussions on the financing of the European Solidarity Corps (ESC), which confirmed Parliament's fear that new initiatives would come at the expense of existing well-performing programmes; notes as well with concern the precedent set by the outcome of the trilogue procedure, which fails to provide clarity on the sources of financing of the initiative, leaving further clarification to the annual budgetary procedure; expects the Commission to implement the agreement in a way that fully reflects the discussions in trilogue and the spirit of the agreement;

27. Welcomes the fact that the agreement reached on the financing of the EDIDP foresees much lower cuts to Subheading 1a programmes than those initially proposed by the Commission; is, however, concerned that the Council appears to put more emphasis on maintaining margins than on providing sufficient funding for what it identifies itself as high priorities;

28. Welcomes the allocation of EUR 500 million to the EDIDP for 2019 and 2020; notes that, according to EPRS estimates, the lack of cooperation between national industries in this field costs the EU EUR 10 billion per year; considers that defence is a clear example of how greater effectiveness could be achieved by transferring certain competences and actions currently performed by the Member States and the corresponding appropriations to the EU; emphasises that this would result in the demonstration of European added value and would make it possible to limit the overall burden of public expenditure in the EU;

29. Welcomes the proposal for the creation of the European High Performance Computing Joint Undertaking, which will promote the latest high performance computing and data infrastructure and support the development of its technologies and application across a wide range of fields, to the benefit of scientists, industry and the public sector;

Subheading 1b — Economic, social and territorial cohesion

30. Notes that total commitment appropriations for Subheading 1b amount to EUR 57 113,4 million, representing an increase of 2,8 % compared to the 2018 budget; further notes that the proposed amount of EUR 47 050,8 million in payment appropriations is 1,1 % higher than in 2018;

31. Welcomes the fact that the implementation of the 2014-2020 programmes is reaching full speed, and reiterates that any 'abnormal' buildup of unpaid bills must be avoided in the future; also welcomes the fact that the great majority of the national managing authorities have now been designated; calls on the Commission and the Member States to resolve any outstanding issues in order for the implementation to proceed smoothly;

32. Recalls that, as a result of revised forecasts by the Member States, Amending Budget 6/2017 reduced the payment appropriations under Subheading 1b by EUR 5,9 billion; sincerely hopes that both the national authorities and the Commission have improved their estimates of payment needs in the 2019 budget and that the proposed level of payment appropriations will be fully executed;

33. Underlines that in times of rapid technological development — including in fields such as AI — the divide between fast developing regions and lagging ones might widen if the impact of the Structural Funds is not enhanced by conditionalities of efficiency;

34. Notes the Commission's proposal to fund the continuation of the YEI, as well as the proposed mobilisation of EUR 233,3 million from the Global Margin for commitments; recalls that any increase in the dedicated allocation for the YEI should be matched with the corresponding amounts from the ESF; recalls the commitment made by the Commission at the conciliation on the 2018 budget to swiftly present the revision of the Common Provisions Regulation (CPR) in order to include the 2018 increase for the YEI; underlines that the Commission has not lived up to its commitment, and requests it to explain in detail the reasons for the delay in the presentation of the CPR revision;

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35. Commits to adopting the new YEI and ESF legislation rapidly in order to facilitate an ambitious increase in YEI appropriations in 2019 without undermining other programmes running under the ESF in Member States, potentially by relieving Member States of their obligation to match ESF appropriations dedicated to youth employment, under the strict condition that the proposed modifications would neither allow Member States to be excused from the financial commitments they have already made in this area, nor imply a decrease in general terms of EU budget appropriations dedicated to the fight against youth unemployment;

Heading 2 — Sustainable growth: natural resources

36. Takes note of the proposed EUR 59 991,1 million in commitments (+ 1,2 % compared to 2018) and EUR 57 790,4 million in payments (3 %) for Heading 2; notes that EAGF expenditure for 2019 is estimated at EUR 44 162,5 million, which is lower than in the 2018 budget (by EUR - 547,9 million);

37. Notes that the Commission has left a EUR 344,9 million margin under the ceiling of Heading 2; points to the fact that increased volatility of agricultural markets, such as experienced with the Russian ban, might justify recourse to this margin; calls on the Commission to ensure that the margin left under the ceilings is sufficient to address any crises that may arise;

38. Notes that some measures related to the Russian ban and included in the 2018 budget will not be extended (e.g. for fruit and vegetables where the market situation is still difficult), while market difficulties can still be found in the dairy sector; awaits the Commission's letter of amendment, expected in October, which should be based on updated information on EAGF funding in order to verify the real needs in the agricultural sector; underlines that cases where market intervention is needed under the EAGF remain limited and represent only a relatively small part of the EAGF (around 5,9 %);

39. Stresses that part of the solution for combating youth unemployment lies in adequately supporting young people in rural areas; regrets that the Commission has not proposed increasing the budget line for young farmers;

40. Underlines that the implementation of the EMFF is accelerating and should approach cruising speed in 2019, following a slow start at the beginning of the programming period; welcomes the increase in commitments for the LIFE+ programme (+6 %), in line with financial programming; notes that the European Environment Agency (EEA) will assume additional responsibilities in the period 2019-2020 for environmental monitoring and reporting, as well as for the verification of CO_2 emissions from heavy duty vehicles;

Heading 3 — Security and Citizenship

41. Notes that a total of EUR 3 728,5 million in commitment appropriations is proposed for Heading 3, which represents a 6,7 % increase over 2018, and that the total for payment appropriations is EUR 3 486,4 million, i.e. a 17 % increase over last year's proposals; underlines, however, that these increases follow years of declining funding levels and that overall funding for different key areas such as migration, border management or internal security still represents only 2,3 % of total proposed EU spending in 2019; questions the proposed EUR 281,2 million in commitments for supporting legal migration to the Union and promoting the effective integration of third-country nationals and enhancing fair and effective return strategies, which represents a 14,4 % decrease over 2018; calls on the Commission to provide further explanations as to the reasons for this cut;

42. Notes that, for the fourth consecutive year, all margins under the Heading 3 ceiling are exhausted, proving that as things stand today the EU budget is not fully equipped to deal with the scale and depth of the present migration and security challenges facing the Union; welcomes, in this regard, the proposed mobilisation of the Flexibility Instrument for an amount of EUR 927,5 million in commitment appropriations;

43. Expects the pressure on some Member States' migration and asylum systems, as well as on their borders, to remain high in 2019, and urges the Union to remain vigilant regarding any future, unpredictable needs in these areas; calls in this regard for the reinforcement of the means of control at the external borders, and in this context for an adequate funding and staffing of the EU agencies dealing with these issues, and reaffirms that tackling the root causes of the migration and refugee crisis represents a long-term sustainable solution, along with stabilisation of the EU's neighbourhoods, and that investments in the countries of origin of migrants and refugees are key to achieving this objective;

44. Welcomes the European Council's request of 28 June 2018 to further strengthen Frontex through increased resources and an enhanced mandate; asks for further information as to how many staff will be sent by the Member States and how many staff will be needed directly by the agency itself; invites the Commission to adapt its draft budget accordingly in the autumn amending letter; welcomes as well the additional EUR 45,6 million awarded to support Greece and Spain in their management of the flow of arriving migrants on their territory; underlines that effective border control must be accompanied with proper care of arriving migrants;

45. Notes that the instrument allowing the provision of emergency humanitarian support within the Union will expire in March 2019; invites the Commission, against the backdrop of persisting humanitarian needs of refugees and asylum seekers in certain Member States, to assess whether a reactivation and replenishment of this instrument would be appropriate; highlights the need for greater solidarity towards those countries in which arrivals and asylum seekers are concentrated; underlines, in the meantime, the importance of the continued availability of funding through the emergency assistance mechanisms under the AMIF, notably for the continued support of Greece; considers that financial support should also be granted to Italy; calls, therefore, on the Commission to state the reasons which led it not to propose this; recalls that Italy is the only Member State where a majority of the population consider that they have not benefited from membership of the European Union; regrets the sharp decrease in commitment appropriations for the second AMIF component, 'Supporting legal migration to the Union and promoting the effective integration of third-country nationals and enhancing fair and effective return strategies';

46. Believes that in the context of a wide range of security concerns, including changing forms of radicalisation, cybercrime, violence and terrorism that surpass individual Member States' capacity to respond, the EU budget should encourage cooperation on security-related matters with the help of established EU agencies; in this context, questions how this high-risk security context is reconcilable with the proposed significant decrease of commitment appropriations (- 26,6 %) for the ISF; highlights that spending in this area is efficient only when obstacles to intra-European cooperation and targeted information sharing are removed while fully applying any relevant data protection in line with EU legislation; regrets that the Commission has still not presented a proposal which would provide for the expression of financial solidarity at EU level to victims of acts of terrorism and their families, and calls on the Commission to do the necessary to ensure that such aid is put in place rapidly;

47. Takes note of the proposed revision of the legal base of the Union Civil Protection Mechanism, which, once adopted, is expected to have a major budgetary impact in the last two years of the current MFF, with EUR 256,9 million to be borne by Heading 3 alone; insists that it is only logical that this significant upgrading of a key Union policy should be financed through new and additional means; warns against the use of redeployments, which are clearly at the expense of other valuable, well-functioning policies and programmes;

48. Reconfirms Parliament's strong support for Union programmes in the areas of culture, justice, fundamental rights and citizenship; welcomes the proposed increase for the Creative Europe Programme; insists, furthermore, on sufficient funding for the Europe for Citizens programme and the European Citizens' Initiatives, particularly in the run-up to the European elections;

49. Recalls Parliament's support for the rights, equality, citizenship and justice programmes; underlines that the EU must maintain its commitment to enforcing women's and LGBTI rights;

50. Welcomes the increase in commitment appropriations for the Food and Feed programme, which should allow the Union to manage effectively any outbreaks of serious animal diseases and plant pests, including the recent epidemic of avian influenza that hit several Member States in recent years;

51. Calls on the Commission to provide adequate budget funding to raise the profile of the 2019 European Parliament elections and increase the effectiveness of media coverage thereof, and in particular to promote knowledge of the 'Spitzenkandidaten', the candidates for the Commission presidency;

Heading 4 — Global Europe

52. Takes note of the overall increase in proposed financing for Heading 4, amounting to EUR 11 384,2 million (+ 13,1 % compared with the 2018 budget) in commitment appropriations; notes that this increase is linked primarily to the financing of the second tranche of the FRT, for which the Commission proposes mobilising the Global Margin for commitments (EUR 1 116,2 million); notes that this proposal would result in an absence of margin under the ceiling of Heading 4;

53. Calls on the Member States to provide higher contributions to the Africa Trust Fund, the 'Madad' Fund, and the European Fund for Sustainable Development, in order to support stabilisation in crisis regions, provide aid to refugees, and foster social and economic development on the African continent and in the countries of the European neighbourhood;

54. Remains convinced that the challenges that the EU's external action is faced with call for sustained funding exceeding the current size of Heading 4; maintains that new initiatives should be funded with fresh appropriations and that all flexibility options should be fully used; opposes, however, the proposed financing of the FRT extension and the related deal reached in the Council on 29 June 2018, as they would substantially limit both the funding possibilities of other priority areas within Heading 4 and the instrumental role of the EU budget in reaching out to people in need and promoting fundamental values;

55. Welcomes the increases aimed at migration-related projects linked to the Central Mediterranean Route, as well as the moderate increase for the Eastern component of the European Neighbourhood Instrument (ENI) and the reallocation of priorities under the Development Cooperation Instrument (DCI) to the Middle East; calls for the allocation of sufficient financial resources to UNRWA, in order to ensure continuous support for Palestinian refugees in the region, in light of the recent US decision to withdraw its contribution to the agency;

56. Welcomes the increased support for regional actions in the Western Balkans; is, however, of the opinion that support for political reforms should be further stepped up; regrets the increased support for political reforms in Turkey (IPA II) and questions its alignment to the budgetary authority's decision to reduce the appropriations on this line for the current budgetary year; reiterates its position in which it called for funds destined for the Turkish authorities under the IPA II to be made conditional on improvements in the field of human rights, democracy and the rule of law; calls for the appropriations on this line, if no progress is made in these fields and being aware of the limited space for manoeuvre, to be predominantly redirected to civil society actors with a view to implementing measures supportive of the objectives relating to the rule of law, democracy, human rights and media freedoms; supports the overall downward trend for political reforms in the allocations for Turkey;

57. Underlines the noticeable decrease in the amount to be provisioned in the 2019 budget to the Guarantee Fund for external actions managed by the European Investment Bank (EIB), as well as the substantial reduction of the planned amount of macrofinancial assistance (MFA) grants, due to a lower amount of outstanding EIB loans than previously estimated, as well as to a lower disbursement of MFA loans compared to the latest financial programming;

58. Reaffirms its full support for the pledges made by the EU at the Brussels conferences on Syria, confirming those made previously; agrees with the reinforcement of the ENI and of humanitarian aid by EUR 120 million each in order to meet this pledge in 2019;

59. Reiterates its support for the allocation of adequate financial resources to EU strategic communication aimed at tackling disinformation campaigns and cyberattacks, as well as the promotion of an objective image of the Union outside its borders;

Heading 5 — Administration

60. Notes that Heading 5 expenditure is increased by 3,0 % compared to the 2018 budget, up to EUR 9 956,9 million (+EUR 291,4 million) in commitment appropriations; notes that, as for the previous budgetary exercise, the increase is mostly driven by the evolution of pensions (+ EUR 116,7 million), representing 20,2 % of Heading 5 expenditure; observes that the share of expenditure on administration in the draft budget remains unchanged at a level of 6,0 % in commitment appropriations;

61. Acknowledges the efforts made by the Commission to integrate all possibilities for savings and rationalisations in non-salary-related expenditure for its own budget; notes that the evolution of the Commission's expenditure (+ 2,0 %) is mostly due to the automatic adaptation of salary expenditure and contractual commitments; further notes the Commission's internal redeployment of staff to fulfil its new priorities;

62. Notes that the effective margin is EUR 575,2 million under the ceiling after the offsetting of EUR 253,9 million for the use of the contingency margin mobilised in 2018; considers the margin to be important in nominal terms, and believes it reflects the efforts made by the Commission, in particular to freeze the evolution of non-salary expenditure; believes that an additional effort to stabilise or reduce the Commission's administrative expenditure could lead to the postponement of important investments or jeopardise the proper functioning of the administration;

Pilot projects — preparatory actions

63. Stresses the importance of pilot projects (PPs) and preparatory actions (PAs) as tools for the formulation of political priorities and the introduction of new initiatives that might turn into standing EU activities and programmes; intends to proceed with the identification of a balanced package of PP-PAs, reflecting the political priorities of Parliament and taking into account a proper and timely pre-assessment by the Commission; notes that in the current proposal, the margin in some headings is limited or even non-existent, and intends to explore ways to make room for possible PP-PAs in ways that are not detrimental to other political priorities;

Agencies

64. Notes the overall increase in the draft budget 2019 of the allocations for the decentralised agencies, of + 10,8 % (without taking into account assigned revenues) and + 259 posts; welcomes the fact that for the majority of the agencies their own budget increases while the EU contribution decreases; notes in this regard that Parliament is currently exploring the possibilities of further extending the fee-financing of decentralised agencies; notes with satisfaction that agencies with 'new tasks' (ESMA, eu-LISA and FRONTEX) are granted a significant increase in appropriations and establishment plan staff; calls for further financial support for the agencies that are dealing with migration and security challenges; believes that Europol and Eurojust should be further strengthened and that EASO should receive adequate financing for its transformation into the European Asylum Agency;

65. Reiterates its position that the 5 % staff reduction target has been successfully reached and underlines that in the light of the Court of Auditors' rapid case review, this practice did not necessarily meet the expected results; believes that the decentralised agencies need to be assessed using a case-by-case approach; welcomes the endorsement by all institutions of the recommendations of the Interinstitutional Working Group;

66. Welcomes the creation of two new EU bodies to be considered as decentralised agencies, respectively the European Public Prosecutor's Office (EPPO) and the European Labour Authority (ELA); notes that appropriations corresponding to the ELA have been put into reserve pending the finalisation of the legislative procedure; notes that the EPPO has its seat in Luxembourg, and asks it to submit to the two branches of the budgetary authority all information on its buildings policy pursuant to the Financial Regulation; considers that new agencies have to be created by allocating fresh resources and new

posts, while avoiding any kind of redeployment unless it is clearly demonstrated that certain activities are entirely transferred from the Commission or other existing bodies, such as Eurojust, to the new agencies; notes that Eurojust remains competent to deal with PIF cases, in close cooperation with EPPO, while being fully engaged in ensuring operational support to Member States in the fight against organised crime, terrorism, cybercrime and migrant smuggling; recalls the provisions laid down in the Common Approach for newly created decentralised agencies;

67. Expects the negotiations on the 2019 budget to be based on the principle that both branches of the budgetary authority make a commitment to start the negotiations at the earliest possible stage and to fully exploit the timespan of the whole conciliation period, while providing a level of representation that ensures a genuine political dialogue;

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

ANNEX

JOINT STATEMENT ON THE DATES FOR THE BUDGETARY PROCEDURE AND MODALITIES FOR THE FUNCTIONING OF THE CONCILIATION COMMITTEE IN 2018

A. In accordance with Part A of the annex to the interinstitutional agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, the European Parliament, the Council and the Commission agree on the following key dates for the 2019 budgetary procedure:

1. The Commission will endeavour to present the Statement of Estimates 2019 by late May;
2. A trilogue will be called on 12 July in the morning, before the adoption of the Council's position;
3. The Council will endeavour to adopt its position and transmit it to the European Parliament by week 37 (third week of September), in order to facilitate a timely agreement with the European Parliament;
4. The European Parliament's Committee on Budgets will endeavour to vote on amendments to the Council's position by the end of week 41 (mid-October) at the latest;
5. A trilogue will be called on 18 October in the morning, before the reading of the European Parliament;
6. The European Parliament's Plenary will vote on its reading in week 43 (Plenary session of 22-25 October);
7. The Conciliation period will start on 30 October. In agreement with the provisions of Article 314(4)(c) TFEU, the time available for conciliation will expire on 19 November 2018;
8. The Conciliation Committee will meet on 7 November in the morning hosted by the European Parliament and on 16 November hosted by the Council and may resume as appropriate; the sessions of the Conciliation Committee will be prepared by trilogue(s). A trilogue is scheduled on 7 November in the morning. Additional trilogue(s) may be called during the 21-day conciliation period, including possibly on 14 November (Strasbourg).

B. The modalities for the functioning of the Conciliation Committee are set out in Part E of the annex to the above-mentioned interinstitutional agreement.

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